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# federal register

Friday  
June 11, 1993

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Friday  
June 11, 1993

# Federal Register

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### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

#### (TWO BRIEFINGS)

- WHEN:** July 15 at 9:00 am and 1:30 pm
- WHERE:** Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



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**Electronic Bulletin Board**

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

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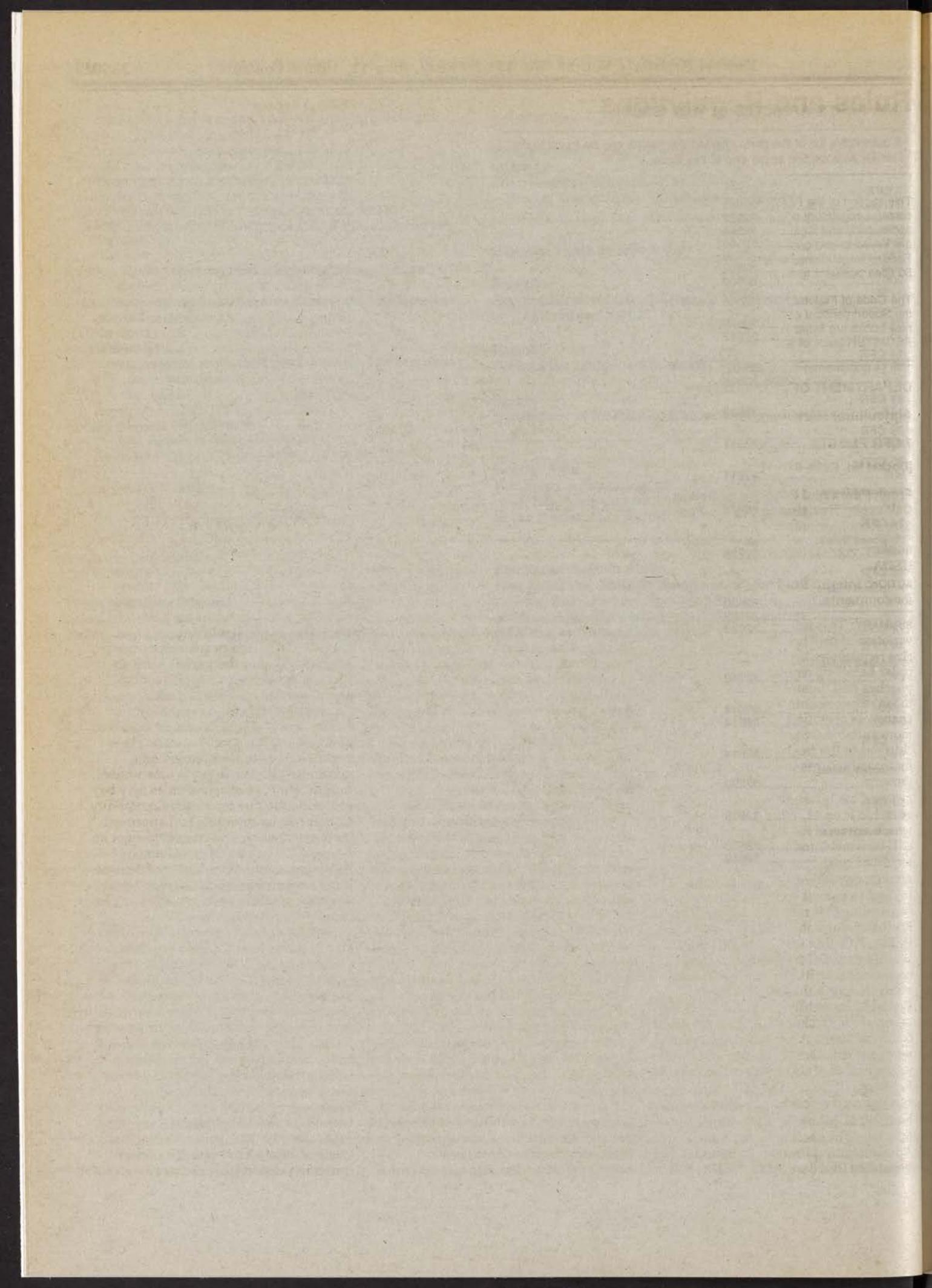
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# Rules and Regulations

Federal Register

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

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 917

[Docket No. FV93-917-1]

#### Fresh Pears and Peaches Grown in California; Revision of Variety-Specific Size Requirements for Peaches

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

**SUMMARY:** This interim final rule adds 7 varieties of peaches to variety-specific size requirements under the marketing order handling regulations for California peaches and deletes 3 varieties from those requirements. Implementing this change as specified should result in more suitable sizes of peaches being shipped to the fresh market, and increased returns to California peach growers.

**DATES:** This interim final rule becomes effective June 11, 1993. Comments which are received by July 12, 1993, will be considered prior to issuance of any final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Kenneth C. Johnson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O.

Box 96456, room 2523-S, Washington, DC 20090-6456; telephone: (202) 720-5127; or Terry Vawter, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487-5901.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under Marketing Agreement and Marketing Order No. 917 (7 CFR part 917) regulating the handling of pears and peaches grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an 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 request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this

action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 250 California peach handlers subject to regulation under the marketing order covering pears and peaches grown in California, and about 1,600 producers of peaches in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. A majority of these handlers and producers may be classified as small entities.

Fresh California peach shipments are regulated during the period April 15 through November 23 each year by grade, maturity, and size under California Peach Grade and Size Regulation (7 CFR 917.459, as amended at 57 FR 20735, May 15, 1992). These regulations have been issued on a continuing basis subject to amendment, modification, or suspension as may be recommended by the Peach Commodity Committee (committee) and approved by the Secretary. The committee met on January 26, 1993, and unanimously recommended that variety-specific size requirements be established for 7 peach varieties and that such requirements be removed for 3 varieties.

Section 917.459 currently specifies size requirements for fresh peaches in paragraphs (a)(2) through (c)(3). This rule amends § 917.459 to establish variety-specific size requirements for 7 peach varieties, and remove 3 varieties from variety-specific size requirements. Paragraph (a)(4) of § 917.459 is revised to include the Crown Princess peach variety under the variety-specific size requirements for size 80 peaches. Paragraph (a)(5) of § 917.459 is revised to include the Early Elegant Lady, June Pride, Late Ito Red, Prima Gattie, Tra Zee and White Lady peach varieties under the variety-specific size

requirements for size 72 peaches. This rule also removes the Elberta, Fayette, and Windsor peach varieties from the variety-specific size requirements specified in § 917.459 (a)(5), because less than 10,000 packages of each of these varieties were produced during the 1992 season. Peach varieties removed from the peach variety-specific list become subject to the non-listed variety size requirements specified in paragraphs (b) and (c) of § 917.459.

Variety-specific size requirements are applied to a particular peach variety when that variety is first produced in commercially significant quantities during a particular season. The committee considers such quantity to be 10,000 packages during a season, the same quantity used during the past several seasons. Peach varieties that exceeded 10,000 shipped packages during the 1992 season are included in this rule to be regulated under variety-specific size requirements for each fruit.

The peach varieties being removed from the variety-specific size requirement list for 1993 season shipments were not produced during the 1992 season in quantities significant enough to warrant variety-specific size coverage. These varieties become subject to minimum size requirements for non-listed varieties, because they still warrant some size coverage. The size requirements established for non-listed varieties are generally less restrictive than those for listed varieties, but help provide retailers and consumers with the sizes of fruit they prefer.

This action is designed to establish minimum size requirements for such fruit consistent with expected crop and market conditions, and to help the California peach industry to provide those sizes of fresh fruit desired by consumers. The size requirements for peach varieties not mentioned in this rule remain the same as those currently in effect. Changes are being made with regard to paragraphs (a)(4) and (a)(5).

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect because:

(1) It would be beneficial to peach growers and handlers to be apprised of this action as soon as possible;

(2) The change in this action is in accord with the policies pertaining to variety-specific size requirements applied for many years;

(3) California peach handlers are aware of this action which was unanimously recommended by the committee at a public meeting; and

(4) The rule provides a 30-day comment period and any written comments received will be considered prior to any finalization of this interim final rule.

#### List of Subjects in 7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 917 is amended as follows:

#### PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 917 continues to read as follows:

**Authority:** Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 917.459 is amended by revising the introductory text of paragraphs (a)(4) and (a)(5) to read as follows:

**Note:** This section will appear in the Code of Federal Regulations.

#### § 917.459 California Peach Grade and Size Regulation

(a) \* \* \*

(4) Any package or container of Babcock, Crown Princess, David Sun, Early May Crest, First Lady, Flavorcrest, Flavor Red, Golden Crest, Golden Lady, Honey Red, June Lady, June Sun, Kern Sun, Kingscrest, Kings Red, May Crest, Merrill Gem, Merrill Gemfree, Queencrest, Ray Crest, Redtop, Regina, Royal May, Sierra Crest, Snow Flame, Springcrest, Spring Lady, Summer Crest, or 50–178 variety of peaches unless:

\* \* \* \* \*

(5) Any package or container of Amber Crest, Angelus, August Sun, Autumn Crest, Autumn Gem, Autumn Lady, Belmont, Berenda Sun, Blum's Beauty, Cal Red, Carnival, Cassie, Champagne, Diamond Princess, Early Elegant Lady, Early O'Henry, Elegant Lady, Fairmont, Fairtime, Fay Elberta, Fire Red, Flamecrest, John Henry, July Lady, June Pride, Kings Lady, Lacey, Late Ito Red, Mary Ann, O'Henry, Parade, Prima Gattie, Prima Lady, Red Cal, Redglobe, Rich Lady, Ryan's Sun,

Scarlet Lady, September Sun, Sierra Lady, Sparkle, Sprague Last Chance, Summer Lady, Suncrest, Tra Zee, White Lady, or Zee Lady variety of peaches unless:

\* \* \* \* \*  
Dated: June 7, 1993.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable Division.  
[FR Doc. 93–13790 Filed 6–10–93; 8:45 am]  
BILLING CODE 3410–02–P

#### 7 CFR Part 946

[Docket No. FV93–946–11FR]

#### Irish Potatoes Grown in Washington; Expenses and Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenditures of \$38,100 and establishes an assessment rate of \$0.005 per hundredweight under Marketing Order No. 946 for the 1993–94 fiscal period July 1, 1993, through June 30, 1994. Authorization of this budget enables the State of Washington Potato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers. **DATES:** Effective July 1, 1993, through June 30, 1994. Comments received by July 12, 1993, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, (503) 326–2724, or Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement

No. 113 and Order No. 946, both as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Washington potato handlers are subject to assessments. Funds to administer the Washington potato order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes handled during the 1993-94 fiscal period, which covers the period July 1, 1993, through June 30, 1994. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an 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 to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his/her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about

through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 450 producers of Washington potatoes under this marketing order, and approximately 35 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of Washington potato producers and handlers may be classified as small entities.

The budget of expenses for the 1993-94 fiscal period was prepared by the State of Washington Potato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Washington potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Washington potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met February 4, 1993, and unanimously recommended a 1993-94 budget of \$38,100, the same as the previous year. The Committee also unanimously recommended an assessment rate of \$0.005 per cwt., the same as last season. This rate, when applied to anticipated shipments of 6 million hundredweight, will yield \$30,000 in assessment income. This, along with \$8,100 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve at the beginning of the 1993-94 fiscal period, estimated at \$25,667, will be within the maximum permitted by the order of two fiscal periods' expenses.

An increase in the 1993-94 budget of \$500 for salary expense (manager's retirement and health benefits) will be offset by a decrease of \$500 in the Committee member expense category (Committee member travel and lodging).

Other major expense items include manager's salary, compliance audits, Committee member compensation for meeting attendance, Washington Potato Commission contract fees, postage, surveillance inspection, and office supplies. The Commission provides certain services to the Committee as specified in a memorandum of understanding.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because:

- (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;
- (2) The fiscal period begins on July 1, 1993, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period;
- (3) Handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and
- (4) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

**PART 946—IRISH POTATOES GROWN IN WASHINGTON**

1. The authority citation for 7 CFR part 946 continues to read as follows:

**Authority:** Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. A new § 946.246 is added to read as follows:

**Note:** This section will not appear in the Code of Federal Regulations.

**§ 946.246 Expenses and assessment rate.**

Expenses of \$38,100 by the State of Washington Potato Committee are authorized, and an assessment rate of \$0.005 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 7, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93-13789 Filed 6-11-93; 8:45 am]

BILLING CODE 3410-02-P

**7 CFR Part 958**

[Docket No. FV93-958-11FR]

**Idaho-Eastern Oregon Onions; Expenses and Assessment Rate**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenditures of \$1,030,200 and establishes an assessment rate of \$0.10 per hundredweight of onions under Marketing Order No. 958 for the 1993-94 fiscal period. Authorization of this budget enables the Idaho-Eastern Oregon Onion Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective July 1, 1993, through June 30, 1994. Comments received by July 12, 1993, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, FAX 202-720-5698. Comments should reference the docket number and the date and page number of this issue of the *Federal Register* and will be available for public

inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Curry, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone number 503-326-2724; or Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone number 202-720-9918.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 130 and Marketing Order No. 958 both as amended (7 CFR part 958), regulating the handling of onions grown in designated counties in Idaho, and Malheur County, Oregon. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect Idaho-Eastern Oregon onions are subject to assessments. Funds to administer the Idaho-Eastern Oregon onion marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions during the 1993-94 fiscal period beginning July 1, 1993, through June 30, 1994. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an 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 to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an

inhabitant, or has his/her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 450 producers of Idaho-Eastern Oregon onions under the marketing order and approximately 35 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of Idaho-Eastern Oregon onion producers and handlers may be classified as small entities.

The budget of expenses for the 1993-94 fiscal period was prepared by the Idaho-Eastern Oregon Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Idaho-Eastern Oregon onions. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Idaho-Eastern Oregon onions. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met on March 23, 1993, and unanimously recommended a 1993-94 budget of \$1,030,200, \$75,888 more than the previous year. Increases

include \$1,000 for Committee expenses, \$31,433 for salary expenses, \$18,455 for travel and office expenses, \$1,000 for research, \$19,000 for promotion and advertising, and \$5,000 for contingency.

The Committee also unanimously recommended an assessment rate of \$0.10 per hundredweight, \$0.01 less than last season. This rate, when applied to anticipated shipments of 8,000,000 hundredweight, will yield \$800,000 in assessment income. This, along with \$40,000 in interest income and \$190,200 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve at the end of the 1993-94 fiscal period, estimated at \$850,000, will be within the maximum permitted by the order of one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* because:

(1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;

(2) The fiscal period begins on July 1, 1993, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period;

(3) Handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and

(4) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 958 is amended as follows:

#### PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 958 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. A new § 958.237 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### § 958.237 Expenses and assessment rate.

Expenses of \$1,030,200 by the Idaho-Eastern Oregon Onion Committee are authorized, and an assessment rate of \$0.10 per hundredweight of assessable onions is established for the fiscal period ending June 30, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93-13794 Filed 6-10-93; 8:45 am]

BILLING CODE 3410-02-P

#### 7 CFR Part 982

[Docket No. FV93-982-11FR]

#### Filberts/Hazelnuts Grown in Oregon and Washington; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenditures of \$409,795 and establishes an assessment rate of \$14.00 per ton under Marketing Order No. 982 for the 1993-94 marketing year. Authorization of this budget enables the Filbert/Hazelnut Marketing Board (Board) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective July 1, 1993, through June 30, 1994. Comments received by July 12, 1993, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments

concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, FAX 202-720-5698. Comments should reference the docket number and the date and page number of this issue of the *Federal Register* and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

#### FOR FURTHER INFORMATION CONTACT:

Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204 (503) 326-2724, or Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 982, both as amended (7 CFR part 982), regulating the handling of filberts/hazelnuts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Oregon-Washington filbert/hazelnut handlers are subject to assessments. Funds to administer the Oregon-Washington filbert/hazelnut order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable filberts/hazelnuts during the 1993-94 marketing year, beginning July 1, 1993, through June 30, 1994. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an 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 to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his/her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 950 producers of Oregon and Washington filberts/hazelnuts under this marketing order, and approximately 20 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of Oregon and Washington filbert/hazelnut producers and handlers may be classified as small entities.

The budget of expenses for the 1993-94 marketing year was prepared by the Filbert/Hazelnut Marketing Board, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Board are producers and handlers of filberts/hazelnuts. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by the expected quantity of assessable filberts/hazelnuts handled. Because that rate will be applied to the actual quantity of filberts/hazelnuts, it must be established at a

rate that will provide sufficient income to pay the Board's expenses.

In a mail vote conducted the week of March 15, 1993, the Board unanimously recommended a 1993-94 budget of \$409,795, \$22,190 more than the previous year. The major budget item is \$220,000 for the Board's promotion program to maintain and expand markets for filberts/hazelnuts. This is \$20,000 more than budgeted last year. Other increases include \$1,900 for personal services, \$20 for printing and publishing, \$70 for rent, \$500 for auditing, \$150 for office supplies, \$1,400 for equipment. These increases will be partially offset by decreases of \$250 for postage, \$100 for office maintenance, \$500 for computer services, and \$1,000 for research.

The Board also unanimously recommended an assessment rate of \$14.00 per ton, the same as last year. This rate, when applied to anticipated shipments of 27,000 tons, will yield \$378,000 in assessment income. This, along with \$7,000 in interest income and \$24,795 from the Board's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve at the beginning of the 1993-94 marketing year, estimated at \$264,865, will be within the maximum permitted by the order of one marketing year's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* because:

(1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;

(2) The marketing year begins on July 1, 1993, and the marketing order requires that the rate of assessment for the marketing year apply to all assessable filberts/hazelnuts handled during the marketing year;

(3) Handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other budget actions issued in past year; and

(4) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 982 is amended as follows:

#### PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR Part 982 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. A new § 982.338 is added to read as follows:

**Note:** This section will not appear in the Code of Federal Regulations.

#### § 982.338 Expenses and assessment rate.

Expenses of \$409,795 by the Filbert/Hazelnut Marketing Board are authorized, and an assessment rate of \$14.00 per ton of assessable filberts/hazelnuts is established for the marketing year ending June 30, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 3, 1993.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable Division.  
[FR Doc. 93-13793 Filed 6-10-93; 8:45 am]  
BILLING CODE 3410-02-P

#### 7 CFR Part 985

[FV93-985-11FR]

#### Expenses and Assessment Rate for Spearmint Oil Produced in the Far West

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes

an assessment rate for the Spearmint Oil Administrative Committee (Committee) under Marketing Order No. 985 for the 1993-94 marketing year. Authorization of this budget enables the committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer the program are derived from assessments on handlers.

**DATES:** Effective beginning June 1, 1993, through May 31, 1994. Comments must be received by July 12, 1993.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, F&V, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, FAX #: (202) 720-5698. All comments should reference the docket number and the date and page number of this issue of the *Federal Register* and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Britthany Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2524-S, Washington, DC 20090-6456; telephone: (202) 690-0992.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under Marketing Order No. 985 (7 CFR part 985) regulating the handling of spearmint oil produced in the Far West. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, spearmint oil produced in the Far West is subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable oil handled during the 1993-94 marketing year, beginning June 1, 1993, through May 31, 1994. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an 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 to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately nine handlers of spearmint oil produced in the Far West who are subject to regulation under the spearmint oil marketing order and approximately 253 producers of spearmint oil in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of spearmint oil producers and handlers may be classified as small entities.

The spearmint oil marketing order requires that the assessment rate for a particular marketing year shall apply to all assessable spearmint oil handled from the beginning of such year. An annual budget of expenses is prepared by the Committee and submitted to the Department for approval. The members of the Committee are producers of the regulated spearmint oil. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate an appropriate budget. The budget is formulated and discussed in public meetings. Thus, all directly affected

persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by expected shipments of spearmint oil. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The recommended budget and rate of assessment are usually acted upon by the Committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committee will have funds to pay their expenses.

The Committee met on February 25, 1993, and unanimously recommended 1993-94 marketing order expenditures of \$198,000 and an assessment rate of \$0.08 per pound of spearmint oil. In comparison, the 1992-93 marketing year budgeted expenditures were \$183,972 and the assessment rate was \$0.08 per pound of spearmint oil.

Major expenditure categories in the 1993-94 budget are \$81,500 for program administration, \$93,500 for salaries, and \$23,000 for Committee travel and compensation. Comparable budgeted expenditures for the 1992-93 marketing year were \$72,000, \$89,972, and \$22,000, respectively.

Assessment income for the 1993-94 marketing year is estimated at \$132,000 based on shipments of 1,650,000 pounds of spearmint oil. Additionally, interest and incidental income for the 1993-94 marketing year is estimated at \$8,000. The Committee's operational reserve, which is expected to amount to \$202,559 on May 31, 1993, will be available to meet the planned \$58,000 budget deficit for 1993-94. The projected reserves at the end of the 1993-94 marketing year will not exceed the amount permitted under the marketing order of one marketing year's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including information and recommendations submitted by the Committee and other available information, it is hereby found that this

rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because:

(1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;

(2) The 1993-94 marketing year for the Committee begins June 1, 1993, and the marketing order requires that the rate of assessment for the marketing year apply to all assessable spearmint oil handled during the marketing year;

(3) Handlers are aware of this action which was unanimously recommended by the Committee at public meetings and which is similar to budgets issued in past years; and

(4) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

#### PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. A new section 985.313 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### § 985.313 Expenses and assessment rate.

Expenses of \$198,000 by the Spearmint Oil Administrative Committee are authorized and an assessment rate of \$0.08 per pound of salable spearmint oil is established and is payable by each handler, in accordance with § 985.41, for the 1993-94 marketing year ending May 31, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 3, 1993.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable Division.  
[FR Doc. 93-13792 Filed 6-10-93; 8:45 am]  
BILLING CODE 3410-02-P

#### 7 CFR Part 989

[FV93-989-11FR]

#### Raisins Produced From Grapes Grown In California; Final Free and Reserve Percentages for the 1992-93 Crop Year for Natural (Sun-Dried) Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

**SUMMARY:** This interim final rule invites comments on the establishment of final free and reserve percentages for Natural (sun-dried) Seedless raisins from California's 1992 raisin crop. The percentages are 71 percent free and 29 percent reserve. These percentages are intended to stabilize supplies and prices and to help counter the destabilizing effects of the burdensome oversupply situation facing the raisin industry. This action was unanimously recommended by the Raisin Administrative Committee (Committee).

**DATES:** This interim final rule becomes effective June 11, 1993, and applies to all Natural (sun-dried) Seedless raisins acquired from the beginning of the 1992-93 crop year. Comments which are received by July 12, 1993, will be considered prior to any finalization of this interim final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456, or faxed to (202) 720-5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Richard Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487-5901 or Richard Lower, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523-S, P.O. Box 96456, Washington,

DC 20090-6456; telephone: (202) 720-2020.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under marketing agreement and Order No. 989 (7 CFR Part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This interim final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, final free and reserve percentages may be established for raisins acquired by handlers during the crop year. This action establishes final free and reserve percentages for NS raisins for the 1992-93 crop year, beginning August 1, 1992, through July 31, 1993. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an 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 to be exempt therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his/her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly

or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 25 handlers of California raisins who are subject to regulation under the raisin marketing order, and approximately 5,000 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. A majority of producers and a minority of handlers of California raisins may be classified as small entities.

The order prescribes procedures for computing trade demands and preliminary and final percentages that establish the amount of raisins that can be marketed throughout the season. The regulations apply to all handlers of California raisins. Raisins in the free percentage category may be shipped immediately to any market, while reserve raisins must be held by handlers in a reserve pool for the account of the Committee, which is responsible for local administration of the order. Under the order, reserve raisins may be: Sold at a later date by the Committee to handlers for free use; used in diversion programs; exported to authorized countries; carried over as a hedge against a short crop the following year; or disposed of in other outlets noncompetitive with those for free tonnage raisins.

While this action may restrict the amount of Natural (sun-dried) Seedless raisins that enter domestic markets, final free and reserve percentages are intended to lessen the impact of the oversupply situation facing the industry and promote stronger marketing conditions, thus stabilizing prices and supplies and improving grower returns. In addition to the quantity of raisins released under the preliminary percentages and the final percentages, the order specifies methods to make available additional raisins to handlers by requiring sales of reserve pool raisins for use as free tonnage raisins under "10 plus 10" offers, and authorizing sales of reserve raisins under certain conditions.

The Department's "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" specifies that 110 percent of recent years' sales should be made available to primary markets each season before recommendations for

volume regulation are approved. This goal is met by the establishment of a final percentage which releases 100 percent of the computed trade demand and the additional release of reserve raisins to handlers under "10 plus 10" offers. The "10 plus 10" offers are two simultaneous offers of reserve pool raisins which are made available to handlers each season. For each such offer, a quantity of raisins equal to 10 percent of the prior year's shipments is made available for free use.

Pursuant to § 989.54(a) of the order, the Committee which is responsible for local administration of the order, met on August 14, 1992, to review shipment and inventory data, and other matters relating to the supplies of raisins of all varietal types. The Committee computed a trade demand for each varietal type for which a free tonnage percentage might be recommended. The trade demand is 90 percent of the prior year's shipments of free tonnage and reserve tonnage raisins sold for free use for each varietal type into all market outlets, adjusted by subtracting the carryin of each varietal type on August 1 of the current crop year and by adding to the trade demand the desirable carryout for each varietal type at the end of that crop year. As specified in § 989.154, the desirable carryout for each varietal type shall be equal to the shipments of free tonnage raisins of the prior crop year during the months of August, September, and one half of October. If the prior year's shipments are limited because of crop condition, the total shipments during that period of time during one of the three years preceding the prior crop year may be used.

In accordance with these provisions, the Committee computed and announced a 1992-93 trade demand of 263,434 tons for Natural (sun-dried) Seedless raisins.

As required under § 989.54(b) of the order, the Committee met on September 25, 1992, and computed and announced a preliminary crop estimate and preliminary free and reserve percentages for Natural (sun-dried) Seedless raisins which released 85 percent of the trade demand since field prices had been established. The preliminary crop estimates and preliminary free and reserve percentages were as follows: 350,528 tons, and 64 percent free and 36 percent reserve. Also at the meeting, the Committee determined that its preliminary crop estimates for Dipped Seedless, Oleate and Related Seedless, Golden Seedless, Zante Currant, Sultana, Muscat, Monukka, and Other Seedless raisins based on early receipts were less than or near enough to the computed trade demands for each of

these varietal types and therefore, volume controls were not warranted.

Pursuant to § 989.54(c), the Committee may adopt interim free and reserve percentages. Interim percentages may release less than the computed trade demand for each varietal type. Interim percentages for Natural (sun-dried) Seedless raisins of 70.75 percent free and 29.25 percent reserve were computed and announced on January 4, 1993. That action released 99.88 percent of the computed trade demand for Natural (sun-dried) Seedless raisins.

Under § 989.54(d) of the order, the Committee is required to recommend to the Secretary, no later than February 15 of each crop year, final free and reserve percentages which, when applied to the final production estimate of a varietal type, will tend to release the full trade demand for any varietal type.

The Committee's final estimate of 1992-93 production of Natural (sun-dried) Seedless raisins is 371,905 tons. Dividing the computed trade demand of 263,434 tons by the final estimate of production results in a final free percentage of 71 percent and a final reserve percentage of 29 percent.

Based on available information, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant information presented, including the Committee's recommendations and other information, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that upon good cause it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because:

(1) The relevant provisions of this part require that the percentages designated herein for the 1992-93 crop year apply to all Natural (sun-dried) Seedless raisins acquired from the beginning of that crop year;

(2) Handlers are currently marketing 1992-93 crop raisins of the Natural (sun-dried) Seedless varietal type and this action should be taken promptly to achieve the intended purpose of making the full trade demand quantity computed by the Committee available to handlers; and

(3) Handlers are aware of this action, which was recommended by the

Committee at an open meeting, and need no additional time to comply with these percentages.

#### List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

#### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 989.245 is added to Subpart-Supplementary Regulations to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

#### § 989.245 Final free and reserve percentages for the 1992-93 crop year.

The final percentages for standard Natural (sun-dried) Seedless raisins acquired by handlers during the crop year beginning on August 1, 1992, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural (sun-dried) Seedless .....	71	29

Dated: June 3, 1993.

Robert C. Keeney,

Director, Fruit and Vegetable Division

[FR Doc. 93-13791 Filed 6-10-93; 8:45 am]

BILLING CODE 3410-02-P

#### 7 CFR Part 998

[Docket No. FV93-998-11FR]

#### Expenses, Assessment Rate, and Indemnification Reserve for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures for administration and indemnification, establishes an assessment rate, and authorizes continuation of an

indemnification reserve under Marketing Agreement 146 (agreement) for the 1993-94 crop year.

Authorization of this budget enables the Peanut Administrative Committee (Committee) to incur operating expenses, collect funds to pay those expenses, and settle indemnification claims during the 1993-94 crop year. Funds to administer this program are derived from assessments on handlers who have signed the agreement.

DATES: Effective July 1, 1993, through June 30, 1994. Comments received by July 12, 1992, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523-S, Washington, DC 20090-6456, FAX 202-720-5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: John R. Toth, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883-2276, telephone 813-299-4770, or Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement 146 (7 CFR part 998) regulating the quality of domestically produced peanuts. This agreement is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing agreement now in effect, peanut handlers signatory to the agreement are subject to assessments. Funds to administer the peanut agreement program are derived from such assessments, and deductible type insurance for 1993-94 indemnification expenses. This rule authorizes

expenditures and establishes an assessment rate for the Committee for the fiscal period beginning July 1, 1993. This rule will 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.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

There are approximately 47,000 producers of peanuts in the 16 States covered under the agreement, and approximately 70 handlers regulated under the agreement. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. A majority of the producers may be classified as small entities, and some of the handlers covered under the agreement are small entities.

Under the marketing agreement, the assessment rate for a particular crop year applies to all assessable tonnage handled from the beginning of such year (i.e., July 1). An annual budget of expenses is prepared by the Committee and submitted to the Department for approval. The members of the Committee are handlers and producers of peanuts. They are familiar with the Committee's needs and with the costs for goods, services, and personnel for program operations and, thus, are in a position to formulate appropriate budgets. The budgets are formulated and discussed at industry-wide meetings. Thus, all directly affected persons have an opportunity to provide input in recommending the budget, assessment rate, and indemnification reserve. The handlers of peanuts who are directly affected have signed the marketing agreement authorizing the expenses that may be incurred and the imposition of assessments.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected receipts and acquisitions of farmers' stock peanuts. It applies to all assessable peanuts received by handlers from July 1, 1993. Because that rate is applied to

actual receipts and acquisitions, it must be established at a rate which will produce sufficient income to pay the Committee's expenses.

The Committee met on March 24-25, 1993, and unanimously recommended 1993-94 crop year administrative expenses of \$1,020,000 and an administrative assessment rate of \$0.60 per net ton of assessable farmers' stock peanuts received by handlers. In comparison, 1992-93 crop year budgeted administrative expenditures were \$1,042,000, and the administrative assessment rate was \$0.57 per ton.

Administrative budget items for 1993-94 which have increased compared to those budgeted for 1992-93 (in parentheses) are: field representative salaries, \$278,778 (\$266,420); Committee members travel, \$40,000 (\$32,000); Committee meeting expenses, \$4,000 (\$3,000); and audit fees, \$9,500 (\$8,000). Items which have decreased compared to those budgeted for 1992-93 (in parentheses) are: executive salaries, \$134,304 (\$138,364); clerical salaries, \$127,479 (\$158,366); payroll taxes, \$45,000 (\$46,850); employee benefits \$145,000 (\$147,000); and office rent and parking, 52,500 (\$54,000). All other items are budgeted at last year's amounts. The administrative budget includes \$4,439 for contingencies (\$9,000 last year).

The Committee also unanimously recommended 1993 crop indemnification claims payments of up to \$9,000,000 and an indemnification assessment of \$1.00 per net ton of farmers' stock peanuts received or acquired by handlers to continue its indemnification program. The 1992-93 crop year indemnification assessment was \$2.00 per net ton. The Committee recommended a lower assessment rate because sufficient reserve funds are available and because the Committee believes it is in the interest of signatory handlers to reduce their indemnification assessment burdens. The \$9,000,000 of indemnification claims coverage to be provided on 1993 crop peanuts includes \$5,000,000 in excess loss insurance to be purchased by the Committee—the same as last year.

The cost of the indemnification insurance premium and the costs to carry out indemnification procedures (sampling and testing of 2-AB and 3-AB Subsamples, and crushing supervision, of indemnified peanuts, pursuant to § 998.200(c)), are additional indemnification costs which must be authorized and paid from available indemnification funds. Such costs are not expected to exceed \$2,000,000.

The total assessment rate is \$1.60 per ton of assessable peanuts (\$0.60 for

administrative and \$1.00 for indemnification). Assessments are due on the 15th of the month following the month in which the farmers' stock peanuts are received or acquired. Application of the recommended rates to the estimated assessable tonnage of 1,700,000 will yield \$1,020,000 for program administration and \$1,700,000 for indemnification. The indemnification amount, when added to expected cash carry over from 1992-93 indemnification operations of \$12,750,000, will provide \$14,450,000, which should be adequate for the 1993 fund, and to maintain an adequate reserve.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers signatory to the agreement. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing agreement. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* because:

- (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;
- (2) The crop year begins on July 1, 1993, and the marketing agreement requires that the rate of assessment for the fiscal period apply to all assessable peanuts handled during the fiscal period;
- (3) Handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and
- (4) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 998 is amended as follows:

#### PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

1. The authority citation for 7 CFR Part 998 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. New § 998.406 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### § 998.406 Expenses, assessment rate, and indemnification reserve.

(a) *Administrative expenses.* The budget of expenses for the Peanut Administrative Committee for the crop year beginning July 1, 1993, shall be in the amount of \$1,020,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee not to exceed \$9,000,000 for indemnification claims payments and claims expenses, pursuant to the terms and conditions of indemnification applicable to the 1993 crop effective July 1, 1993, are authorized. In addition, indemnification expenses, in an undetermined amount estimated not to exceed \$2,000,000, which are incurred by the Committee for excess loss insurance, sampling and testing fees for 2-AB and 3-AB Subsamples, and fees for the supervision of the crushing of indemnified peanuts are also authorized.

(c) *Rate of assessment.* Each handler shall pay to the Committee, in accordance with § 998.48 of the marketing agreement, an assessment at the rate of \$1.60 per net ton of farmers' stock peanuts received or acquired other than from those described in § 998.31 (c) and (d). A total of \$0.60 shall be for administrative expenses and a total of \$1.00 shall be for indemnification. Assessments are due on the 15th of the month following the month in which the farmers' stock peanuts are received or acquired.

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 998.48 of the agreement, shall continue. That portion of the total assessment funds accrued from the \$1.00 rate not expended on indemnification claims payments on 1993 crop peanuts and related expenses shall be kept in such reserve and shall be available to pay indemnification expenses on subsequent crops.

Dated: June 3, 1993.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable Division.  
[FR Doc. 93-13788 Filed 6-10-93; 8:45 am]  
BILLING CODE 3410-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 92-ANE-06; Amendment 39-8564; AD 93-08-16]

#### Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Pratt & Whitney PW4000 series engines, that currently requires modification of the aircraft engine idle system wiring to preclude the availability of minimum idle inflight and deactivation of the high pressure compressor (HPC) secondary flow control valves. This amendment eliminates the requirement to deactivate the HPC secondary flow control valves on all engines, and limits the requirement to modify the aircraft engine idle system wiring to those engines which are not equipped with an improved electronic engine control (EEC). This amendment is prompted by the development of new EEC software that provides for more cooling flow at lower idle speeds, and by test results showing that the deactivation of the HPC secondary flow control valves is not necessary. The actions specified by this AD are intended to prevent an HPC failure caused by excessive blade tip to airseal interference, which can result in total loss of engine thrust.

**DATES:** Effective on July 12, 1993.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of

October 1, 1990 (55 FR 37316, September 11, 1990).

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, Post Office Box 3707, Seattle, WA 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Chris Gavriel, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 273-7084, fax (617) 270-2412.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90-20-11, Amendment 39-6682 (55 FR 37316, September 11, 1990), which is applicable to certain Pratt & Whitney PW4000 series turbofan engines, was published in the *Federal Register* on December 7, 1992 (57 FR 57706). That action proposed to eliminate the requirement to deactivate the HPC secondary flow control valves. That action also proposed to reduce the number of affected engines to only those engines which are not equipped with the improved EEC's as identified by part numbers.

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

The commenters concur with the rule as proposed.

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

There are approximately 204 engines of the affected design that are installed on aircraft of U.S. registry. The FAA estimates that the proposed change will decrease fuel consumed by the affected engines by about 0.7%, or an estimated cost per year per engine of \$52,500. Relieving operators of this burden will save approximately \$10,710,000 per year.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612,

it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

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

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-39-6682 (55 FR 37316, September 11, 1990) and by adding a new airworthiness directive, Amendment 39-8564, to read as follows:

**93-08-16 Pratt & Whitney:** Amendment 39-8564. Docket 92-ANE-06. Supersedes AD 90-20-11, Amendment 39-6682.

**Applicability:** Pratt & Whitney PW4050, PW4052, PW4056, PW4060, and PW4060A model turbofan engines equipped with electronic engine control (EEC) Part Numbers 50D437, 50D821, 50D823, 51D011, and 51D012, installed on but not limited to Boeing 747 and 767 aircraft.

**Compliance:** Required within 30 calendar days after the effective date of this airworthiness directive (AD), unless accomplished previously.

To prevent a high pressure compressor (HPC) failure caused by excessive blade tip to airseal interference, which can result in total loss of engine thrust, accomplish the following:

(a) Incorporate the requirements of Boeing Commercial Airplanes Alert Service Bulletin

(ASB) 747-73A2055, dated June 8, 1990, on PW4000 powered Boeing 747-400 aircraft, so that the minimum inflight rotational speed (rpm) of the low pressure rotor is limited to Approach Idle rpm.

(b) Incorporate the requirements of Boeing Commercial Airplanes ASB 767-73A0033, dated June 5, 1990, on PW4000 powered Boeing 767-200/-300 aircraft, so that the minimum inflight rotational speed of the low pressure rotor inflight is limited to Approach Idle rpm.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative method of compliance with this airworthiness directive,

if any, may be obtained from the Engine Certification Office.

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

(e) The modification shall be done in accordance with the following Boeing service documents:

Document No.	Pages	Revision	Date
ASB 747-73A2055 .....	1-10	Original .....	June 8, 1990.
Total pages: 10			
ASB 767-73A0033 .....	1-12	Original .....	June 5, 1990.
Total pages: 12.			

This incorporation by reference was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of October 1, 1990 (55 FR 37316, September 11, 1990). Copies may be obtained from Boeing Commercial Airplanes, Post Office Box 3707, Seattle, WA 98124-2207. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 12, 1993.

Issued in Burlington, Massachusetts, on June 2, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-13782 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 93-ANE-05; Amendment 39-8560; AD 93-05-09]

#### Airworthiness Directives; Allied-Signal Inc., Garrett Engine Division, TPE331 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 93-05-09 that was sent previously to all known U.S. owners and operators of Allied-Signal Inc., Garrett Engine Division, TPE331 series turboprop engines by individual letters. This AD supersedes AD 87-19-02 (52 FR 33918, September 9, 1987) and priority letter AD 91-04-02, issued February 8, 1991, by further reducing the third stage

turbine stator assembly replacement or rework schedules required by those AD's. This AD also carries forward the requirements for a one-time X-ray inspection of the outer ring to nozzle casting weld joint, and requires remarking third stage turbine stator assemblies with a new part number. This amendment is prompted by reports of third stage turbine stator assembly inner seal support failures causing the inner seal support to separate, move aft, and contact the third stage turbine wheel. The actions specified by this AD are intended to prevent an uncontained failure of the third stage turbine wheel. DATES: Effective June 28, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 93-05-09, issued on March 8, 1993, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 28, 1993.

Comments for inclusion in the Rules Docket must be received on or before August 10, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-05, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

The applicable service information may be obtained from Garrett General Aviation Services Division, Distribution Center, 1944 East Sky Harbor Circle, Phoenix, Arizona 85034; telephone (602) 365-2548. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at

the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Propulsion Branch, ANM-140L, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, Aircraft Certification Service, FAA, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5246, fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: On March 8, 1993, the FAA issued priority letter AD 93-05-09, applicable to Allied-Signal Inc., Garrett Engine Division, Model TPE331 series turboprop engines, which further reduces the third stage turbine stator assembly replacement or rework schedules, requires a one-time X-ray inspection of the outer ring to nozzle casting weld joint, and requires remarking third stage turbine stator assemblies with a new part number. That action was prompted by a report of a recent uncontained third stage turbine wheel failure on an Allied-Signal Inc., Garrett Engine Division, Model TPE331-6 turboprop engine. The FAA's investigation revealed that the sheet metal inner seal support of the third stage turbine stator assembly, Part Number (P/N) 868379-3, cracked due to fatigue, causing the inner seal support to separate, move aft, and contact the third stage turbine wheel. Prior to separation, the inner seal support had accumulated 3668 hours time in service (TIS) and 4660 cycles in service (CIS) since new. This failure occurred before the TIS replacement and rework interval specified in AD 87-19-02 (52 FR 33918, September 9, 1987). That AD did not specify a rework schedule in terms of CIS.

Additionally, the FAA has received a report of a third stage turbine stator assembly, P/N 868379-5, inner seal

support failure after accumulating only 756 CIS. This inner seal support cracked circumferentially and rubbed against the third stage turbine wheel. This failure occurred before the 1100 CIS replacement and rework interval specified in priority letter AD 91-04-02, issued February 8, 1991.

Based on these incidents and several other recent reports of extensive circumferential cracking of the inner seal support, the FAA has determined that the third stage turbine stator assemblies' replacement and rework schedules specified in AD 87-19-02 and priority letter AD 91-04-02 must be further reduced to prevent additional uncontained turbine wheel failures. This condition, if not corrected, can lead to an uncontained failure of the third stage turbine wheel.

The FAA has reviewed and approved the technical contents of the following Garrett Turbine Engine Company (now Allied-Signal Inc., Garrett Engine Division) Alert Service Bulletins (ASB): TPE/TSE331-A72-0384, Revision 3, dated July 1, 1987, and TPE/TSE331-A72-0384, Revision 4, dated September 4, 1987, that describe procedures for remarking third stage turbine stator assemblies with new part numbers; and TPE331-A72-0559, dated July 1, 1987, TPE331-A72-0559, Revision 1, dated September 4, 1987, and TPE331-A72-0559, Revision 2, dated January 15, 1988, that describe procedures for a one-time X-ray inspection of the outer ring to nozzle casting weld joint.

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, the FAA issued priority letter AD 93-05-09 to prevent an uncontained failure of the third stage turbine wheel. The AD supersedes AD 87-19-02 and priority letter AD 91-04-02, establishes a conversion formula for determining CIS from hours TIS, and reduces the third stage turbine stator assembly replacement or rework schedules as follows: for third stage turbine stator assemblies, P/N 868379-1 and 868379-3, from 4500 hours TIS to 3600 CIS; and for third stage turbine stator assemblies, P/N 868379-5, from 1100 CIS to 600 CIS. This AD retains from AD 87-19-02 both the one-time X-ray inspection of the outer ring to nozzle casting weld joint based on hours TIS, as well as the procedures for remarking third stage turbine stator assemblies P/N 868379-1 as P/N 868379-3. The actions are required to be accomplished in accordance with the service bulletins described previously.

Since it was found that immediate corrective action was required, notice and opportunity for prior public

comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on March 8, 1993, to all known U.S. owners and operators of Allied-Signal Inc., Garrett Engine Division, Model TPE331 series turboprop engines. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective to all persons.

#### Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-ANE-16." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612,

it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. 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 removing Amendment 39-5767 (52 FR 33918, September 9, 1987), and by adding a new airworthiness directive, Amendment 39-8560, to read as follows:

93-05-08 Allied-Signal Inc., Garrett Engine Division: Amendment 39-8560. Docket No. 93-ANE-05. Supersedes AD 87-19-02, Amendment 39-5767, and priority letter AD 91-04-02, issued February 8, 1991.

Applicability: Allied-Signal Inc., Garrett Engine Division, Model TPE331-1, -2, -2UA, -3U, -3UW, -5, -5A, -5AB, -5B, -6, and -6A turboprop and Model TSE331-3U turboshaft engines containing third stage turbine stator assemblies Part Number (P/N) 868379-1, -3, or -5. These engines are installed on but not limited to: Mitsubishi MU-2B series (MU-2

series); Construcciones Aeronauticas, S.A. (CASA) C-212 series; Fairchild SA226 series (Swearingen Merlin and Metro series); Prop-Jets, Inc. Model 400; Twin Commander 680 and 690 (Jetprop Commander); Rockwell Commander S-2R; Shorts Brothers and Harland, Ltd. SC7 (Skyvan); Dornier 228 series; Beech 18 and 45 series and Models JRB-6, 3N, 3NM, 3TM, and B100; Pilatus PC-6 series (Fairchild Porter and Peacemaker); De Havilland DH 104 series 7AXC (Dove); Ayres S-2R series; Grumman American G-164 series; and Schweizer G-164 series airplanes; and Sikorsky S-55 series (Helitec Corp. S55T) helicopters.

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

To prevent an uncontained failure of the third stage turbine wheel, accomplish the following:

(a) If the cycles in service (CIS) since new or rework of third stage turbine stator assemblies, P/N 868379-1 and -3, are unknown, convert hours time in service (TIS) to CIS by multiplying the hours TIS since new or rework upon receipt of this AD by 1.5 to get CIS since new or rework on the effective date of this AD.

(b) Replace third stage turbine stator assemblies, P/N 868379-1 and -3, with new or reworked assemblies in accordance with the applicable Allied-Signal Inc., Garrett Engine Division, Engine Maintenance Manual, and the following schedule, based upon CIS:

CIS since new or rework on the effective date of this AD	Replacement schedule
CIS unknown .....	Replace within 50 CIS after the effective date of this AD.
5500 or more CIS .....	Replace within 50 CIS after the effective date of this AD.
4000 to 5499 CIS .....	Replace within 200 CIS after the effective date of this AD, but not more than 5550 CIS since new or rework, whichever occurs first.
3200 to 3999 CIS .....	Replace within 400 CIS after the effective date of this AD, but not more than 4200 CIS since new or rework, whichever occurs first.
Less than 3200 CIS ..	Replace prior to accumulating 3600 CIS since new or rework.

(c) During access to the third stage turbine stator assembly as required in paragraph (b) of this AD, remark all third stage turbine stator assemblies P/N 868379-1 as third stage turbine stator

assemblies P/N 868379-3, in accordance with the Accomplishment Instructions of Garrett Turbine Engine Company Alert Service Bulletin (ASB) No. TPE/TSE-331-A72-0384, Revision 3, dated July 1, 1987, or ASB No. TPE/TSE-331-A72-0384, Revision 4, dated September 4, 1987.

(d) Thereafter, replace third stage turbine stator assemblies, P/N 868379-1 and -3, with new or reworked assemblies in accordance with the applicable Allied-Signal Inc., Garrett Engine Division, Engine Maintenance Manual, at intervals not to exceed 3600 CIS since new or rework.

(e) Replace third stage turbine stator assemblies, P/N 868379-5, with new or reworked assemblies in accordance with the applicable Allied-Signal Inc., Garrett Engine Division, Engine Maintenance Manual, and the following schedule:

CIS since New or Rework on the effective date of this AD	Replacement schedule
CIS unknown .....	Replace within 50 CIS after the effective date of this AD.
900 or more CIS .....	Replace within 50 CIS after the effective date of this AD.
450 to 899 CIS .....	Replace within 150 CIS after the effective date of this AD, but not more than 950 CIS since new or rework, whichever occurs first.
Less than 450 CIS .....	Replace prior to accumulating 600 CIS since new or rework.

(f) Thereafter, replace third stage turbine stator assemblies, P/N 868379-5, with new or reworked assemblies in accordance with the applicable Allied-Signal Inc., Garrett Engine Division, Engine Maintenance Manual, at intervals not to exceed 600 CIS since new or rework.

**Note:** Additional information regarding the replacement of the stator assembly can be obtained from Allied-Signal, Inc., Garrett Engine Division, ASB No. TPE331-A72-0861, dated November 19, 1992.

(g) For the purposes of this AD, rework of the third stage turbine stator assembly must include installation of a new inner seal support.

(h) Perform a one-time X-ray inspection of all third stage turbine stator assemblies, P/N 868379-1 and -3, for weld penetration in accordance with the following schedule and replace, if

necessary, in accordance with the Accomplishment Instructions of Garrett Turbine Engine Company ASB No. TPE331-A72-0559, dated July 1, 1987, ASB No. TPE331-A72-0559, Revision 1, dated September 4, 1987, or ASB No. TPE331-A72-0559, Revision 2, dated January 15, 1988, except those third stage turbine stator assemblies listed by serial number in Table 1 of those ASB's:

Hours TIS since New on September 14, 1987	Inspection schedule
Unknown hours TIS ..	Inspect within 200 hours TIS after September 14, 1987.
5001 or more hours TIS.	Inspect within 200 hours TIS after September 14, 1987.
4000 to 5000 hours TIS.	Inspect within 500 hours TIS after September 14, 1987, or prior to accumulating 5200 hours TIS since new, whichever occurs first.
Less than 4000 hours TIS.	Inspect prior to accumulating 4500 hours TIS since new.

**Note:** September 14, 1987, is the effective date of AD 87-19-02.

(i) An alternative method of compliance or adjustment of the initial compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

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

(k) The remarking and one-time x-ray inspection shall be done in accordance with the following Garrett Turbine Engine Company Alert Service Bulletins:

Document No.	Pages	Revision	Date
TPE/TSE331-A72-0384	1-12	3	July 1, 1987.
Total pages: 12			
TPE/TSE331-A72-0384	1	4	September 4, 1987.
	2	3	July 1, 1987.
	3	4	September 4, 1987.
	4-12	3	July 1, 1987.
Total pages: 12			
TPE331-A72-0559	1-16	Original.	July 1, 1987.
Total pages: 16			
TPE331-A72-0559	1	1	September 4, 1987.
	2	Original.	July 1, 1987.
	3-4	1	September 4, 1987.
	5-6	Original.	July 1, 1987.
	7-14	1	September 4, 1987.
	15-16	Original.	July 1, 1987.
Total pages: 16			
TPE331-A72-0559	1	2	January 15, 1988.
	2	Original.	July 1, 1987.
	3	1	September 4, 1987.
	4	2	January 15, 1988.
	5-6	Original.	July 1, 1987.
	7-20	2	January 15, 1988.
Total pages: 20			

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 Garrett General Aviation Services Division, Distribution Center, 1944 East Sky Harbor Circle, Phoenix, Arizona 85034; telephone (602) 365-2548. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(1) This amendment becomes effective on June 28, 1993 to all persons except those persons to whom it was made immediately effective by priority letter AD 93-05-09, issued March 8, 1993, which contained the requirements of this amendment.

Issued in Burlington, Massachusetts, on May 11, 1993.

Jack A. Sain,

Manager, Engine & Propeller Directorate,  
Aircraft Certification Service.

[FR Doc. 93-13813 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 92-ANE-51; Amendment 39-8531; AD 93-06-06]

#### Airworthiness Directives; Hamilton Standard 14RF and 14SF Series Propellers and Hamilton Standard-British Aerospace Model 6/5500/F-1 Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Hamilton Standard 14RF series, and 14SF series propellers, and Hamilton Standard-British Aerospace Model 6/5500/F-1 propellers. This action supersedes telegraphic AD T91-11-51, that currently requires measurement of the propeller control unit (PCU) ballscrew quill for wear, and replacement of the PCU ballscrew quill if excessive wear is found. This action requires replacing all PCU ballscrew quills that have been mated to titanium nitrided transfer tubes, replacing all titanium nitrided transfer tubes with A-1 nitrided transfer tubes, and marking A-1 nitrided transfer tubes with a new part number. This amendment is prompted by evidence that titanium nitrided transfer tubes can cause accelerated wear of the PCU ballscrew quill. The actions specified by this AD are intended to prevent loss of control of the propeller blade pitch due to PCU ballscrew quill wear.

**DATES:** Effective July 6, 1993.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of July 6, 1993.

Comments for inclusion in the Rules Docket must be received on or before August 10, 1993.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-ANE-51, 12 New England Executive Park, Burlington, Massachusetts 01803-5299. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in this AD may be obtained from Hamilton Standard Division of United Technologies Corporation, One Hamilton Road, Windsor Locks, Connecticut 06096-1010. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Francis X. Walsh, Aerospace Engineer, Systems and Propulsion Branch, ANE-153, Boston Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803-5299, telephone (617) 273-7066; fax (617) 270-2412.

**SUPPLEMENTARY INFORMATION:** On May 22, 1991, the Federal Aviation Administration (FAA) issued telegraphic airworthiness directive (AD)

T91-11-51, applicable to Hamilton Standard Models 14RF-9, -19, and -21; Models 14SF-5, -7, -11, and -15 propellers; and Hamilton Standard-British Aerospace Model 6/5500/F-1 propellers that are all equipped with titanium nitrided transfer tubes, Part Number (P/N) 782515-1, P/N 784525-4, or P/N 790202-2. That AD requires initial and repetitive inspections of the propeller control unit (PCU) ballscrew quill for wear, and replacement of the PCU ballscrew quill when excessive wear is found. That action was prompted by reports of excessive wear of the PCU ballscrew quill, that resulted in the inability to change the propeller blade pitch. That condition, if not corrected, could result in loss of control of the propeller blade pitch due to PCU ballscrew quill wear.

Since the issuance of that AD, the FAA has determined that titanium nitrided transfer tubes (identifiable by a gold-colored spline area) can cause extremely accelerated wear of the mating PCU ballscrew quill, resulting in disengagement and loss of propeller control. In addition, the FAA has received reports that titanium nitrided transfer tubes have not all been accounted for by the manufacturer and operators, and that some titanium nitrided transfer tubes could also be installed on Hamilton Standard Models 14SF-17, -19, and -23 propellers. Therefore, Hamilton Standard Models 14SF-17, -19, and -23 propellers have been added to this AD.

The FAA has reviewed and approved the technical contents of the following Hamilton Standard Alert Service Bulletins (ASB), all dated October 27, 1992: ASB No. 14RF-21-61-A39, applicable to Hamilton Standard Model 14RF-21 propellers; ASB No. 14RF-9-61-A57, applicable to Hamilton Standard Model 14RF-9 propellers; ASB No. 14RF-19-61-A26, applicable to Hamilton Standard Model 14RF-19 propellers; ASB No. 14SF-61-A61, applicable to Hamilton Standard 14SF series propellers; and ASB No. 6/5500/F-61-A12, applicable to Hamilton Standard-British Aerospace Model 6/5500/F-1 propellers. These ASB's describe procedures for inspections, and replacement, if necessary, of the PCU ballscrew quill nitrided transfer tubes, and marking A-1 nitrided transfer tubes with new part numbers.

Since an unsafe condition has been identified that is likely to exist or develop on other propellers of this same type design, this AD supersedes telegraphic AD T91-11-51 to require inspection, and replacement if necessary, of the PCU ballscrew quill, inspection of propellers to determine

the type of transfer tubes and replacement of titanium nitrided transfer tubes (identifiable by gold-colored spline area) with A-1 nitrided transfer tubes (identifiable by gray-colored spline area). In addition, this AD requires that all A-1 nitrided transfer tubes be marked and identified with a new part number. The actions are required to be accomplished in accordance with the alert service bulletins described previously.

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

#### Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-ANE-51." 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:

**93-06-06 Hamilton Standard: Amendment 39-8531. Docket No. 92-ANE-51.**

**Applicability:** Hamilton Standard Models 14RF-9, 14RF-19, and 14RF-21, and Models 14SF-5, 14SF-7, 14SF-11, 14SF-15, 14SF-17, 14SF-19, and 14SF-23 propellers and Hamilton Standard-British Aerospace Model 6/5500/F-1 propellers installed on but not limited to Embraer EMB-120 and EMB-120RT; SAAB-SCANIA AB SAAB 340B; Aerospaiale ATR42-100, ATR42-300, ATR42-320, ATR72-101, ATR72-210; De

Hevilland DHC-8-100, DHC-8-300, DHC-8-314; Construcciones Aeronauticas SA (CASA) CN-235 and CN-235-100; Canadair CL215T; and British Aerospace ATP airplanes.

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

To prevent loss of control of the propeller blade pitch due to propeller control unit (PCU) ballscrew quill wear, accomplish the following:

(a) Within 10 hours time in service (TIS) after the effective date of this AD, for propeller assemblies equipped with titanium nitrided transfer tubes (identifiable by gold-colored spline area), remove the titanium nitrided transfer tubes from service, replace the PCU ballscrew quill with a new quill or a quill that has never been mated with a titanium nitrided transfer tube, and install an A-1 nitrided transfer tube (identifiable by a grey-colored spline area) that has been marked in accordance with the applicable SB listed in paragraph (c) of this AD.

(b) Within 30 hours TIS after the effective date of this AD, for propeller assemblies

equipped with an A-1 nitrided transfer tube and a PCU ballscrew quill that either has been mated to a titanium nitrided transfer tube, or that have no records showing to which transfer tube type the PCU ballscrew quill was mated, replace the PCU ballscrew quill with a new quill or a quill that has never been mated with a titanium nitrided transfer tube.

(c) Within 60 days after the effective date of this AD, mark all A-1 nitrided transfer tubes with a new part number in accordance with the following Hamilton Standard Alert Service Bulletins (ASB), all dated October 27, 1992: ASB No. 14RF-21-61-A39, applicable to Hamilton Standard Model 14RF-21 propellers; ASB No. 14RF-9-61-A57, applicable to Hamilton Standard Model 14RF-9 propellers; ASB No. 14RF-19-61-A26, applicable to Hamilton Standard Model 14RF-19 propellers; ASB No. 14SF-61-A61, applicable to Hamilton Standard 14SF series propellers; and ASB No. 6/5500/F-61-A12, applicable to Hamilton Standard-British Aerospace Model 6/5500/F-1 propellers.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Boston Aircraft Certification Office.

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

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

(f) The replacement, and marking of transfer tubes shall be accomplished in accordance with the following service documents:

Document No.	Page	Issue	Date	Total pages
Hamilton Standard ASB No. 14RF-21-61-A39 .....	1-7	Original .....	October 27, 1992. ....	7
Hamilton Standard ASB No. 14RF-9-61-A57 .....	1-7	Original .....	October 27, 1992. ....	7
Hamilton Standard ASB No. 14RF-19-61-A26 .....	1-6	Original .....	October 27, 1992. ....	6
Hamilton Standard ASB No. 14SF-61-A61 .....	1-7	Original .....	October 27, 1992. ....	7
Hamilton Standard ASB No. 6/5500/F-61-A12 .....	1-7	Original .....	October 27, 1992. ....	7

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 Hamilton Standard Division of United Technologies Corporation, One Hamilton Road, Windsor Locks, Connecticut 06096-1010. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment supersedes AD T91-11-51.

(h) This amendment becomes effective on July 6, 1993.

Issued in Burlington, Massachusetts, on May 18, 1993.

**Jack A. Sain,**

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-13814 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 91-ANE-53; Amendment 39-8587; AD 93-10-07]

#### Airworthiness Directives; Textron Lycoming ALF502R and ALF502L Series Turbofan Engines

**AGENCY:** Federal Aviation Administration, DOT

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Textron Lycoming ALF502R and ALF502L series turbofan engines, that requires recoating certain third stage compressor disks that had been coated with Sermetal W corrosion protection coating. This amendment is prompted by reports that the protective coating flakes off the disks. The actions specified by this AD are intended to prevent corrosion and cracking of the third stage compressor disks, which could result in engine failure.

**DATES:** Effective August 10, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 10, 1993.

**ADDRESSES:** The service information referenced in this AD may be obtained

from Textron Lycoming, Stratford Division, 550 Main Street, Stratford, CT 06497-7593. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mark Rumizen, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 273-7087, fax (617) 270-2412.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Textron Lycoming ALF502R and ALF502L series turbofan engines was published in the *Federal Register* on August 19, 1992 (57 FR 37486). That action proposed to require repairing and marking, or replacing either third stage compressor disks or the third stage disk assembly, which includes the third stage compressor disk, in accordance with Textron Lycoming Service Bulletin (SB) No. ALF502R 72-259, dated August 13, 1991, and Textron Lycoming SB No.

ALF502L 72-259, dated August 13, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 1,030 Textron Lycoming ALF502R and ALF502L series engines of the affected design in the worldwide fleet. The FAA estimates that 320 engines are installed on aircraft of U.S. registry that will be affected by this AD, that it will take approximately 20 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$352,000.

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

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

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

Air Transportation, Aircraft, Aviation Safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**93-10-07 Textron Lycoming: Amendment 39-8587. Docket 91-ANE-53.**

**Applicability:** Textron Lycoming ALF502R and ALF502L series turbofan engines installed on but not limited to British Aerospace BAe-146 and Canadair Challenger CL-600 aircraft.

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

To prevent corrosion and cracking of the third stage compressor disks, that could result in engine failure, accomplish the following:

(a) Repair and mark, or replace, third stage compressor disks, Part Number (P/N) 2-101-263-02, P/N 2-101-263-05, P/N 2-101-263-09, P/N 2-101-263-R10, or third stage disk assemblies P/N 2-101-630-04, P/N 2-101-630-05, P/N 2-101-630-08; at the next part exposure, after the effective date of this AD, but no later than, 7,500 cycles since new, in accordance with Textron Lycoming Service Bulletin No. ALF502R 72-259, dated August 13, 1991, or Service Bulletin No. ALF502L 72-259, dated August 13, 1991, 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, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

(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 repairing and marking, or replacement shall be done in accordance with the following Textron Lycoming service bulletins:

Document No.	Pages	Date
ALF502R 72-259	1-5	Aug. 13, 1991.
Total pages: 5.		
ALF502L 72-259	1-5	Aug. 13, 1991.
Total Pages: 5		

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained

from Textron Lycoming, Stratford Division, 550 Main Street, Stratford, CT 06497-7593. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 10, 1993.

Issued in Burlington, Massachusetts, on May 14, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-13812 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-13-P

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 177

[Docket No. 85F-0024]

#### Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of nylon 6/12 as a nonfood contact component of laminated films for high temperature food contact. This action responds to a petition filed by EMS-CHEMIE AG.

**DATES:** Effective June 11, 1993; written objections and requests for a hearing by July 12, 1993.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of February 22, 1985 (50 FR 7388), FDA announced that a food additive petition (FAP 3B3743) had been filed by EMS-CHEMIE AG, CH-7013 Domat/Ems, Switzerland, proposing that the food additive regulations be amended to provide for the safe use of nylon 6/12, which may contain nylon 6/66/12 and N,N'-distearoylethylenediamine, as a component of laminated films which contact food at high temperatures. However, subsequent to the filing

notice, the petitioner requested that nylon 6/66/12 and *N,N'*-distearoyl ethylenediamine be withdrawn from consideration.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed use of the food additive is safe. Thus, the agency concludes that 21 CFR 177.1395 should be amended as set forth below.

The agency is also correcting the Chemical Abstracts Service Registry Number (CAS Reg. No.) for nylon 6/12 resins in § 177.1500 (21 CFR 177.1500) from 25194-04-2 to 25191-04-2.

Because this correction is simply an editorial change, the agency is making this change effective immediately. Accordingly, FDA further concludes that § 177.1500 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the

action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 12, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents

shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 177

Food additives, Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

#### PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

**Authority:** Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 177.1395 is amended in the table in paragraph (b)(4) by alpha-numerically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

§ 177.1395 Laminate structures for use at temperatures between 120 °F and 250 °F

Substances	Limitations
Nylon 6/12 resins complying with § 177.1500(b), Item 13.2, of this chapter (CAS Reg. No. 25191-04-2).	For use with nonalcoholic foods at temperatures not to exceed 100 °C (212 °F). Laminate structures with authorized food-contact materials yield no more than 0.15 milligram of <i>epsilon</i> -caprolactam and 0.04 milligram of <i>omega</i> -lauro lactam per square inch when extracted with water at 100 °C (212 °F) for 5 hours.

3. Section 177.1500 is amended by revising paragraph (a)(13) and in the table in paragraph (b) by redesignating entry "13" in the first column as entry "13.1" and by adding new entry "13.2" to read as follows:

#### § 177.1500 Nylon resins.

\* \* \* \* \*

(a) \* \* \*

(13)(i) Nylon 6/12 resins (CAS Reg. No. 25191-04-2) are manufactured by the copolymerization of a 1 to 1 ratio by weight of *epsilon*-caprolactam and *omega*-lauro lactam.

(ii) Nylon 6/12 resins (CAS Reg. No. 25191-04-2) are manufactured by the copolymerization of a ratio of at least 80 weight percent of *epsilon*-caprolactam and no more than 20 weight percent of *omega*-lauro lactam.

\* \* \* \* \*

(b) \* \* \*

Nylon resins	Specific gravity	Melting point (degrees Fahrenheit)	Solubility in boiling 4.2N HCl	Viscosity No. (mL/g)	Maximum extractable fraction in selected solvents (expressed in percent by weight of resin)			
					Water	95 percent ethyl alcohol	Ethyl acetate	Benzene
3.2 Nylon 6/12 resins with residual <i>epsilon</i> -caprolactam not to exceed 0.5 percent by weight and residual <i>omega</i> -laurolactam not to exceed 0.1 percent by weight. For use only as specified in § 177.1395 of this chapter.	1.10±0.15	380-400	Dissolves in 1 h.	Greater than 160..	0.8	1.0	0.5	0.5

Dated: June 1, 1993.

L. Robert Lake,  
Acting Director, Center for Food Safety and Applied Nutrition.  
[FR Doc. 93-13739 Filed 6-10-93; 8:45 am]  
BILLING CODE 4160-01-F

**DEPARTMENT OF LABOR**

**Wage and Hour Division**

29 CFR Part 825

RIN 1215-AA85

**The Family and Medical Leave Act of 1993; Correction**

AGENCY: Wage and Hour Division, Labor.

ACTION: Correction to interim final regulations.

**SUMMARY:** This document contains a correction to the preamble to the interim final regulations implementing the Family and Medical Leave Act of 1993, 29 CFR part 825, which were published in the *Federal Register* Friday, June 4, 1993 (58 FR 31794).

**EFFECTIVE DATE:** This correction document is effective June 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** J. Dean Speer, Division of Policy and Analysis, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, room S-3506, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 219-8412. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Interim final regulations implementing the

Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2601 *et seq.*, which are to become effective on August 5, 1993, were published in the *Federal Register* on June 4, 1993 (58 FR 31794), inviting public comment until September 2, 1993. As published, the preamble to the interim final regulations referred to a series of meetings conducted by the Department of Labor just prior to the Department's March 10, 1993 *Federal Register* publication of a Notice of Proposed Rulemaking under the FMLA (58 FR 13394). Through inadvertent error, the Women's Legal Defense Fund was accidentally omitted from the list of attendees of one of these meetings. Accordingly, the publication on June 4, 1993, of the preamble to the interim final regulations under FMLA is corrected as follows:

**Correction of Publication**

On page 31795, in the third column, in the first indented paragraph, in line nineteen of the indented paragraph, the fourth sentence of the indented paragraph is corrected to read "Another meeting included representatives of the Women's Legal Defense Fund, the AFL-CIO, Service Employees International Union, National Education Association, American Association of Retired Persons, American Federation of State, County and Municipal Employees, Association of Professional Flight Attendants, and the Independent Federation of Flight Attendants."

Signed in Washington, DC, this 7th day of June, 1993.

John R. Fraser,  
Acting Assistant Secretary for Employment Standards.  
[FR Doc. 93-13841 Filed 6-10-93; 8:45 am]  
BILLING CODE 4510-27-M

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

30 CFR Part 935

**Ohio Regulatory Program; Revision of Ohio Revised Code**

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

ACTION: Final rule; partial approval and deferral of amendment.

**SUMMARY:** OSM is announcing the approval of proposed revisions to section 1513.02(F)(3) of the Ohio Revised Code (ORC) and is deferring its decision on the remainder of proposed Revised Program Amendment Number 54 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to revise thirteen sections of the Ohio Revised Code to clarify those sections of State law, to conform those sections to current State practices, and to make those sections equivalent to corresponding Federal laws. The proposed amendment concerns the retention of State civil penalties, refund

of permit fees, confidential information regarding exemption requests for incidental coal extraction, the Reclamation Supplemental Forfeiture Fund, the Coal Mining Performance Bond Fund, limitations on award of costs and expenses, reclamation contracts with surface mine operators, reclamation of interim forfeited areas, Ohio's use of police powers on State-funded AML sites, AML liens on property of community improvement corporations or nonprofit organizations, expansion of sites eligible for Federally funded AML projects, the creation of the State Acid Mine Drainage Abatement and Treatment Fund, AML liens on certain properties involved in Federally funded AML reclamation projects, discretion in providing assistance to small operators, proposed alternative dispute resolution, and interfund transfers.

**EFFECTIVE DATE:** June 11, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard J. Seibel, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232; (614) 866-0578.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Ohio Program.
- II. Submission of Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

**I. Background on the Ohio Program**

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

**II. Submission of Amendment**

By letters dated February 7, 1992, and March 2, 1992 (Administrative Record Nos. OH-1645 and OH-1657, respectively), the Department of Natural Resources, Division of Reclamation (Ohio), submitted proposed Program Amendment Number 54. This amendment proposed revisions to twelve sections of the ORC.

OSM announced receipt of proposed Program Amendment Number 54 in the April 13, 1992, *Federal Register* (57 FR 12779), and, in the same notice, opened

the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on May 13, 1992. The public hearing scheduled for May 8, 1992, was not held as no one requested an opportunity to testify.

By letter dated June 15, 1992 (Ohio Administrative Record No. OH-1714), OSM provided Ohio with its questions and comments about the February 7, 1992, amendment submission. On July 20, 1992, OSM and Ohio staff met to discuss and resolve OSM's questions and comments (Ohio Administrative Record No. OH-1746).

In response to OSM's June 15, 1992, letter and the agreements reached at the July 20, 1992, meeting, Ohio submitted Revised Program Amendment Number 54 by letter dated September 2, 1992 (Ohio Administrative Record No. OH-1769). This new amendment submission contained further revisions to seven sections of the ORC.

OSM announced receipt of proposed Revised Program Amendment Number 54 in the October 28, 1992, *Federal Register* (57 FR 48765), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on November 27, 1992. The public hearing scheduled for November 23, 1992, was not held as no one requested an opportunity to testify.

On December 16, 1992 (Administrative Record No. OH-1800), OSM and Ohio conducted a telephone discussion of the September 2, 1992, resubmission of the program amendment.

On April 30, 1993, officials of OSM and Ohio met informally to discuss the status of the amendment with respect to the State's legislative process.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment. Revised Program Amendment Number 54 consists of proposed revisions to Ohio Revised Code Chapter 1513 which Ohio intends to incorporate in an Ohio Department of Natural Resources (ODNR) Omnibus Bill. As of this date, the Omnibus Bill containing the proposed statutory revisions has not yet been drafted by the Ohio Legislative Service Commission. Because the final statutory rule language will not be available within the foreseeable future for review by OSM, the Director is deferring action on this

amendment, with the exception of ORC section 1513.02(F)(3), until such time the Omnibus Bill is introduced in the Ohio General Assembly and Ohio forwards a copy of the bill to OSM. The following finding discusses only the proposed provisions of ORC section 1513.02(F)(3), because it is anticipated that this section will be passed in its current form by the Ohio General Assembly and signed into law by the Governor.

*ORC 1513.02 paragraph (F)(3). Retention of State Civil Penalties*

Ohio is amending this paragraph by adding language to clarify the procedure for retention of State civil penalties assessed against a mine operator under ORC section 1513.02. The current Ohio statute requires that, pursuant to administrative or judicial review, the Secretary of the Ohio Reclamation Board of Review (the Secretary) shall, within 30 days, remit the appropriate amount of the penalty to the person, with interest, if it is determined that no violation occurred or that the amount of the penalty should be reduced. Pursuant to administrative or judicial review, the Secretary would be authorized, under the revised language, to forward the entire penalty amount, if the penalty is not reduced, or any remaining balance of the penalty to the Chief of the Ohio Department of Natural Resources, Division of Reclamation, for deposit in the Coal Mining Administration and Reclamation Reserve Fund (the Fund) created in ORC section 1513.181. This Fund was created in order to complete reclamation of lands affected by coal mining under a permit issued under Chapter 1513 after April 10, 1972, but prior to September 1, 1981, that the operator failed to reclaim and for which the operator's bond is insufficient. The Director finds that the proposed revision, while having no direct Federal counterpart, is consistent with SMCRA at section 518(c).

**IV. Summary and Disposition of Comments**

*Public Comments*

The public comment period and opportunity to request a public hearing announced in the April 13, 1992, *Federal Register* closed on May 13, 1992. In the October 28, 1992, *Federal Register*, the public comment period was reopened until November 27, 1992, to afford the public an opportunity to once again consider the proposals in light of additional information submitted by Ohio. No comments from the public were received and the scheduled public hearings were not

held as no one requested an opportunity to provide testimony.

#### Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), OSM solicited comments from various Federal and State agencies with an actual or potential interest in the Ohio program.

OSM received comments on the amendment from the Ohio Historic Preservation Office. However, those comments do not pertain to that portion of the amendment discussed above in the Director's Findings. OSM is deferring decision on that portion of the amendment to which the comments pertain and will discuss the comments at the time of the Director's final decision on the remainder of the amendment.

The U.S. Department of Agriculture, Soil Conservation Service, and the U.S. Army Corps of Engineers responded that they had no comments. The U.S. Department of Labor, Mine Safety and Health Administration, commented that the proposed amendment did not conflict with MSHA's regulations. No other comments were received.

#### V. Director's Decision

Based on the above findings, the Director is approving the proposed revisions to ORC section 1513.02(F)(3) and is deferring his decision on the remainder of Ohio Revised Program Amendment Number 54, as submitted by Ohio on February 7 and March 2, 1992, clarified on July 20, 1992, and revised and submitted by letter dated September 2, 1992, until such time as final legislative changes are submitted by Ohio.

The Federal regulations at 30 CFR part 935 codifying decisions concerning the Ohio program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

#### EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this

amendment contains no such provisions and that EPA concurrence is therefore, unnecessary. However, by letter dated January 29, 1992 (Administrative Record Number OH-1639), EPA submitted its concurrence without comment.

#### VI. Procedural Determinations

##### Executive Order No. 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

##### Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the requirements of 30 CFR parts 730, 731 and 732 have been met.

##### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

##### Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507 *et seq.*

#### Regulatory Flexibility Act

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

#### List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 4, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

#### PART 935—OHIO

1. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 935.15, a new paragraph (mmm) is added to read as follows:

##### § 935.15 Approval of regulatory program amendments.

\* \* \* \* \*

(mmm) The following amendment to the Ohio regulatory program, as submitted to OSM on February 7 and March 2, 1992, clarified on July 20, 1992, and revised on September 2, 1992, is approved, except as noted below, effective June 11, 1993: Revised Amendment Number 54 which consists of revisions to the Ohio Revised Code at section 1513.02(F)(3) concerning the retention of State civil penalties. Action is deferred on the remainder of the amendment pending receipt from Ohio of final legislative changes.

[FR Doc. 93-13853 Filed 6-10-93; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF EDUCATION

## 48 CFR Parts 3402 and 3409

RIN 1880-AA53

## Department of Education Acquisition Regulation

AGENCY: Department of Education.

ACTION: Final regulation.

**SUMMARY:** The Secretary amends the Department of Education Acquisition Regulation (EDAR) by removing two sections from the EDAR that delegate certain authority to the position of the Comptroller, which has been abolished by the Department. The intended effect is for these technical amendments to clarify that the Secretary may delegate these functions within the Department through internal delegation procedures.

**EFFECTIVE DATE:** These regulations take effect June 11, 1993.

**FOR FURTHER INFORMATION CONTACT:**

William C. Sullivan, Jr., U.S. Department of Education, 400 Maryland Avenue, SW., room 3652, ROB-3, Washington, DC 20202-4643. Telephone: (202) 708-8264. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 (FIRS) between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On May 26, 1988, the Department published final regulations establishing the EDAR, 53 FR 19118. Section 3402.101 of the EDAR defines "Head of the Contracting Activity" and "Procurement Executive" as meaning the Director of the Grants and Contracts Service and the Comptroller, respectively. Section 3409.403 specifies that the Procurement Executive is the debarring official and the suspension official under the Federal Acquisition Regulation (FAR), and is designated as the agency official authorized to make the decisions required in FAR 9.405(a), 9.405-1, 9.405-2, 9.406-1(c), and 9.407-1(d). Since the promulgation of the EDAR, the position of the Comptroller has been abolished in a reorganization.

Under section 412 of the Department of Education Organization Act, the Secretary has broad authority to delegate any functions to such officers and employees of the Department as necessary and appropriate, 20 U.S.C. 3472. Typically, the Secretary delegates authority by memorandum, directives or internal functional statements. These methods of delegating authority afford flexibility to quickly implement organizational and programmatic

requirements. In contrast, the EDAR provisions at issue here, which are now obsolete, are cumbersome to modify. Accordingly, the Secretary has decided to remove the regulatory delegations in EDAR so that the Department can more readily respond to its current and future organizational requirements.

**Waiver of Proposed Rulemaking**

Section 3401.501 of the EDAR provides that amendments to the EDAR are subject to rulemaking to the extent required under 5 U.S.C. 553. Section 553 provides that notice and comment procedures do not apply to rules of agency organization, procedure, or practice, 5 U.S.C. 553(b)(A). Thus, on its face, the rulemaking provisions of section 553 do not apply to this amendment regarding delegations that affect internal procedures of the Department relevant to the administration of contracts.

The Department currently needs to take actions that involve the functions delegated in the two EDAR sections removed by this document. The only persons affected by this action are the Department officials who would perform the functions presently delegated in the rule to an abolished position; no person outside the Department is affected by these amendments. Under 5 U.S.C. 553(d)(3), the effective date of substantive rules must be at least 30 days after publication. The accepted purpose of this requirement is to permit affected outside parties to modify their conduct before the rule takes effect, *Riverbend Farms v. Madigan*, 958 F.2d 1479, 1485 (9th Cir. 1991); *Northern Arapahoe Tribe v. Hodel*, 808 F.2d 741, 751 (10th Cir. 1987), *Rowell v. Andrus*, 631 F.2d 699, 702-3 (10 Cir. 1980). Because these regulations neither are substantive rules nor do they affect any person outside the Department, the Secretary finds good cause to waive the 30-day delayed effective date.

**Executive Order 12291**

This regulation has been reviewed in accordance with Executive Order 12291. It is not classified as major because it does not meet the criteria for major regulations established in the order.

**Paperwork Reduction Act of 1980**

This regulation has been examined under the Paperwork Reduction Act of 1980 and has been found to contain no information collection requirements.

**List of Subjects in 48 CFR Parts 3402 and 3409**

Government procurement.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: May 14, 1993.

Richard W. Riley,  
Secretary of Education.

The Secretary amends subchapters A and B of Chapter 34 of Title 48 of the Code of Federal Regulations by amending parts 3402 and 3409 as follows:

**PART 3402—DEFINITIONS OF WORDS AND TERMS**

1. The authority citation for part 3402 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c), unless otherwise noted.

2. Section 3402.101 is removed and reserved.

**PART 3409—CONTRACTOR QUALIFICATIONS**

3. The authority citation for part 3409 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c), unless otherwise noted.

4. Section 3409.403 is removed and reserved.

[FR Doc. 93-13772 Filed 6-10-93; 8:45 am]  
BILLING CODE 4000-01-P

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 591

[Docket No. 89-5; Notice 13]

RIN 2127-AD00

**Importation of Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards; Correction**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.  
**ACTION:** Final rule; correction.

**SUMMARY:** This document reinserts a line that was inadvertently dropped from the preamble to the March 8, 1993 final rule amending 49 CFR part 591, and whose absence may have caused confusion. This document also corrects an error that appeared in the final rule that purported to revise a phrase that does not exist in section 591.7(c). The effect of this correction is that section 591.7(c) remains unchanged.

**DATES:** The correction is effective April 7, 1993.

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

**SUPPLEMENTARY INFORMATION:** On March 8, 1993, NHTSA published a final rule amending 49 CFR part 591, the regulation governing the importation of motor vehicles and equipment subject to the Federal motor vehicle safety, bumper, and theft prevention standards (58 FR 12905).

#### Need for Correction

NHTSA's review of the document shows that a line of text was inadvertently dropped from preamble material published in the third column on p. 12907. In the final sentence of the paragraph preceding "[t]his final rule has no retroactive effect", the text, as published, explained that one who had imported a vehicle for "studies" would have to agree to certain restrictions until the vehicle "is not less than 25 years terms of entry to be a violation of the Vehicle Safety Act for which a civil penalty could be imposed \* \* \*". Under the correct text, the restrictions apply until the vehicle "is not less than 25 years old. The agency will consider any failure to comply with the terms of entry to be a violation of the Vehicle Safety Act for which a civil penalty could be imposed \* \* \*".

The document also purported to revise 49 CFR 591.7(c) (58 FR 12905). Specifically, the agency stated (p. 12908) that "In sec. 591.7(c), the phrase 'sec. 591.5(j)(1)' is revised to read 'sec. 591.5(j)(1)(i), (ii), or (iv).'" However, section 591.7(c) contains no reference to "sec. 591.5(j)(1)." The agency has decided to correct this error by removing the amendatory instruction relating to section 591.7(c), and this section continues to read as it did before April 7, 1993, the effective date of the purported amendment.

#### Correction of Publication

Accordingly, the publication on March 8, 1993 of the final regulations (Docket No. 89-5, Notice 13), which

were the subject of FR Doc. 93-5126, is corrected as follows:

#### § 591.7 [Corrected]

In the second column of 58 FR 12908, amendatory instruction number 4 relating to § 591.7(c) is removed.

Authority: Public Law 100-562, 15 U.S.C. 1401, 1407; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 3, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93-13709 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-29-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 675

[Docket No. 921185-3021; I.D. 060493B]

#### Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Prohibition of retention.

**SUMMARY:** NMFS is prohibiting retention of Pacific ocean perch in the Bering Sea subarea (BS) of the Bearing Sea and Aleutian Islands management area (BSAI) and is requiring that incidental catches be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the Pacific ocean perch total allowable catch (TAC) has been reached.

**EFFECTIVE DATE:** Effective 12 noon, Alaska local time (A.l.t.), June 7, 1993 through 12 midnight A.l.t., December 31, 1993.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, Resource Management Specialist, Fisheries

Management Division, NMFS, 907-586-7228.

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

In accordance with § 675.20(a), the Pacific ocean perch TAC in the BS subarea was established by the final 1993 interim specifications (58 FR 8703, February 17, 1993) as 2,831 metric tons.

The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.20(a)(9), that the TAC for Pacific ocean perch in the BS has been reached. Therefore, NMFS is requiring that further catches of Pacific ocean perch in the BS be treated as prohibited species in accordance with § 675.20(c)(3), effective from 12 noon, A.l.t. June 7, 1993 through 12 midnight, A.l.t., December 31, 1993.

#### Classification

This action is taken under 50 CFR 675.20 and is in compliance with E.O. 12291.

#### List of Subjects in CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: June 7, 1993.

David S. Crestin,

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

[FR Doc. 93-13741 Filed 6-7-93; 4:54 pm]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 58, No. 111

Friday, June 11, 1993

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 54

(No. LS-93-003)

RIN 0581-AA91

#### Changes In Fees for Federal Meat Grading and Certification Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) proposes revising the hourly fee rates for voluntary Federal meat grading and acceptance services. The hourly fees would be adjusted by this proposed rule to reflect the increased cost of providing service and ensure that the Federal meat grading program is operated on a financially self-supporting basis as required by law. **DATES:** Comments must be received on or before July 12, 1993.

**ADDRESSES:** Written comments may be mailed to Larry R. Meadows, Chief, Meat Grading and Certification Branch, Livestock and Seed Division, AMS, USDA, Rm. 2636-S, P.O. Box 96456, Washington, DC 20090-6456. (For further information regarding comments, see "Comments" under SUPPLEMENTARY INFORMATION.)

**FOR FURTHER INFORMATION CONTACT:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, 202/720-1246.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Impact Analysis

This proposed rule was reviewed under the USDA procedures established to implement Executive Order 12291 and was classified as a nonmajor, proposed rule pursuant to section 1(b) (1), (2), and (3) of that Order. Accordingly, a regulatory impact analysis is not required.

##### Effect on Small Entities

This action was reviewed under the Regulatory Flexibility Act (Pub. L. 96-

354, 5 U.S.C. 601 *et seq.*), wherein the Administrator of the Agricultural Marketing Service determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. The proposed changes in the hourly fee rates are necessary to recover the costs of providing voluntary Federal meat grading and acceptance services. The program has significantly increased the use of office automation equipment which, when combined with administrative document reductions, have helped maintain operating efficiency. Additionally, the program is continuing to evaluate its field structure for additional cost savings. Consequently, the unit cost of meat grading and acceptance services to the industry remains approximately \$0.0011 per pound.

##### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act do not apply to this proposed rulemaking as it does not require the collection of any information or data. However, recent program administrative changes will significantly reduce the number of billing documents sent to applicants, which should create substantial timesavings during their reconciliation process.

##### Comments

Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in duplicate to the Washington, DC, Meat Grading and Certification Branch and should bear a reference to the date and page number of this issue of the *Federal Register*. Comments submitted in reference to this document will be made available for public inspection during regular business hours.

##### Background

The Secretary of Agriculture is authorized by the Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.*, to provide voluntary Federal meat grading and acceptance services to facilitate the orderly marketing of meat and meat products and to enable consumers to obtain the quality of meat they desire. The AMA also provides for the collection of fees from users of Federal meat grading and acceptance services that are approximately equal to the costs

of providing these services. The hourly fees for service are established by equitably distributing the projected annual program operating costs over the estimated hours of service—revenue hours—provided to users of the service. Program operating costs include salaries and fringe benefits of meat graders, supervision, travel, training, and all administrative costs of operating the program. Employee salaries and benefits account for approximately 80 percent of the total budget. Revenue hours include base hours, premium hours, and service performed on Federal legal holidays. As program operating costs change, the hourly fees must be adjusted to enable the program to remain financially self-supporting as required by law. The program last changed the hourly fee rate structure in April of 1992.

In fiscal year 1993, the program experienced a congressionally mandated 3.7 percent salary increase for Federal employees effective January 10, 1993, a projected nonsalary, inflationary costs of 4.0 percent, and additional overhead costs of \$30,000 to cover the program's share of unbudgeted administrative overhead. Together these cost increases are anticipated to total \$452,000. Such costs are more than the program can absorb and remain viable. To control costs in fiscal year 1993, the program is:

- (1) Developing and implementing the Total Quality Management/Continuous Improvement Process philosophy into all Meat Grading and Certification (MGC) Branch activities,
- (2) reducing management costs by significantly increasing use of office automation equipment and changing certain administrative procedures which, when combined, are expected to reduce paperwork and the associated recordkeeping by approximately 60 percent,
- (3) continuing to evaluate field structure for ways to reduce operating overhead. Additionally, the program remains committed to increasing intermittent and cross-utilized personnel usage for less than full-time positions whenever practicable.

Uncontrollable costs thrust upon the program by such factors as governmentwide salary increases, inflation, changes in employee entitlements and additional administrative overhead costs will continue to create substantial operating deficits. Such operating deficits can only be balanced by adjusting the

hourly fee-rate charged to users of the service. Any further reduction in personnel, services, or supervisory infrastructure beyond those already planned would have a detrimental effect on the program's ability to offer uniform, nationwide meat grading and acceptance services.

In view of the foregoing considerations, the Agency proposes to increase the base hourly rate for commitment applicants for voluntary Federal meat grading and acceptance services from \$34.00 to \$35.20. A commitment applicant is a user of the service who agrees, by commitment or agreement memorandum, to the use of meat grading and acceptance services for 8 consecutive hours per day, Monday through Friday, between the hours of 6 a.m. and 6 p.m., excluding legal holidays. The base hourly rate for noncommitment applicants for voluntary Federal meat grading and acceptance services would increase from \$36.40 to \$37.60 and would be charged to applicants who utilize the service for 8 consecutive hours or less per day, Monday through Friday, between the hours of 6 a.m. and 6 p.m., excluding legal holidays. The premium hourly rate for all applicants would be increased from \$42.00 to \$43.20 and would be charged to users of the service for the hours worked in excess of 8 hours per day, between the hours of 6 a.m. and 6 p.m., and for hours worked from 6 p.m. to 6 a.m., Monday through Friday, and for any time worked on Saturday and Sunday, except on legal holidays. The holiday rate for all applicants would be increased from \$68.00 to \$70.40 and would be charged to users of the service for all hours worked on legal holidays.

#### List of Subjects in 7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

Accordingly, the section of the regulations appearing in 7 CFR part 54 relating to hourly fees for Federal meat grading and acceptance of meats, prepared meats, and meat products is proposed for amendment as follows:

#### PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for part 54 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, secs. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

#### § 54.27 [Amended]

2. Section 54.27(a), the third sentence is amended by revising "\$36.40" to read "\$37.60", "\$42.00 to read "\$43.20", and "\$68.00" to read "\$70.40".

3. Section 54.27(b), the second sentence is amended by revising "\$34.00" to read "\$35.20", "\$42.00" to read "\$43.20", and "\$68.00" to read "\$70.40".

Dated: June 3, 1993.

L.P. Massaro,  
Acting Administrator.

[FR Doc. 93-13760 Filed 6-10-93; 8:45 am]  
BILLING CODE 3410-02-P

#### 7 CFR Part 75

[No. LS-93-004]

RIN 0581-AA90

#### Increase Testing Fees for Inspection and Certification of Quality of Agricultural and Vegetable Seeds Under the Agricultural Marketing Act of 1946

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) is proposing to increase the applicable fees for testing seed under the voluntary seed inspection and certification program. The fees which are to be paid by the users of the service are necessary because of increased costs of operating the program. The fee increase is intended to generate sufficient revenue to offset the costs of operating the program.

**DATES:** Comments must be received on or before July 12, 1993.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to Seed Regulatory and Testing Branch, Livestock and Seed Division, AMS, USDA, Building 506, BARC-E, Beltsville, Maryland 20705, and should bear a reference to the date and page number of this issue of the Federal Register. Comments submitted in reference to this document will be made available for public inspection during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James P. Triplitt, Chief, Seed Regulatory and Testing Branch, 301-504-9430.

**SUPPLEMENTARY INFORMATION:** This proposed rule is authorized by the Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.*,

which provides for voluntary seed inspection and certification services. Section 203(h) of the AMA authorizes the Secretary to inspect and certify the quality of agricultural products and collect such fees as reasonable to cover the cost of service rendered. This proposed revision is to increase the fees to be charged for the inspection and certification of agricultural and vegetable seeds to reflect the Department's cost of operating the program.

This proposed action has been reviewed under Executive Order No. 12291 and Departmental Regulation 1512-1 and has been determined to be a non-major rule under the criteria contained therein.

The proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. The rule would 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 judicial challenge to the provisions of this rule. This action was also reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Administrator of AMS has determined that this action will not have a substantial economic impact on a significant number of small entities. Although some seed growers and shippers using this service may be classified as small entities, the effect of the increased fees will be minimal. Under the proposal, the cost for a typical test will increase from about \$44.00 to approximately \$53.10. It is estimated that the total revenue generated by this increase will be approximately \$18,000 annually.

The Agricultural Marketing Act (AMA) of 1946, as amended, provides for the inspection and certification of quality of agricultural and vegetable seeds in order to bring about efficient, orderly marketing and to assist the development of new or expanding markets. The AMA provides for the collection of fees and charges equal to the cost of providing the service. The service is voluntary and available to anyone.

Under the voluntary program, samples of agricultural and vegetable seeds submitted are tested for factors such as purity and germination at the request of the applicant for the service. In addition, grain samples, submitted at the applicant's request, by the Federal Grain Inspection Service are examined for the presence of certain weed and crop seed. A Federal Seed Analysis, Sample Inspection, Certificate is issued

giving the test results. Of 2,000 samples tested in 1990, most represented seed or grain scheduled for export. Many importing countries require a Federal Seed Analysis Certificate on U.S. seed.

The present fee of \$29.40 per hour has been in effect since November 11, 1991. Since that time there have been increases in salaries and fringe benefits to personnel, as well as increases in rent and other costs of operating the program. In addition, some aging testing equipment such as balances must be replaced in order to continue to provide accurate, timely test results. After reviewing the current costs the department has determined that the present fee is insufficient to cover the department's cost of operation. Based on the Agency's analysis of the increase costs, AMS is proposing to increase the hourly rate for voluntary seed inspection and certification services from \$29.40 to \$35.40. In addition, the cost of issuing additional duplicate original certificates will be increased from \$7.35 to \$8.85. Approximately one-fourth hour is required to issue additional duplicate certificates.

#### List of Subjects in 7 CFR Part 75

Administrative practice and procedure, Agricultural commodities, Reporting and recordkeeping requirements, Seeds, Vegetables.

For reasons set forth in the preamble, it is proposed that 7 CFR part 75 be amended as follows:

#### PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS

1. The authority citation for part 75 continues to read as follows:

**Authority:** Secs. 203, 205, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

#### § 75.41 [Amended]

2. Section 75.41 is amended by removing "\$29.40" and adding in its place "\$35.40."

#### § 75.47 [Amended]

3. Section 75.47 is amended by removing "\$7.35" and adding in its place "\$8.85."

Dated: June 3, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93-13762 Filed 6-10-93; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

#### Kentucky Permanent Regulatory Program; Bond Forfeiture, Definitions, and Inspection Frequency

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

**ACTION:** Proposed rule.

**SUMMARY:** OSM is announcing receipt of proposed amendments to the Kentucky permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendments include changes to Kentucky Administrative Regulation (KAR) 405 KAR 10:050 bond forfeiture, 405 KAR 12:001 definitions and 405 KAR 12:010 general provisions for inspection and enforcement. The proposal amends the bond forfeiture procedures, adds a definition of "willfully" and "willful" violation to Chapter 12, and changes inspection frequency on temporary cessation mines.

The document sets forth the times and locations that the Kentucky program and proposed amendments to the program are available for public inspection, the comment period during which interested parties may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is required.

**DATES:** Written comments must be received on or before 4 p.m. on July 12, 1993. If requested, a public hearing on the proposed amendment will be held on July 6, 1993; requests to present testimony at the hearing must be received on or before 4 p.m. on June 28, 1993.

**ADDRESSES:** Written comments and requests to testify at the hearing should be mailed or hand delivered to Mr. William J. Kovacic, Director, Lexington Field Office at the first address listed below. If a hearing is requested, it will be held at the same address.

Copies of the Kentucky program, proposed amendments and all written comments received in response to this document will be available for review at the locations listed below during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting the OSM Lexington Field Office.

Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503-2922, Telephone (606) 233-2896.  
Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone (502) 564-6940.

**FOR FURTHER INFORMATION CONTACT:** Mr. William J. Kovacic, Director, Lexington Field Office, Telephone (606) 233-2894.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On May 18, 1992, the Secretary of the Interior conditionally approved the Kentucky program. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the May 18, 1992, *Federal Register* (47 FR 21404-21435). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 917.11, 917.15, 917.16, and 917.17.

##### II. Discussion of Amendments

By letter dated May 21, 1993, (Administrative Record No. KY-1221) Kentucky submitted proposed amendments to its program pursuant to SMCRA. The proposed amendments include changes to the bond forfeiture procedures, adds a definition of "willfully" and "willful violation" and reduces inspection frequency on temporary cessation mines. The three administrative regulation changes are as follows:

(1) *405 KAR 10:050 Bond Forfeiture.* This proposed administrative regulation revises Section 2(4) so that the permittee or operator, rather than just the operator, shall be liable for the additional cost necessary to achieve reclamation if the amount of the forfeited bond is insufficient to pay the full cost of reclamation.

At new Section 2(5), this proposed administrative regulation requires that the Natural Resources and Environmental Protection Cabinet, herein know as the cabinet, return unused forfeited bond funds to the person from whom they were received, subject to the cabinet's right to attach or set-off the funds under other state laws, if the cabinet has not completed the reclamation plan on the forfeited site and the site is completely overlapped by

a subsequent permanent program permit and is completely disturbed by the overlapping permittee. To be consistent with Kentucky Revised Statutes (KRS) 350.131, this provision is limited to interim program sites forfeited on or after July 15, 1988 and to forfeited permanent program sites.

(2) **405 KAR 12:001 Definitions of 405 KAR Chapter 12.** The only change to this proposed regulation adds a definition of "willfully" and "willful violation." The definition being added is the same definition that is already used in other definition regulations, 405 KAR 7:001, and 8:001 and 10:001. The definition is needed in Chapter 12 because the term "willful violations" is used in 405 KAR 12:020 Section 8 pertaining to pattern of violations.

(3) **405 KAR 12:010 General provisions for inspection and enforcement.** The most significant change is in Section 3 (5)(a) pertaining to frequency of inspections. Under the Federal regulations at 30 CFR 800.11, regular monthly partial inspections need not be continued at minesites that are in temporary cessation, although quarterly complete inspections must continue. However, Kentucky's approved regulations do not provide for a reduced inspection frequency at minesites in temporary cessation. This change will provide a reduced frequency of inspections at such minesites.

### III. Public Comments Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Kentucky satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Kentucky program.

#### Written Comments

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

#### Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR THE FURTHER INFORMATION CONTACT** by close of business on June 28, 1993. If no one requests an opportunity to comment at

a public hearing, the hearing will not be held.

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

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

#### Public Meeting

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

#### Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

#### Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11,

732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

#### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

#### Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

#### Regulatory Flexibility Act

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

#### List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Carl C. Close,

Assistant Director, Eastern Support Center.  
[FR Doc. 93-13854 Filed 6-10-93; 8:45 am]

BILLING CODE 4310-05-M

## ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180.

[PP 9F3706/P560; FRL-4627-4]

RIN No. 2070-AC18

## Pesticide Tolerances for 1-[[2-(2,4-Dichlorophenyl)-4-Propyl-1,3-Dioxolan-2-yl]Methyl]-1H-1,2,4-Triazole and its Metabolites Determined as 2,4-Dichlorobenzoic Acid and Expressed as Parent Compound

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** This rule proposes amending existing tolerances (with an expiration date of January 31, 1994) for the fungicide 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites, determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on the raw agricultural commodities grass forage, hay (straw) and seed screenings and kidney and liver of cattle, goats, hogs, horses, and sheep by extending the expiration date and raising several of the tolerance levels. This rule to establish the maximum permissible levels for residues of propiconazole in or on the commodities listed above was requested in petitions submitted by the Ciba-Geigy Corp.

**DATES:** Comments, identified by the document control number, [PP 9F3706/P560], must be received on or before July 12, 1993.

**ADDRESSES:** By mail, submit written comments to: Public Document and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128C at the address given below, from 8 a.m. to 4 p.m.,

Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Susan T. Lewis, Product Manager (PM) 21, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-6900.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice, published in the Federal Register of February 22, 1989 (54 FR 7597), which announced that the Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419, had submitted a pesticide petition (PP 9F3706) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), propose to amend 40 CFR 180.434 by establishing tolerances for the fungicide 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites, determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on the commodities grass hay at 5.0 parts per million (ppm) and grass forage at 0.5 ppm. EPA issued a notice, published in the Federal Register of April 19, 1989 (54 FR 15802), which announced that the petition was subsequently amended by Ciba-Geigy Corp. by retaining the previously proposed tolerances for grass hay and grass forage while proposing to increase the established tolerance level for kidney and liver of cattle, goats, hogs, horses, and sheep to 2.0 ppm. EPA issued a notice, published in the Federal Register of March 15, 1989 (54 FR 10715), which announced that Ciba-Geigy amended the petition by proposing a tolerance for residues of the fungicide for the commodity grass seed screenings at 10 ppm.

In the Federal Register of June 21, 1989 (54 FR 26044), EPA established tolerances, on an interim basis, in 40 CFR 180.434 for residues of this chemical in or on the raw agricultural commodities grass forage, hay, and seed screenings and liver and kidney of cattle, goats, hogs, horses, and sheep. An expiration date of June 21, 1991, was imposed for the tolerances. The interim tolerances were established based upon the condition that data be submitted to the Agency to fully support permanent tolerances for these commodities. Available data were insufficient to completely characterize the metabolism of the compound in ruminants, and residue data were inadequate due to insufficient geographic distribution and grass species representation.

Data were submitted in response to the conditions of the interim tolerances within the required time imposed. However, review of these data indicated that the data did not reflect use of the chemical according to label use direction, and the data were considered to be inadequate. The reasons for the inadequacies in the submitted data were not under the control of the company. Because of excessively heavy rainfall during the grass-growing season, the label directions could not be followed, e.g., both the application interval and the prescribed preharvest interval were shortened.

Subsequently, EPA issued a document, published in the Federal Register of July 1, 1991 (56 FR 29900), which announced that the tolerances described above were extended from June 21, 1991 to June 21, 1993.

The Ciba-Geigy Corp. has submitted a petition (PP 1F3974) to EPA proposing tolerances for residues of the fungicide in or on grass hay (straw) at 40 ppm, and in or on grass seed screenings at 60 ppm, and grass forage at 2.0 ppm. These increased tolerance levels are based on the most recent residue data submitted and are intended to avoid any possible overtolerance residues in the affected commodities. Notice of the filing of this petition was published in the Federal Register of May 15, 1991 (56 FR 22428). The Agency did not receive any objections in response to this notice.

Once adequate residue data are submitted, the Agency will review all of the required data and reach a regulatory position on the appropriateness of permanent tolerances for this chemical in or on these commodities. If EPA decides permanent tolerances are appropriate, EPA will issue permanent tolerances in response to the petition. These tolerances will be in the form of a final rule and subject to the objections and hearing procedures under the Federal Food, Drug, and Cosmetic Act (FFDCA).

The data submitted in the petition and other relevant materials have been evaluated. The data considered include the following:

1. Plant and animal metabolism studies.
2. Residue data for crop and livestock commodities.
3. Two enforcement methodologies and a multiresidue method of analysis.
4. A rat oral lethal dose (LD<sub>50</sub>) of 1,517 milligrams/kilogram (mg/kg) of body weight.
5. A 90-day rat feeding study with a no-observable-effect level (NOEL) of 12 mg/kg/day.
6. A 90-day dog feeding study with a NOEL of 1.25 mg/kg/day.

7. A rabbit developmental toxicity study with a maternal NOEL of 100 mg/kg/day and a developmental toxicity NOEL of greater than 400 mg/kg/day (highest dose tested (HDT)).

8. A rat teratology study with a maternal toxicity NOEL of 30 mg/kg/day and a developmental toxicity NOEL of 30 mg/kg/day.

9. A two-generation rat reproduction study with a reproductive NOEL of 125 mg/kg/day (HDT) and a developmental toxicity NOEL of 25 mg/kg/day.

10. A 1-year dog feeding study with a NOEL of 1.25 mg/kg/day.

11. A 2-year rat chronic feeding/carcinogenicity study with a NOEL of 5 mg/kg/day with no carcinogenic potential under the conditions of the study up to and including approximately 125 mg/kg, the highest dose tested.

12. A 2-year mouse chronic feeding/carcinogenicity study with a NOEL of 15 mg/kg/day and with a statistically significant increase in combined adenomas and carcinomas of the liver in male mice at approximately 375 mg/kg/day, the highest dose tested.

13. Ames test with and without activation, negative.

14. A mouse dominant-lethal assay, negative.

15. Chinese hamster nucleus anomaly, negative.

16. Cell transformation assay, negative.

Data currently lacking concern the nature of residue in ruminants, explanation of recovery calculations, and an explanation of crop field trial protocol. Also, data gaps exist concerning dosing in the mouse carcinogenicity study. The latter data requirements were required under reregistration, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq.

As part of EPA's evaluation of potential human health risks propiconazole has been the subject of five Peer Reviews and one Scientific Advisory Panel (SAP) meeting.

Propiconazole was originally evaluated by the Peer Review Committee on January 15, 1987 and classified as a Group C (possible human) carcinogen with a recommendation made for the quantification of estimated potential human risk using a linearized low-dose extrapolation. The method resulted in the establishment of a  $Q^*$  of  $7.9 \times 10^{-2}$  (mg/kg/day)<sup>-1</sup>.

The Peer Review Committee's decision was presented to the FIFRA Scientific Advisory Panel on March 2, 1988. The Panel did not concur with the committee's overall assessment of the weight-of-evidence on the

carcinogenicity of propiconazole. The Panel recommended placing the chemical in Group D, indicating that the Group C classification was based on minimal evidence. The Panel's determination that EPA's Group C classification was based on minimal evidence was due to the fact that the incidence of liver tumors in male mice only occurred when the mice were given an excessive chemical dose.

In the second, third, and fourth Peer Reviews that followed, the Peer Review Committee considered recommendations of the SAP as well as rebuttals by the registrant. Its conclusion, however, that propiconazole should be classified as a Group C carcinogen with a quantification of potential human risk remained unchanged.

As part of a fifth Peer Review, EPA considered additional information provided by the registrant in support of the registrant's argument that the high dose was excessively toxic in the mouse carcinogenicity study. It further argued that the data from the high dose (2,500 ppm) should not be included in the evaluation of carcinogenic potential of propiconazole. In support of these arguments, the registrant provided two subchronic oral toxicity studies in mice. Ciba-Geigy also provided a reread of the pathology slides from a mouse oncogenicity study which it felt indicated sufficient concurrent liver toxicity at 2,500 ppm to document that this dose was excessive. These findings were not present in the original pathology report. Owing to the inconsistency in Ciba-Geigy's report and the original report, the Agency requested that an independent (third) evaluation of the pathology slides be made to determine if the pathology reported could be confirmed. The results of this (third) pathology evaluation were used in the fifth Peer Review in place of data resulting from the earlier evaluations provided by Ciba-Geigy.

The Peer Review Committee considered the following facts regarding the toxicology data on propiconazole in a weight-of-evidence determination of carcinogenic potential:

1. Increased numbers of adenomas (increased trend and pairwise comparison) were found in the livers of male CD1 mice given 2,500 ppm of propiconazole in the diet.

2. The treated animals had earlier fatalities than the controls.

3. The numbers of carcinomas were increased (trend only) in male mice only at the 2,500 ppm dose level. Tumors were not significantly increased at the 500 ppm dose level. Adenomas

observed in the treated animals were larger and more numerous than those in controls; however, the tumor type (adenoma) was the same.

4. No excessive number of tumors was found in female mice.

5. In a rat study conducted with acceptable doses of propiconazole, no excessive numbers of tumors were found.

The Peer Review Committee determined, based on the additional information submitted by Ciba-Geigy from two 90-day subchronic studies in mice that: The 2,500-ppm dose used in the 2-year chronic study exceeded the maximum-tolerated dose (MTD) based on the endpoint of hepatic necrosis, and the 500-ppm dose used in the chronic study was inadequate to assess the carcinogenicity of propiconazole. Based on the third pathology evaluation of the chronic study, the Peer Review Committee disagreed with Ciba-Geigy's argument that the study showed excessive toxicity at the 2,500 ppm-dose. However, the Peer Review Committee concluded that the 90-day subchronic studies are a better measure of what would be an MTD.

Based upon these findings, the Peer Review Committee agreed that the classification for propiconazole should remain a Group C (possible human) carcinogen and recommended against the previously used  $Q^*$  (viz. 0.079) for risk assessment purposes. For the purpose of risk characterization the Peer Review Committee recommended that the reference dose (RfD) approach should be used for quantification of human risk. This decision was based on the disqualification of the high dose (2,500 ppm), making the data inappropriate for the calculation of  $Q^*$ . Because the middle dose (500 ppm) was not considered sufficiently high enough for assessing the carcinogenic potential of propiconazole, EPA has requested an additional mouse study at intermediate dose levels in male mice only. EPA does not expect that these data will significantly change the above cancer assessment that propiconazole poses a negligible cancer risk to humans.

The reference dose (RfD) for propiconazole is 0.013 mg/kg/day, based on a no-observable-effect level (NOEL) of 1.25 mg/kg/day and an uncertainty factor of 100. The NOEL is taken from a 1-year feeding study in dogs which demonstrated as an effect irritation of the stomach in males.

The Agency has evaluated dietary exposure to the fungicide residues based on the proposed increased tolerances and the commodities which have established tolerances using data on

anticipated residues. The livestock burden was calculated using anticipated residues in feed items multiplied by the expected percent contribution to the diet. This dietary burden was then compared with available data from feeding studies to determine anticipated residues in meat and milk. Based on current registered uses of this chemical only 2.46 percent of the RfD is being utilized. The proposed tolerance increases are expected to elicit only a minor increase in the percent utilization of the RfD.

The nature of the residue in plants is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. Because of the long lead time for establishing these tolerances and food additive regulations to publication of the enforcement methodology in the "Pesticide Analytical Manual," Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (H7506C), 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

The pesticide is considered useful for the purpose for which the tolerances are being sought. For the reasons described above, the Agency is proposing tolerances (with an expiration date) for residues of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites, determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on the following raw agricultural commodities: grass forage, 0.5 ppm; grass hay (straw), 40 ppm; grass seed screenings, 60 ppm; kidney and liver of cattle, goats, hogs, horses, and sheep, 2.0 ppm. Available data/information are inadequate concerning the nature of the residue in ruminants, explanation of recovery calculations, and the field trial protocol. Therefore, these tolerances are being proposed with an expiration date of January 31, 1994. Available residue data indicate that these revised interim tolerances will not be exceeded.

Based on the above information the Agency concludes that the revised interim tolerances (with expiration date of January 31, 1994) will protect the public health. Therefore, the tolerances are proposed as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which

contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that the rulemaking proposal for the above tolerances be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulations. Comments must bear a notation indicating the document control number, [PP 9F3706/P560]. All written comments filed in response to this petition will be available in the Public Docket and Freedom of Information Section, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or raising tolerance levels or food additive regulations or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (40 FR 24950). The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 3, 1993.

Douglas D. Campi,  
Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is proposed to be amended as follows:

#### PART 180—[AMENDED]

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

Authority: 21 U.S.C. 346a and 371.

2. Section 180.434 is amended in the table therein by revising the entries for cattle kidney and liver; goat kidney and liver; grass forage, hay, and seed screenings; hog kidney and liver; horse kidney and liver; and sheep kidney and liver, to read as follows:

§ 180.434 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole; tolerances for residues.

\* \* \* \* \*

Commodity	Parts per million	Expiration date
Cattle, kidney ...	2.0	01/31/94
Cattle, liver .....	2.0	01/31/94
Goats, kidney ...	2.0	01/31/94
Goats, liver .....	2.0	01/31/94
Grass, forage ...	0.5	01/31/94
Grass, hay (straw) .....	40	01/31/94
Grass, seed screenings ...	60	01/31/94
Hogs, kidney ...	2.0	01/31/94
Hogs, liver .....	2.0	01/31/94
Horses, kidney ...	2.0	01/31/94
Horses, liver .....	2.0	01/31/94
Sheep, kidney ...	2.0	01/31/94
Sheep, liver .....	2.0	01/31/94

[FR Doc. 93-13860 Filed 6-10-93; 8:45 am]

BILLING CODE 6560-80-F

#### 40 CFR Part 372

[OPPTS-400063; FRL-4056-5]

#### Barium Sulfate; Toxic Chemical Release Reporting; Community Right-To-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** EPA is granting two petitions by proposing to exempt barium sulfate from the reporting requirements under the category "barium compounds" of the list of toxic chemicals under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). After reviewing the petitions and available information, EPA has concluded that the availability of barium ion from barium sulfate in aerobic marine and fresh water environments will be below the maximum contaminant level of 2 milligrams/liter (mg/L) (2 parts per million (ppm)), and hence is not expected to have any adverse effects on human health. Available ecotoxicity data indicate that potential levels of barium made available from degradation of barium sulfate in anaerobic, low sulfate environments (e.g. perched water bodies such as bogs) cannot reasonably

be anticipated to cause a significant adverse effect on the environment of sufficient seriousness to warrant reporting under section 313.

**DATES:** Written comment on this proposed rule should be submitted by August 10, 1993.

**ADDRESSES:** Written comments should be submitted in triplicate to: OPPT Docket Clerk, TSCA Public Docket Office, Environmental Protection Agency, TS-793, rm. NE-G004, 401 M St., SW., Washington, DC 20460, Attn: Docket Number OPPTS-400063.

**FOR FURTHER INFORMATION CONTACT:** The Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop OS-120, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, In Virginia and Alaska: 703-920-9877 or Toll free TDD: 1-800-553-7672, In Virginia and Alaska TDD: 703-486-3323.

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

##### A. Statutory Authority

This proposal is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11023 (EPCRA). EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

##### B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing or otherwise using toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). Section 313 establishes an initial list of toxic chemicals that is comprised of more than 300 chemicals and 20 chemical categories. Any person may petition EPA to add chemicals to or delete chemicals from the list.

EPA issued a statement of petition policy and guidance in the *Federal Register* of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions (Ref. 25). On May 23, 1991 (56 FR 23703), EPA published guidance regarding the recommended content and format of petitions to delete individual members of the section 313 metal compound categories. EPA must respond to petitions within 180 days either by initiating a rulemaking or by

publishing an explanation of why the petition is denied (Ref. 27).

#### II. Description of Petitions

On September 24, 1991, EPA received a petition from the Chemical Products Corporation (CPC) to delete barium sulfate ( $BaSO_4$ ) from the list of toxic chemicals established under EPCRA section 313. A second petition, submitted by the Dry Color Manufacturers' Association (DCMA), to delete barium sulfate was received on November 6, 1991. The Agency decided to review both petitions simultaneously. Barium sulfate is subject to section 313 reporting requirements because it meets the definition of a barium compound which is included on the section 313 list. Both petitions are based on the contention that barium sulfate is not toxic and does not meet any of the statutory criteria under section 313(d)(2).

EPA published a notice of policy and guidance on the metal compound categories of section 313 of EPCRA (56 FR 23703, May 23, 1991). This notice of policy and guidance articulated EPA's view that the toxicity of a metal-containing compound that dissociates or reacts to generate the metal ion can be expressed as a function of the toxicity induced by the intact species and the availability of the metal ion. Therefore, the degree of dissociation, bioaccumulation, and the level at which toxicity is induced by the metal ion must be considered in making any delisting decision under section 313. The effects induced by each metal ion described by the metal compound categories meet the criteria under section 313(d)(2). Thus, for petitions to exempt individual metal-containing compounds from the reporting requirements under section 313, EPA decided to base its decisions on the evaluation of all chemical and biological processes that may lead to metal ion availability as well as on the toxicity exhibited by the intact species. These decisions will continue to be based on information provided by the petitioner, Agency documents, and available literature. The petitioner must establish, and EPA must conclude, that the intact species does not meet the criteria of section 313(d)(2), and that the metal ion will not become available at a level that can be expected to induce toxicity. EPA will deny petitions for chemicals that dissociate or react to generate the metal ion at levels which can reasonably be anticipated to cause adverse effects or for which the metal ion availability cannot be properly characterized. EPA will also decide whether effects which may be induced by intact or dissociated

species meet the criteria of section 313(d)(2).

EPA previously denied two petitions to exempt barium sulfate from the reporting requirements under the category of "barium compounds" of the list of toxic chemicals under section 313 of EPCRA (56 FR 23668, May 23, 1991) (Ref. 26). Denial of these petitions was based on EPA's review of existing data indicating the potential availability of barium ion from barium sulfate as a result of anaerobic degradation, at a level that could reasonably be anticipated to induce toxicity.

The petition submitted by the CPC provided additional data on the availability of barium ions, and addressed the following issues: Barium ion toxicity; the regulatory status of barium; the natural distribution of barium and sulfur in the environment; barium sulfate solubility; and chemical and biological processes that may potentially lead to barium ion availability. Based on EPA's review of CPC's petition and available information, the Agency has concluded that barium sulfate does not meet any of the health and environmental effects criteria specified in section 313(d)(2) of EPCRA.

#### III. Regulatory Status of Barium Sulfate, Barium, and Barium Compounds

Annual reporting of releases of barium sulfate are required under section 313 of EPCRA, under the category known as "barium compounds." Barium is regulated under the Safe Drinking Water Act, 42 U.S.C. 300f-300j-26; the current maximum contaminant level (MCL) is 2 milligrams/liter (mg/L) (2 part per million (ppm)) 40 CFR 141.62(b)(3). A reference dose (RfD) of 0.07 milligram/kilogram/day (mg/kg/day) has been established for barium.

Subtitle C of the Resource Conservation and Recovery Act (RCRA; 42 U.S.C. 6901 et seq.), as amended, establishes a Federal program for the comprehensive regulation of hazardous waste. Section 1004(5) of RCRA, 42 U.S.C. 6903, defines hazardous waste, among other things, as solid waste that may "... pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed." Under RCRA section 3001, 42 U.S.C. 6921, EPA is charged with defining which solid wastes should be considered hazardous. Under regulations promulgated by EPA pursuant to RCRA, a solid waste is to be considered hazardous if it is listed at 40 CFR part 261 Subpart D, or if it exhibits

a hazardous waste characteristic defined at 40 CFR part 261 Subpart C (corrosivity, ignitability, reactivity, or toxicity) 40 CFR 261.3. These two mechanisms describe distinct and fundamentally different means of identifying a waste as hazardous under EPA regulations.

The hazardous waste characteristics promulgated by EPA designate broad classes of wastes which are hazardous by virtue of an inherent property. In the May 19, 1980 final rule (45 FR 33084) that instituted EPA's general framework for identifying hazardous waste, the Agency established two basic criteria for identifying hazardous wastes characteristics: (1) The characteristic should be capable of being defined in terms of physical, chemical, or other properties which cause the waste to meet the statutory definition of hazardous waste; and (2) the properties defining the characteristic must be measurable by standardized and available testing protocols or reasonably detected by generators through their knowledge of the waste (45 FR 33084) (Ref. 23).

A barium compound that is not corrosive, ignitable, or reactive may still be considered a hazardous waste under the toxicity characteristic if the Toxicity Characteristic Leaching Procedure (TCLP) produces an extractable concentration of barium that exceeds the maximum allowable concentration of soluble barium 100 mg/L (40 CFR 261.24). However, the TCLP test is not designed to distinguish barium ion availability due to anaerobic degradation of barium sulfate from any other source of barium. Although the TCLP may indicate that barium sulfate is not a hazardous waste as defined by RCRA, it is still possible for barium sulfate to liberate barium under anaerobic conditions. Thus, land disposal of barium sulfate may not be regulated under RCRA subtitle C. Furthermore, drilling fluids are specifically exempted and are not considered hazardous wastes under RCRA including those containing barium sulfate, even if the barium sulfate itself meets the TCLP (40 CFR 261.4).

There are no Federal regulations that preclude the disposal of barium sulfate under reducing conditions. Therefore, land disposal of barium sulfate, which may be permissible under RCRA, may lead to availability of soluble barium.

#### IV. EPA's Review of Barium Sulfate

EPA's technical review of barium sulfate includes an analysis of the chemistry, the health and environmental effects known for this

substance, and the environmental availability of barium ion from barium sulfate.

#### A. Chemistry

Barium sulfate ( $\text{BaSO}_4$ , molecular weight 233.43, Chemical Abstracts Number 7727-43-7) exists as a fine, heavy, odorless, white powder or polymorphous crystalline solid. The compound is stable to heat, decomposing above 1600 °C. It occurs in nature as the mineral barite. A major use of barium sulfate is in oil and gas-well drilling muds. Other industries using barium sulfate include the glass, paint and rubber industries. The compound is also used medically as an X-ray contrast medium. Barium sulfate has very low solubility in water; approximately 2.4 mg/L (2.4 ppm) at 25 °C. One of the factors which contribute to this limited water solubility is the strong affinity of the barium ion for the sulfate ion. The limited solubility of barium sulfate in water coupled with the strong affinity that barium ion has for the sulfate ion results in low availability of barium ion in water. The solubility of freshly precipitated barium sulfate is approximately 8 times greater than that of a precipitate 30 hours old (Ref. 8).

#### B. Barium Sulfate Toxicity

Human and animal data show that barium sulfate is essentially non-toxic to humans or other mammalian species. This is attributable to the very low solubility of the compound in water. Barium sulfate is not expected to be absorbed through the skin and is expected to be only minimally absorbed through the lung and gastrointestinal tract.

There are some case reports of impaction of the colon following oral ingestion of large doses of barium sulfate from its use as an X-ray contrast medium. Industrial exposure to barium sulfate dust produces a benign pulmonary reaction (baritosis) that is evidenced by characteristic radiographic changes. These changes consist of dense, discrete, small opacities that are barium sulfate particles themselves and not tissue lesions. These effects are without symptoms and without decrement in pulmonary function.

#### C. Barium Ion Toxicity

Barium ion is highly toxic. Since barium is rarely encountered by living organisms in elemental form, the availability and, hence, toxicity of the ion is directly related to the solubility of a particular barium compound. Thus, soluble salts of barium such as barium chloride are highly toxic because they liberate barium ions readily.

1. *Human health.* Human fatalities have occurred from mistaken use of barium salt rodenticide (approximately 550 to 600 mg of barium). Acute barium poisoning exerts a strong, prolonged stimulant action on all muscles, including cardiac and smooth muscle of the gastrointestinal tract and bladder. Barium is capable of causing nerve block and, in small or moderate doses, produces a transient increase in blood pressure by vasoconstriction. Because of barium's potential to cause increased blood pressure, EPA has established a RfD for barium of 0.07 mg/kg/day. Neither barium or barium sulfate is known to cause reproductive, developmental, mutagenic, or carcinogenic effects in mammals.

Animal studies show that some barium ion is released from barium sulfate through solubilization of the compound in bodily fluids. The ion is then absorbed slowly into the animal system. Barium ion availability has been observed following oral, inhalational, intramuscular, and intratracheal administration of barium sulfate. Following intratracheal instillation in rats, approximately 1.3 percent of the barium from a dose of 2.8 micrograms (ug) of barium sulfate was absorbed via solubilization.

Following very low doses of barium sulfate (5 ug/100 g body weight) administered orally to rats, there is little, if any, difference in the amount of barium absorbed when compared to an equal dose of the much more water soluble barium chloride. When much larger doses of barium sulfate (60 to 400 g) were given orally to human subjects as a contrast medium for X-ray diagnoses, approximately 10 to 100 ug of barium above background were excreted in the urine in 24 hours.

2. *Ecotoxicity.* In marine and fresh water environments under aerobic conditions and in the presence of sulfate, the physical and chemical properties of barium mitigate the existence of toxic soluble forms. Thus, under these conditions, most barium salts are expected to exhibit low toxicity to aquatic organisms. Limited data on the acute toxicity of very soluble barium compounds to aquatic life show that barium has a low order of acute lethality to aquatic life (Ref. 28).

#### D. Barium Ion Availability

EPA's review of the availability of barium from barium sulfate is detailed below. Data indicate that in most marine and fresh water environments the physical and chemical properties of barium and the presence of typical ambient concentrations of sulfate will mitigate the existence of toxic soluble

forms of barium from barium sulfate. Thus, barium sulfate cannot be reasonably anticipated to cause acute or chronic toxicity to humans or the environment under these conditions. Soluble barium could be generated from barium sulfate in low-sulfate, anaerobic environments (such as bogs, stagnant water, etc.). However, the Agency has no data that would indicate the presence of barium sulfate in such environments, particularly as may have resulted from specific waste disposal activities. In addition, the Agency has no specific data on concentrations of barium ion in these environments.

Barium is a naturally occurring metal found, in the form of salts, in varying concentrations in many types of rocks and soils. Using data from the U.S. Geological Survey (USGS) data base, Shacklette and Boerngen (Ref. 18) have reported total (i.e., soluble plus insoluble) barium concentrations in soils and other surficial materials at a depth of 20 centimeters (cm) ranging from 10 to 5,000 ppm, with an average concentration of 580 ppm. Currently, there are at least 3,264 peat samples listed in the USGS data base. These peat samples contain hundreds of ppm of total barium on average, with values as high as 1,900 ppm in a sample from Maine, 1,600 ppm in a sample from New York, and 2,200 ppm in a sample from Wisconsin. These data do not provide information on the distribution of soluble barium in the environment. Barium is also found in plants, ranging from 4 to 40 ppm total barium based on dry weight (Ref. 11). It has been reported that certain nuts contain high levels of total barium, with 1,000 ppm in pecans and up to 10,000 ppm in brazil nuts.

In 1985, EPA reported that 43 community water supplies in the United States contained more than 1 mg/L (1 ppm) of soluble barium (Ref. 25). In the same notice, EPA stated that data on 132 ground water systems assembled between 1969 and 1980 show that approximately 14 percent of those systems contained levels of barium greater than 0.25 mg/L (0.25 ppm) and 1 to 2 percent were over 1 mg/L (1 ppm). Data from surface water systems indicated that 14 to 15 percent of 28 systems contained levels of barium greater than 0.25 mg/L (0.25 ppm) but no levels above the 0.5 mg/L (0.5 ppm) level were found.

In 1984, the USGS, in cooperation with the Louisiana Department of Transportation and Development, began a study to describe the occurrence and concentration of metals (including barium) in ground water from the aquifers that supply water for public

consumption in Louisiana (Ref. 6). More than 200 ground water samples from the major aquifers were analyzed. In the vast majority of samples, concentrations of barium were well below the maximum contaminant level established by EPA. Several samples, however, contained elevated barium concentrations. One site of elevated barium concentrations occurred in two wells located within 1 mile of each other in the Bon Lieu subdivision, located in Ascension Parish near Hobart, Louisiana. Although the barium levels (0.8 ppm and 0.4 ppm) were below 1 ppm, they were higher than background barium concentrations (0.1 ppm) and it was suspected that nearby petroleum drilling operations utilizing drilling fluids containing barium sulfate could have been the source of barium contamination in ground water used for the Bon Lieu public supply. All other wells (six totally) within a 1-mile radius of the well having a barium concentration of 0.4 ppm had barium concentrations less than or equal to 0.1 ppm.

In 1986, a ground water sample taken from a well in the Red River alluvial aquifer in Grant Parish (located near Colfax, Louisiana) contained 0.8 ppm of barium. In 1976, a ground water sample from the same well had a barium concentration of 2.7 ppm. The well from which the samples were taken is in an area of naturally-occurring high-chloride ground water. The source of the high-chloride ground water is upward movement of high chloride ground water from underlying tertiary deltaic sediments. It is believed that the elevated barium concentrations were associated with high-chloride ground water from the sediments underlying the alluvial aquifer. The observed decrease in barium concentration between 1976 and 1986 is consistent with natural dilution of the high-chloride ground water which occurred within the same period of time.

Ground water samples taken from a well in the Red River alluvial aquifer in Rapides Parish (located near Willow Glen, Louisiana) had barium concentrations of 1 ppm in 1977 and 1.2 ppm in 1986. The available geochemical data indicated that the chemical composition of ground water near the well changed little for the period 1969 to 1977. The source of the elevated barium from this well is unknown. However, the absence of petroleum drilling activities in the area of the well rules out contamination resulting from drilling operations involving barium sulfate.

The results of these studies indicate that although the average total barium

concentration in soils and other surficial materials is approximately 580 ppm on average, concentrations of soluble barium in ground and surface waters are considerably lower.

These studies also show that soluble barium concentrations in surface and ground waters remained below the MCL of 2 ppm, despite the presence of nearby drilling operations that utilized barium sulfate, and soils that are naturally high in barium concentrations.

#### E. Environmental Fate of Barium Sulfate

The fate of barium sulfate in the environment is influenced by several factors. A requisite step in the environmental transformation of the compound is dissociation to form soluble barium cations and sulfate anions. Although poorly soluble, certain environmental conditions can markedly increase barium sulfate solubility. Sposito and Traina (Ref. 20) have demonstrated that barium solubility from barium sulfate can increase by a factor of greater than three in solutions with higher dissolved salt (chloride) concentrations. Although the mechanism of enhanced solubility is not completely understood, enhanced solubilities also have been reported by other investigators.

Dissolved sulfate ions can influence barium sulfate solubility as a result of the common ion effect. For example, the solubility of a sample of solid barium sulfate in a solution already containing detectable concentrations of soluble barium or sulfate will be diminished when compared to the sample's solubility in a solution containing no detectable concentrations of either of these species. Specifically, disposal of solid barium sulfate in waters where sulfate is present will lead to a diminished soluble barium concentration; in contrast, the solubility of solid barium sulfate will be increased in environments where sulfate is continually being depleted from the system (e.g., anaerobic sediments where sulfate is microbially reduced to sulfide, etc.).

Sulfate concentrations in soils can vary both laterally and vertically. In general, soils retain sulfate weakly (Ref. 16). Hue, et al. (Ref. 10) have shown that sulfate retention in soils is dependent on a number of factors such as pH, organic matter content, soluble sulfate in the soil moisture, kaolinite content, iron oxide content, and aluminum oxide content of the soil. Sulfate solubility is typically low in sandy subsoils and high in calcareous, poorly drained lower horizons (Ref. 13). Sulfate solubility at high sulfate and calcium concentrations is often related to the solubility of

gypsum (calcium sulfate) due to the lower solubility of the latter as compared with sodium and magnesium sulfates (Ref. 15). In calcareous soils, coprecipitation with calcium carbonate can make sulfate unavailable to plants (Ref. 3).

Soluble sulfate anions may be consumed under anaerobic conditions by microorganisms, with potentially significant impacts on barium solubility. In anaerobic, low-oxidation potential soils where the rate of microbial oxygen consumption is greater than the rate of oxygen supply (e.g., flooded, organic rich soils where a variety of microbes may consume oxygen faster than it can diffuse into the system) sulfate is transformed to sulfide by sulfate reducing bacteria. The rate of sulfate reduction in nature is enhanced by increasing water levels, additions of organic matter, and rising temperature. Studies designed to measure the rates of sulfate reduction in sediment core samples (Ref. 2), soil core samples (Ref. 5), and mixed microbial populations collected from algal mats (Ref. 17) have been conducted. In two of the studies, a decrease in the rate of sulfate reduction was noted at sulfate concentrations below 3 millimolar (Refs. 2 and 5). The rates of sulfate reduction decreased at lower sulfate concentrations but the concentration at which the rate approaches zero was not determined.

The significance of the sulfate reducing bacteria with respect to the environmental fate of barium sulfate is their potential to deplete sulfate. In sulfate poor environments, microbially mediated sulfate reduction could potentially reduce sulfate concentrations to levels where the common ion effect, often responsible for depressing barium sulfate solubility, would be mitigated and barium sulfate dissociation and subsequent barium solubility would be enhanced.

Sulfate poor environments exist in nature. Where permanent water bodies have led to the development of stagnation, reducing conditions can develop. Pore water in sediments under stagnant conditions is cut off from the external environment and over long periods of time low sulfate ion concentrations can result. Presumably these low sulfate ion concentrations are due to faster rates of sulfate reduction with respect to rates of sulfate input. Shannon and White (Ref. 19) have studied wetland ecosystems (*Sphagnum* and *Sphagnum*-shrub acid bogs) in the upper midwest. These environments are found primarily in perched watersheds in northern glaciated areas where impounded waters are isolated from

flowing surface waters and groundwaters. The investigators found sulfate ion concentrations in pore water ranging from 23 ppm at the sediment water interface to about 0.23 ppm at sediment depths between 6 and 40 cm.

Bolze, et al. (Ref. 1) showed that bacteria from lake mud grown under anaerobic conditions in the presence of powdered barite significantly increased the amount of soluble barium in the culture medium. McCreedy, et al. (Ref. 14) conducted a study to determine the stability of barium sulfate and radium sulfate in the presence of the bacteria *Desulfovibrio vulgaris* under varying sulfate concentrations and pH. It was shown that under neutral conditions the bacteria reduced the sulfate salts, releasing hydrogen sulfide, radium and barium into the overlaying culture medium.

In a later study, Fedorak and co-workers (Ref. 7) investigated the bacterial content of barium sulfate and radium sulfate sludges from active mine sites, and examined factors affecting the activities of these indigenous flora on the dissolution of barium and radium from such sludges. Microbial populations in these sludges included aerobes, anaerobes, denitrifying bacteria, and sulfate-reducing bacteria in quantities similar to those found in a lake which was not affected by the mining operations. When the microbial populations were supplied with lactate under anaerobic conditions, sulfate was reduced to sulfide, with a concomitant release of up to 37 ppm of barium into the aqueous medium.

Deuel and Freeman (Ref. 4) investigated the anaerobic degradation of barium sulfate in laboratory experiments using drilling waste solids. The solids were mixed with a clay soil and sucrose, then added to deionized water. The contents were mixed and incubated in an anaerobic/aerobic cycle in which conditions were changed every 2 weeks. Results after three cycles suggested that anaerobic conditions can result in significant conversion of barium sulfate to soluble barium.

EPA has previously reviewed other studies on the anaerobic degradation of barium sulfate (56 FR 23668, May 23, 1991). Results from these studies are conflicting, and, in some instances, ambiguous due to methodological problems. The distribution of sulfidic sediments on a national level is presently unknown. Due to the ubiquitous nature of sulfate reducing bacteria it is believed, however, that sulfate reduction in water saturated sediments will be far more the rule rather than the exception. Specifically, sulfate reduction is expected to occur in

wetlands, episodically flooded soils, stagnant water bodies (e.g. bogs) and in sediments of the majority of lakes and rivers in the United States. Hence, the deposition of barium sulfate in anaerobic environments containing low levels of sulfate may be expected to lead to an enhanced mobilization (and availability) of barium ion. Because the levels of sulfate in anaerobic pore waters have not been statistically quantified on a national level, concentrations of soluble barium released from solid barium sulfate placed into these environments cannot be estimated.

Additional environmental factors may also influence the solubility of barium sulfate. For example common substances in the environment such as naturally occurring fulvic and humic acids, bicarbonate, and hydroxyl ions can form strong complexes with metal ions in solution. These substances can play a significant role in mobilizing heavy metals in the environment (Ref. 12). Soil particle grain size can also have an effect on the solubility of metals. It has been shown that some metal concentrations increase with decreasing particle grain size (Ref. 9). Barium sulfate does not undergo photolysis, or abiotic or biotic aerobic transformations to yield barium ion.

Although, anaerobic, low sulfate, and other conditions may liberate barium ion from barium sulfate, the available data discussed indicate that the level of available barium will not contaminate drinking water at levels of concern.

#### F. Technical Summary

There is no evidence of cancer, developmental toxicity, reproductive toxicity, neurotoxicity, gene mutations, or chronic toxicity associated with exposure to barium sulfate.

Barium ion is highly toxic. Acute barium poisoning exerts a strong, prolonged stimulant action on all muscles, including cardiac and smooth muscle of the gastrointestinal tract and bladder.

Barium sulfate is naturally occurring and is commonly found in many soils and other surficial materials. The median average surficial concentration of total barium (soluble plus insoluble forms) within the continental United States is approximately 580 ppm. Data on surface and ground water drinking systems indicate, with rare exception, that soluble barium concentrations are well below the maximum contaminant level of 2 mg/L (2 ppm). The large difference in barium concentrations between surficial materials and waters implies that, under typical aerobic sulfate containing marine and fresh

water conditions, the physical and chemical properties of barium mitigate the existence of soluble forms. Barium ion is not available from barium sulfate via abiotic and biotic aerobic transformations, or photolysis.

Barium ion exhibits acute toxicity in mammals at levels which far exceed its bioavailability from ingestion or inhalation of barium sulfate.

Studies have shown that under anaerobic conditions barium sulfate is solubilized to generate barium ion. In one study, a soluble barium concentration of 37 ppm resulted when barium sulfate sludges were supplied with lactate under anaerobic conditions. The solubility of barium in the environment is dependent upon sulfate concentration, which is a complex function of many parameters. In addition to sulfate concentration, the solubility of barium is dependent upon other environmental variables.

Areas of low sulfate concentration, such as bogs, exist in nature. In these environments, it can reasonably be anticipated that soluble forms of barium will become available from barium sulfate. The availability of barium ion from barium sulfate in environments where anaerobic conditions and low sulfate levels exist is not expected to have any significant acute adverse effects on: (1) The environment because barium ion exhibits toxicity only at relatively high doses, or (2) human health because water from bogs or similar sources are not used by humans as a source of drinking water.

#### V. Explanation for Proposal to Exempt Barium Sulfate

EPA is granting the petitions by proposing to delete barium sulfate from the barium compounds category of the section 313 list of toxic chemicals. This decision is based on EPA's belief that the availability of barium ion from barium sulfate will only occur at significant levels in stagnate water bodies that are cut-off from surface and ground waters. EPA believes that barium ion anaerobically released from barium sulfate in such isolated waters cannot reasonably be anticipated to result in adverse effects on human health because water from these isolated sources are not used by humans for consumptive purposes. Ecotoxicity data indicate that soluble barium generated in low-sulfate, anaerobic environments cannot reasonably be anticipated to result in significant adverse effects on the environment of sufficient seriousness to warrant reporting under section 313.

As stated in Unit II of this preamble, petitions for delisting a member of a

metal compound category will be denied unless the petitioner establishes that the metal ion will not be available at a level that can reasonably be anticipated to induce toxicity. After reviewing the petitions and studies concerning the environmental fate of barium sulfate, EPA has concluded that barium sulfate cannot reasonably be anticipated to cause acute or chronic toxicity in humans or adverse effects in the environment, and thus does not meet the criteria of EPCRA section 313(d)(2)(A), (B), or (C).

#### VI. Rulemaking Record

The record supporting this proposed rule is contained in docket number OPPTS-400063. All documents, including an index of the docket, are available in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

#### VII. Request for Public Comment

EPA requests public comment on this proposed rule to delete barium sulfate from the EPCRA section 313 list of toxic substances. Comments should be submitted to the address listed under the ADDRESSES unit at the front of this document. All comments must be submitted on or before August 10, 1993.

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Right-To-Know: Withdrawal of Proposed Rule." 56 FR 23668, (May 23, 1991):23668-23672. See OPTS 400040 at A-002.

23. USEPA, "Hazardous Waste Management System: Identification and Listing of Hazardous Waste." 45 FR 33084. (May 19, 1980):33084-33086.24. USEPA, Integrated Risk Information System: Identification and Listing of Hazardous Waste." 45 FR 33084. (May 19, 1980):33084-33086.

25. USEPA, "National Primary Drinking Water Regulation; Synthetic Organic Chemicals, Inorganic Chemicals and Microorganisms." 50 FR 46964. (November 13, 1985):46936-46966.

26. USEPA, "Statement of Policy and Guidance Regarding Petitions under Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986; Notice." 52 FR 3479. (February 4, 1987):3479-3483. See OPTS-400001 at A-001.

27. USEPA, "Statement of Policy and Guidance for Petitions under Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986; Notice." 52 FR 3479. (February 4, 1987):3479-3483. See OPTS-400001 at A-001.

28. USEPA, Water Quality Summary for Barium (1991).

## IX. Regulatory Assessment Requirements

### A. Executive Order 12291

Executive Order (E.O.) 12291 requires each Federal agency to classify as "major" any rule likely to result in:

- (1) An annual effect on the economy of \$100 million or more; or
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

EPA has determined that this proposed rule is not a "major rule" because it will not have an effect on the economy of \$100 million or more.

This proposed rule would decrease the impact of the section 313 reporting requirements on covered facilities and would result in cost-savings to industry, EPA, and States. Therefore, this is a minor rule under Executive Order 12291. This proposed rule was submitted to the Office of Management and Budget (OMB) under Executive Order 12291.

Releases of barium sulfate are not reported separately but rather are reported under the section 313 category of "barium compounds," but it is expected that about 794 of the 934 sites reporting releases of barium and barium compounds for 1990 are estimated to

have reportable quantities of barium sulfate (Ref. 21). The estimated cost savings to industry if barium sulfate were deleted from the section 313 list would be \$1,419 per year per reporting facility. The cost savings to EPA per report would be \$89.

### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities will be significantly affected by a proposed rule. Because the proposed rule results in cost savings to facilities, the Agency certifies that small entities will not be significantly affected by the proposed rule.

### C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

### List of Subjects in 40 CFR Part 372

Chemicals, Community-right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: June 4, 1993.

Victor J. Kimm,

Acting Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 372 be amended to read as follows:

### PART 372—[AMENDED]

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

#### § 372.65 [Amended]

2. In § 372.65(c) by adding the following language to the barium compounds listing "(except for barium sulfate)."

[FR Doc. 93-13838 Filed 6-10-93; 8:45 am]  
BILLING CODE 6560-50-F

### 40 CFR Part 721

[OPPTS-50607; FRL-4161-2]  
RIN 2070-AB27

### Aluminum Cross-Linked Sodium Carboxymethylcellulose; Proposed Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control

Act (TSCA) for certain uses of the chemical substance described generically as aluminum cross-linked sodium carboxymethylcellulose, which is the subject of premanufacture notice (PMN) P-92-774. This proposal would require persons who intend to manufacture, import, or process this substance for a significant new use to notify EPA at least 90 days before commencing any manufacturing or processing activities for a use designated by this SNUR as a significant new use. The required notice would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it can occur.

DATES: Written comments must be received by EPA by July 12, 1993.

ADDRESSES: All comments must be sent in triplicate (with additional sanitized copies if confidential business information (CBI) is involved) to: TSCA Document Receipt Office (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-699, 401 M St., SW., Washington, DC 20460. Comments should include the docket control number. The docket control number for the chemical substance covered in this SNUR is OPPTS-50607.

Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Unit VI of this preamble contains additional information on submitting comments containing CBI.

### FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. EB-543B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: This proposed SNUR would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of the substance identified generically as aluminum cross-linked sodium carboxymethylcellulose for the significant new uses described herein. The required notice would provide EPA with information with which to evaluate an intended use and associated activities.

### I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after

considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. Section 26(c) of TSCA authorizes EPA to take action under section 5(a)(2) with respect to a category of chemical substances. Persons subject to this SNUR would comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices under section 5(a)(1) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires EPA to explain in the Federal Register its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707.

## II. Applicability of General Provisions

General regulatory provisions applicable to SNURs are codified at 40 CFR part 721, subpart A. Regulatory provisions covering user fees applicable to significant new use notices are codified at 40 CFR part 700 under the authority of TSCA section 26(b). Interested persons may refer to these sections for further information.

## III. Background

On April 20, 1992, EPA received a PMN (P-92-774) for aluminum cross-linked sodium carboxymethylcellulose. EPA has concerns for potential health effects for the substance based on test data available on other water-absorbing high molecular weight polymers. The potential health effects are lung toxicity and cancer from inhalation of respirable particulates (particulates ranging from 1 to 10  $\mu\text{m}$  (micrometers) in diameter) of the substance. The Agency did not expect that the PMN substance would produce any significant environmental effects. Despite these potential health hazard concerns for the PMN substance, EPA did not make an unreasonable risk finding for human health for the PMN substance because human exposure to

respirable particulates of the PMN substance were predicted to be negligible. This exposure determination was based on particle size distribution data supplied by the submitter of the PMN which indicated that for the submitter's intended use of the PMN substance, particles of the PMN substance would not be in the respirable range.

However, EPA has determined that if subsequent manufacturers were to commence production of the PMN substance, they may elect to reduce the particle size of the substance to the respirable range. If this activity were to occur, exposure to the PMN substance in the form of a respirable particulate could present an unreasonable risk of injury to human health. The Agency believes that the most effective means of controlling the potential health risk from exposure to the PMN substance is to limit use of the physical form of the substance to particle sizes 50  $\mu\text{m}$  and greater—well above the respirable range—until after EPA has had an opportunity to review the use. Therefore, EPA designates as a significant new use any use of aluminum cross-linked sodium carboxymethylcellulose in which the size of the particles is less than 50  $\mu\text{m}$ . Accordingly, the SNUR would require persons to submit a notice 90 days prior to commencing any manufacture, import, or processing associated with any use of the substance in which particle size is less than 50  $\mu\text{m}$ .

## IV. Applicability of SNUR to Uses Occurring Before Effective Date of the Final SNUR

EPA has decided that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of proposal rather than as of the effective date of the rule. If uses which had commenced between that date and the effective date of this rulemaking were considered ongoing, rather than new, any person could defeat the SNUR by initiating a significant new use before the effective date. This would make it difficult for EPA to establish SNUR notice requirements. Thus, persons who begin commercial manufacture, import, or processing of the substance for uses regulated under this SNUR after the effective date of this proposed rule will have to cease any such activity before the effective date of this rule. To resume their activities, such persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. EPA, not wishing to unnecessarily disrupt the

activities of persons who begin commercial manufacture, import, or processing for a significant new use before the effective date of the SNUR, has promulgated provisions to allow such persons to comply with this proposed SNUR before it is promulgated. If a person were to meet the conditions of advance compliance as codified at § 721.45(h), the person would be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substance between proposal and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

## V. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacturers, importers, and processors of the chemical substance. The Agency's complete economic analysis is available in the public record for this proposed rule (OPPTS-50607).

## VI. Comments Containing Confidential Business Information

Any person who submits comments claimed as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a nonconfidential public version in triplicate of the comments that EPA can place in the public file.

## VII. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPPTS-50607). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received.

EPA will accept additional materials for inclusion in the record at any time between this proposal and designation of the complete record. EPA will identify the complete rulemaking record by the date of promulgation. A public

version of the record, without any CBI, is available in the TSCA Nonconfidential Information Center (NCIC), also known as, TSCA Public Docket Office, from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. NCIC is located in Rm. E-G102, 401 M St., SW., Washington, DC 20460.

#### VIII. Regulatory Assessment Requirements

##### A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule would not be a "major" rule because it would not have an effect on the economy of \$100 million or more, and it would not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this proposed rule, EPA estimates that the cost of submitting a SNUR notice would be between \$7,198 and \$8,170, including a \$2,500 user fee payable to EPA to offset EPA costs in processing the notice. In addition, EPA estimates that the cost of recordkeeping requirements for ongoing uses is \$583 per year. EPA believes that, because of the nature of the rule and the substance involved, there would be few significant new use notices submitted.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

##### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this proposed rule would not have a significant impact on a substantial number of small businesses. EPA has not determined whether parties affected by this proposed rule would likely be small businesses. However, EPA expects to receive few SNUR notices for this substance. Therefore, EPA believes that the number of small businesses affected by this proposed rule would not be substantial, even if all of the SNUR notice submitters were small firms.

##### C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and has assigned OMB control number 2070-0012.

Public reporting burden for this collection of information is estimated to vary from 30 to 170 hours per response, with an average of 100 hours per

response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information requirements contained in this proposal.

##### List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: May 28, 1993.

Susan B. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

#### PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. By adding new § 721.635 to subpart E to read as follows:

##### § 721.635 Aluminum cross-linked sodium carboxymethylcellulose.

(a) *Chemical substances and significant new uses subject to reporting.*

(1) The chemical substance identified generically as aluminum cross-linked sodium carboxymethylcellulose (PMN number P-92-774) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) Any use of the substance in which the size of the particles of the substance is less than 50 µm.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping requirements.* The recordkeeping requirements specified in § 721.125(a), (b), and (c), are applicable to manufacturers, importers, and processors of this substance, and records documenting that the particle

size of the substance is greater than 50 µm are required.

(2) [Reserved]

[FR Doc. 93-13839 Filed 6-10-93; 8:45 am]

BILLING CODE 8560-50-F

#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

##### 49 CFR Part 571

##### Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.  
ACTION: Denial of petition for rulemaking.

**SUMMARY:** This notice denies a petition by the Recreation Vehicle Industry Association (RVIA) asking NHTSA to exclude from the automatic crash protection requirements any light trucks or vans that are altered or manufactured in more than one stage, or, in the alternative, to delay the effective date of the automatic crash protection requirements for such vehicles by an additional two years. RVIA asserted that such an exclusion or additional leadtime was necessary to allow final stage manufacturers and alterers "to continue to produce a wide variety of vehicle configurations tailored to meet the consumer's individual needs." NHTSA has denied this petition, as it has rejected similar requests previously, because final stage manufacturers and alterers will be able to both produce a wide variety of vehicles and certify that those vehicles offer the same level of safety protection offered by vehicles of the same size and type produced by a single manufacturer in one stage.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Cohen, Chief, Frontal Crash Protection Division, NRN-12, room 5320, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Cohen can be reached by telephone at (202) 366-2264.

**SUPPLEMENTARY INFORMATION:** This notice denies a petition for rulemaking to amend Federal Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, filed by the Recreation Vehicle Industry Association (RVIA). Standard No. 208 is intended to reduce the likelihood of occupant deaths and the likelihood and severity of occupant injuries in crashes. As one means of achieving these goals, Standard No. 208 has long required the installation of safety belts in motor vehicles. Since

September 1, 1989, Standard No. 208 has also required each new passenger car to be equipped with automatic crash protection for outboard front-seat occupants. Vehicle seating positions equipped with automatic crash protection protect their occupants by means that require no action by the occupants. The effectiveness of a vehicle's automatic crash protection is dynamically tested; that is, a vehicle must comply with specified injury criteria, as measured on a test dummy, when tested by this agency in a 30 miles per hour barrier crash test. The two types of automatic crash protection currently offered on passenger cars are automatic safety belts and air bags.

In a rule published March 26, 1991 (56 FR 12472), Standard No. 208 was amended to extend the automatic crash protection requirements to trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less (hereafter collectively identified as "light trucks"). The automatic crash protection requirements for light trucks will be phased-in over period of several years, beginning with light trucks manufactured on or after September 1, 1994. Final stage manufacturers and alterers will not be required to assure that a specified percentage of their vehicles comply with the automatic crash protection requirements during the phase-in period. However, once the phase-in is completed (September 1, 1997), all light trucks, including those produced by final stage manufacturers and alterers, must be equipped with automatic crash protection.

A trade association representing some final stage manufacturers and alterers, called the National Truck Equipment Association (NTEA), filed a petition asking NHTSA to reconsider the extension of the automatic crash protection requirements to light trucks produced in two or more stages. NTEA argues that the extension of the automatic crash protection requirements to light trucks manufactured in two or more stages would be impracticable, because final stage manufacturers would not be able to continue to produce the wide variety of vehicles they currently offer.

NHTSA denied this petition in a notice published June 15, 1992 (57 FR 26609). The denial explained that final stage manufacturers and alterers could certify that the vehicles they produced conformed to the automatic crash protection requirements by simply completing the vehicle in accordance with the original manufacturer's

specifications. To the extent that final stage manufacturers and alterers will have to be more careful in the selection of the vehicles they wish to customize and might have to make some design or styling changes to the vehicles they customize, so that they can complete the vehicles in accordance with the original manufacturer's specifications, NHTSA concluded that such changes are necessary in consideration of the safety benefits that will be realized from having automatic crash protection in these light trucks.

RVIA's petition for rulemaking asked for two alternative changes to the automatic crash protection requirements as they apply to multistage manufacturers and alterers. The first alternative was that light trucks produced by final stage manufacturers and alterers be excluded from the automatic crash protection requirements, because of the certification difficulties posed for those manufacturers by those requirements. This request is identical to NTEA's petition for reconsideration of the automatic crash protection requirements. It is denied for the same reasons as the NTEA petition was. Persons wishing to examine the agency's detailed denial of these requests are directed to the discussion at 57 FR 26612-26617.

The second alternative in the RVIA petition was that vehicles produced by final stage manufacturers or alterers be given an additional two years of leadtime before they are required to comply with the automatic crash protection requirements. This request was "based on past experience with the Standard No. 208 dynamic test requirements." RVIA stated that past experience suggested that final stage manufacturers and alterers will probably not be able to obtain prototype completed chassis (called "bodies in white" in the RVIA petition) or the incomplete vehicle manufacturers' specifications for completing the incomplete vehicle until shortly before September 1, 1997, the date by which all light trucks must be equipped with automatic crash protection. The anticipated short amount of leadtime would force final stage manufacturers and alterers to devote an inordinate amount of their resources on a costly "crash" program to develop, test, and implement design and structural changes to their vehicles and to assure that these changed vehicles will continue to conform to all other safety standards. RVIA suggested that this economic burden could be substantially reduced if vehicles produced by final stage manufacturers and alterers were

not required to comply with the automatic crash protection requirement until two years after vehicles made in a single stage were subject to that requirement.

NHTSA understands that certifying compliance with the automatic crash protection requirements will impose a burden on final stage manufacturers and alterers. However, the burden should not be unreasonable. RVIA alluded to the dynamic testing requirements for light trucks and vans which took effect for light trucks manufactured on or after September 1, 1991. The final stage manufacturers and alterers were fearful that the incomplete vehicle manufacturers would establish specifications that would preclude final stage manufacturers from installing custom seats at the front outboard seating positions. The final stage manufacturers believed that it was essential to their business that they continue installing custom seats at the front outboard seating positions. Through cooperative actions, the final stage manufacturers were able to convince the incomplete vehicle manufacturers to establish specifications for incomplete vehicles that allowed some flexibility with respect to custom seats. Then, by following the certification program RVIA referred to as a "crash" program, final stage manufacturers were able to certify compliance with the dynamic testing requirements by the same September 1, 1991 date as applied to all other subject light trucks.

The agency concludes that this same sort of communication and cooperation between incomplete vehicle manufacturers (primarily Chrysler, Ford, and General Motors) and final stage manufacturers and alterers will allow final stage manufacturers and alterers to certify that their vehicles comply with the automatic crash protection requirements beginning September 1, 1997. This conclusion is based on several factors. First, there is still more than four years leadtime before multistage vehicles must be certified as providing automatic crash protection. Thus, there is still a great deal of time for final stage manufacturers and alterers to relay their concerns about the need for earlier information to the incomplete vehicle manufacturers.

Second, it is in the interests of both the incomplete vehicle manufacturers and the final stage manufacturers and alterers to cooperate so that multistage vehicles can be certified as providing automatic protection as of September 1, 1997. Obviously, demand for and sales of incomplete vehicles will be reduced

substantially if it is not possible to certify compliance with the automatic crash protection requirements in vehicles completed from those incomplete vehicles. Similarly, final stage manufacturers and alterers cannot sell vehicles manufactured on or after September 1, 1997 that are not certified as complying with the automatic crash protection requirements. There is no reason to believe that these groups will not act cooperatively for their mutual benefit, as they did in the case of the dynamic testing requirement.

Third, the incomplete vehicle manufacturers have already conducted the analyses needed to enable them to draw up appropriate specifications for their incomplete vehicles for the dynamic testing requirements. This work should prove useful when those same incomplete vehicle manufacturers are drawing up the appropriate specifications for their incomplete vehicles for the purposes of the automatic crash protection requirements. That means the incomplete vehicle manufactureres should be able to make prototypes and specifications available to the final stage manufacturers earlier than was the case for the dynamic testing requirements.

Thus, after again considering this question, NHTSA reaffirms its previous conclusion that there is adequate leadtime for final stage manufacturers and alterers to comply with the automatic crash protection requirements as of September 1, 1997. Accordingly, NHTSA denies RVIA's petition for rulemaking asking that multistage vehicles be excluded from the automatic crash protection requirements or be given two years additional leadtime.

Issued on June 8, 1993.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

[FR Doc. 93-13864 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AB10

#### Captive-Bred Wildlife Regulation

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** Under the Endangered Species Act of 1973 (Act), the Fish and Wildlife Service (Service) regulates certain activities involving specimens of

non-native endangered or threatened wildlife species that are born in captivity in the United States. This is currently accomplished by requiring persons who wish to conduct otherwise prohibited activities with such wildlife to register with the Service, *i.e.*, to obtain a captive-bred wildlife, or CBW, registration [50 CFR 17.21(g)]. The Service registers persons who meet certain established requirements and specifies the extent of the activities that those persons are authorized to conduct. In the belief that this system of regulation, as presently implemented, may impose a substantial paperwork burden on the public as well as on the Service without contributing appreciably to the conservation of many affected species, the Service has conducted a public review of the system to determine whether changes are needed. That review was announced in a Notice of Intent to Propose Rule (54 FR 548, January 7, 1992). In response to that notice, 942 individuals, institutions and organizations submitted comments. In addition, a public meeting was held in April 1992. The Service has concluded that changes are needed, and that a proposed rulemaking is in order. Proposed changes to the system include: a reduced level of paperwork regulation on several taxa that are present in the United States in large numbers; and a revision of the CBW registration system so that it will more closely relate to its original intent, *i.e.*, to encourage responsible breeding programs that are specifically designed to help preserve the species involved.

**DATES:** The Service will consider all comments received by September 9, 1993.

**ADDRESSES:** Send comments to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, room 420C, Arlington, VA 22203.

**FOR FURTHER INFORMATION CONTACT:** R. K. Robinson, Special Assistant, at the above address (703/358-2093).

**SUPPLEMENTARY INFORMATION:** The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered or threatened species of fish or wildlife. These activities include, among others, import, export, take and interstate or foreign commerce. The Secretary of the Interior (or the Secretary of Commerce in the case of certain marine species) may permit such activities, under such terms and conditions as he/she shall prescribe, for scientific purposes or to enhance the propagation or survival of the affected

species, provided these activities are consistent with the purposes of the Act. The Secretary of the Interior's authority to administer permit matters relating to endangered and threatened species has been delegated through the Director of the Fish and Wildlife Service (Service) to the Office of Management Authority (OMA).

The Service has been striving to achieve an appropriate degree of control over prohibited activities involving living wildlife of non-native species born in captivity in the United States. This has been difficult to achieve. In an early attempt to address this issue, the Service issued proposed and final rules establishing a category of captive wildlife called the Captive Self-sustaining Population, or CSSP (41 FR 18619, May 5, 1976, and 42 FR 28052, June 1, 1977). CSSP's were defined as endangered species which met certain criteria, *e.g.*, were present in large numbers in captivity, were bred by a large number of persons or institutions, and for which there was low demand from the wild. These populations were down-listed from endangered to threatened in order to reduce the stringency of regulations (permits were still required). The final rule stated:

The primary purpose of the Act is the conservation and continued existence of wild populations of fauna and flora which are endangered or threatened, and the ecosystems on which they depend. The Service recognizes that the survival of Endangered species of animals in captivity is to some extent related to this purpose. The captive individuals provide gene pools that deserve continued preservation and such individuals make it possible to re-establish or rejuvenate wild populations. For these reasons, the Service will continue to enforce the stringent prohibitions of the Act as they relate to captive individuals of a species that is Endangered in the wild, and for which procedures to develop CSSP's have not been perfected.

However, there are other species that while Endangered in the wild, are being bred in captivity in such numbers that CSSP's have been established. The successful maintenance of such populations usually depends on the ability of zoos or other propagators to transfer breeding stock and progeny in an efficient and expeditious manner.

Eleven species of wildlife were given CSSP status: 6 species of pheasants, bengal tiger (*Panthera tigris*), leopard (*Panthera pardus*), jaguar (*Panthera onca*), ring-tailed lemur (*Lemur catta*) and black lemur (*Lemur macaco*).

In 1978, the Service announced a review of regulations concerning captive wildlife (43 FR 16144, April 14, 1978). The notice reiterated the Service's philosophy concerning its approach to captive versus wild populations:

The Service considers the purpose of the Act to be best served by conserving species in the wild along with their ecosystems. Populations of species in captivity are, in large degree, removed from their natural ecosystems and have a role in survival of the species only to the extent that they maintain genetic integrity and offer the potential of restocking natural ecosystems where the species has become depleted or no longer occurs \* \* \*

The Service seeks to improve its regulations in order to protect wild populations of Endangered and Threatened species while interfering as little as possible with their captive propagation.

As a result of the review, the Service published a proposed rule (44 FR 30044, May 23, 1979) which concluded that:

The CSSP regulations did not sufficiently alleviate problems for animal breeders \* \* \*. The problems, expressed in numerous letters to the Service, are mainly that:

- (1) The CSSP approach does not promote the propagation of other species not yet qualified for CSSP treatment;
- (2) The CSSP list does not include enough qualified species, and the procedure for adding them is cumbersome;
- (3) The permit requirements place an excessive burden on the public, as in the case of a pheasant breeder who might have only a few birds as a hobby; and
- (4) The classification of CSSP's as "species" distinct from wild populations of the same biological species is an artificial distinction.

The Service is convinced that a change is necessary, after reviewing all of the public comments and after almost two years of administering the CSSP system.

Following further review and public comment, the Service published a final rule (44 FR 54002, September 17, 1979) which established the CBW system as it currently exists. In announcing the final rule, the Service stated that:

The proposal followed from a decision by the Service that activities involving captive wildlife should be regulated, as required by the Endangered Species Act of 1973, but only to the extent necessary to conserve the species. As reported in the proposal, strict regulation has interfered with the captive propagation of wildlife. It has caused persons who would otherwise breed endangered species to cease doing so, or to reduce the number of offspring produced because they could not readily be transferred to other persons.

The preamble to the final rule also pointed out that conservation of wild populations must be the Service's primary goal.

The final rule amended regulations in 50 CFR 17.21 by adding section 17.21(g), which granted general permission to take; import or export; deliver, receive, carry, transport or ship in the course of a commercial activity;

or sell or offer for sale in interstate or foreign commerce any non-native endangered or threatened wildlife that is bred in captivity in the United States. In other words, the regulation itself contains the permit. In order for persons or institutions to operate under that permit, certain conditions must be met:

(1) The wildlife is not native to the United States or is a native species determined by the Service to be eligible due to low demand for taking from wild populations and the effective protection of wild populations;

(2) The purpose of the activity is to enhance the propagation or survival of the species;

(3) The activity does not involve interstate or foreign commerce with non-living wildlife;

(4) Each specimen being reimported is uniquely identified by means that are reported in writing to the Service prior to export; and

(5) Any person seeking to operate under the permit must register with the Service by showing that their expertise, facilities, or other resources appear adequate to enhance the propagation or survival of the wildlife.

This registration is called a captive-bred wildlife, or CBW, registration.

The final rule also amended the definition of "enhance the propagation or survival" of wildlife in captivity to include a wide range of normal animal husbandry practices needed to maintain self-sustaining and genetically viable populations of wildlife in captivity. Other aspects of the definition of "enhance" that were codified in 1979 and are still in use today include accumulation, holding and transfer of animals not immediately needed or suitable for propagative or scientific purposes, and exhibition of living wildlife in a manner designed to educate the public about the ecological role and conservation needs of the affected species (50 CFR 17.3).

The Service believes that the CBW system, as presently implemented, may impose substantial paperwork burden on the public without contributing appreciably to the conservation of many affected species. The system also creates a large Service workload to process new and renewal applications, to review annual reports, and to issue registrations or deny their issuance. This workload competes with other demands on the Service's limited permit resources, which must also address other types of permit applications under the Act, the Convention on International Trade in Endangered Species (CITES), the Marine Mammal Protection Act, and the Lacey Act's injurious wildlife provisions, as well as Pelly Amendment certification recommendations and other wildlife trade policy issues. In addition, the Service has recently received large new

permit-related tasks to implement the Wild Bird Conservation Act of 1992, as well as to host the CITES Standing Committee in 1993 and the CITES Conference of the Parties in 1994.

In view of this large workload and the limited resources available to accomplish it, the Service must ensure that every permit activity it conducts contributes to conservation of the affected species in proportion to the time and energy expended in that activity. Because the existing CBW system appeared to be one activity imposing burdens on the Service and the public not in balance with the conservation benefits being gained, the Service initiated a public review of the system earlier this year to determine whether changes are needed, and if so, what those changes should be. That review was announced in a Notice of Intent to Propose Rule (54 FR 548, January 7, 1992).

After a discussion of the CBW system, the notice presented three approaches that were intended to identify the scope of possible alternatives: (1) Eliminate the CBW registration process for all captive-born non-native wildlife; (2) eliminate the registration process for captive-born non-native species where there are large numbers in captivity in the United States; and (3) make no change in the existing system. Alternatives 1 and 2 would replace the registration with a rebuttable presumption that any otherwise prohibited activity does not meet the conditions of the general permit granted in 50 CFR 17.21(g). Public comments and suggestions for additional alternatives were solicited.

In addition, the notice raised questions as to whether the term "harass" applied to captive-born wildlife, and whether education of the American public through exhibition of living non-native wildlife actually accomplished any measurable enhancement of the survival of the affected species in the wild. Again, three alternatives for dealing with public education were presented: (1) Issue no permits or registrations based on public education; (2) limit permits for educational purposes to listed native species only; and (3) no change. Public comments and suggested additional alternatives were solicited.

#### Information and Comments

Written information and comments on the Notice of Intent were submitted by 942 individuals, institutions and organizations. Of these, 787 were either form letters or patterned responses to the notice. Opinions expressed on specific issues are summarized as

follows (a number of commenters expressed opinions on more than one issue):

Eliminate CBW registration for all captive-bred wildlife.....	144
Eliminate CBW registration for large captive populations.....	672
Retain CBW registration system.....	15
Retain system, but make more restrictive.....	25
Retain education as part of the definition of enhancement of survival of the species.....	139
Retain education, but establish high standards.....	5
Delete education.....	26
"Harass" as currently defined applies to captive-born wildlife.....	25
"Harass" does not apply to captive-born wildlife.....	8
Replace CBW registration with a rebuttable presumption.....	2
Do not apply a rebuttable presumption.....	21
Establish a time limit for processing applications, after which a registration must be issued automatically.....	5

*Comment:* Several commenters were critical of statements in the January 7 Notice of Intent that they took to mean that the Service disclaimed any responsibility for the current problems with over-production of wildlife of various species. One commenter contended that "surplus" animals are a direct product of the permitting/CBW system. Another felt that the Service's lax enforcement has contributed substantially to over-breeding.

*Response:* The Service does not disclaim any responsibility for the current situation. The intent of statements in the Notice was to indicate that activities not prohibited by the Act, *i.e.*, intrastate commerce, non-commercial interstate transfers of wildlife, and possession of lawfully acquired specimens, have contributed more to the problem than has lack of regulatory effort on the Service's part. It should be noted that possession of lawfully acquired listed wildlife is not prohibited; therefore, no permit or registration for possession is required. The fact that is generally not well understood is that there are many more holders of listed wildlife than there are CBW registrants (about 850 in 1990). For example, in 1990 there were about 380 registrants for pheasants. The president of the American Pheasant and Waterfowl Society (APWS) advises that they have about 2000 members, of whom the majority hold pheasants. This does not count holders of pheasants who are not APWS members. As another example, in 1990 there were about 80 registrants for the two listed species of the parakeet genus

*Neophema.* The 1990 and 1991 Psittacine Captive Breeding Surveys by World Wildlife Fund and the American Federation of Aviculture showed 88 and 93 people who responded to the questionnaire holding *Neophema*, respectively. The rate of return of questionnaires that were distributed ranged from 6-10 percent. Further, the 1990 survey states, " \* \* \* it is not known if 10 percent, 1 percent, or 0.1 percent of the U.S. avicultural community was sampled" in the survey. Therefore, it is probably safe to assume that there are far more holders of *Neophema* than there are CBW registrants for the taxon.

*Comment:* One commenter felt that neutral references to impacts on wild populations set forth in the application requirements and issuance criteria for CBW registrations found at 50 CFR 17.22(a) (1) and (2) should be replaced with affirmative statements in conjunction with improved wording for the definition of "enhancement".

*Response:* 50 CFR 17.22(a) contains application requirements and issuance criteria for endangered and threatened species permits, not CBW registrations. Requirements and criteria for registrations are set forth in 50 CFR 17.21(g) (2) and (3). However, the Service intends to undertake a review of the remainder of Part 17 with a view to determining whether revisions are needed. Comments and suggestions received as part of the current review process that go to § 17.22 will be retained and reviewed in that context.

*Comment:* A number of commenters recommended that CBW registrations be restricted to those who are participants in Species Survival Plans (SSP). Others urged that CBW's not be restricted to SSP's alone, since SSP's are primarily zoo-oriented and may not be readily open to participation by many non-zoo breeders. Instead, the Service should encourage participation in studbooks, management plans and breeding consortia.

*Response:* The Service recognizes that participation in SSP's is primarily controlled by one organization and has taken this into account in its proposal. The objective of the proposal is to encourage responsible breeding programs whether carried out by zoos, other organizations, or a combination thereof.

*Comment:* A number of commenters pointed out that captive breeding of non-native wildlife helps species in the wild by satisfying demand, for example, for pet birds. Otherwise, attempts to satisfy that demand would encourage taking from the wild.

*Response:* The Service recognizes this. Care needs to be taken, however, to avoid stimulation of trade and to prevent law enforcement complications. The ultimate goal of any regulatory approach must be the achievement of conservation goals for the species in the wild. In addition, the newly enacted Wild Bird Conservation Act imposes a new, more strict system of regulation of imports of all CITES-listed birds.

*Comment:* Several commenters categorized use of listed wildlife as pets or for entertainment as improper or inappropriate.

*Response:* The policies advocated by various parties on the use of listed wildlife as pets or for entertainment do not fit neatly with the regulatory provisions of the Act. The Service's responsibility is to enforce the Act to achieve compliance in the ownership and use of listed captive-born non-native wildlife. This necessarily involves policy judgments that must be confined to the regulatory authorities of the Act.

*Comment:* One commenter stated that applications by circuses to export and import Asian elephants are virtually guaranteed of approval.

*Response:* Approval of such transactions is in the form of a CITES pre-Convention certificate, not a permit issued under section 10 of the Act. Currently, the majority of performing elephants that circuses seek to export and re-import qualify for the pre-Convention and captive-held (pre-Act) exemptions from permitting requirements. First-time imports of Asian elephants not qualifying for the pre-Convention exemption are not allowed for primarily commercial purposes such as for circus use.

*Comment:* Several commenters suggested that the problem of surplus wildlife be addressed by issuing a "non-breeding" CBW which would authorize possession but prohibit breeding or acquisition of new animals. Such holders would be required to neuter their animals.

*Response:* The Act does not prohibit possession of lawfully acquired listed wildlife; therefore, the Service may not require a permit or registration for mere possession of such wildlife. Further, any action under the Act to force sterilization of endangered or threatened wildlife, or to impose an absolute moratorium on the acquisition of such wildlife, would require fundamental judgments in terms of both biology and public policy before a finding could be made that such action furthered the conservation of such species. The Service is not prepared, at this time, to make such judgments and findings.

*Comment:* Several hundred comments favored varying degrees of deregulation ranging from complete elimination of CBW registrations to elimination of CBW's for large captive populations on a species-by-species basis, perhaps beginning with one species.

*Response:* In its proposal, the Service has attempted to balance these ideas with those arguing the need for continued or increased control.

*Comment:* Twenty one commenters objected to applying a rebuttal presumption to any holders of wildlife who would no longer be subject to a registration requirement under the proposal. The principal objection is that they feel that a rebuttal presumption is an assumption of guilt requiring proof of innocence, whereas the American system is exactly the opposite. Two commenters favored a rebuttal presumption.

*Response:* A rebuttal presumption is not a presumption of guilt; rather, it is a presumption against the legality of going forward with or continuing an activity absent evidence that the activity is legal. For example, section 9(b)(1) of the Act establishes a rebuttable presumption concerning the captive-held (pre-Act) exemption, *i.e.*, a presumption that a specimen is not entitled to the pre-Act exemption claimed for it absent a rebuttal in the form of documentation of pre-Act, non-commercial status. Section 10(g) of the Act imposes a similar burden of proof on any person claiming the benefit of an exemption or permit under the Act. Therefore, the rebuttal presumption is not something new to be established by regulation only. In order to rebut such a presumption, a person operating under the general permit granted by 50 CFR 17.21(g) would only need to keep the records one would normally expect a careful breeder or dealer to keep, such as bills of sale, purchase receipts, transfer records, breeding records, births, deaths (including cause of death), etc. The requirements for detailed record-keeping and reasonable access to inspect those records set forth in 50 CFR 13.46 and 13.47 would remain in place for those persons claiming the benefit of the exception in § 17.21(g). Those regulations require all permittees to maintain complete and accurate records of all activities and transactions authorized by permit, and to allow Service agents to enter their premises at any reasonable hour for inspection purposes.

*Comment:* Twenty five commenters responded affirmatively to the question of whether the definition of "harass" applies to wildlife born in captivity. Most of these argued that the Service

should consider harassment in terms of the normal behavioral patterns of the species in the wild state rather than in terms of behavior exhibited by captive-born specimens.

*Response:* The Service is concerned that persons who legally hold such wildlife without a permit, and who provide humane and healthful care to their animals, would be held to an impossible standard by the concept that holding captive-born animals in captivity constitutes harassment simply because their behavior differs from that of wild specimens of the same species. Such a construction of the concepts of "harass" and "take" would virtually result in a comprehensive prohibition on the possession of listed wildlife species; mere possession of listed species would then require the issuance of Section 10 permits. If Congress had intended this result, the prohibition on possession in Section 9 of the ESA would not have been limited to endangered fish or wildlife species taken in violation of the ESA. Therefore, the proposal contains a clarifying amendment to the definition of "harass".

*Comment:* 139 commenters argued in favor of retaining education in the definition of "enhancement of propagation or survival" contained in 50 CFR 17.3. Several presented examples of how they believe that education by exhibition of living wildlife enhances the survival of foreign species in the wild. Twenty-six others argued the opposite, and five that education should be retained, but only if stringent criteria were imposed that would in essence preclude the use of education by commercial users as justification for permits or registrations.

*Response:* The Service notes that thus far no one has come forward with examples of how exhibition of living wildlife has any specific affirmative effect on survival of non-native species in the wild. Therefore, the Service proposes to delete education from the definition of "enhancement", but will consider changing its position in the final rule should specific evidence of conservation benefits be forthcoming during the comment period for this proposed rule. The Service recommends that any serious submission in favor of retaining education in this definition should be accompanied by suggested objective standards that the Service could use to assess the conservation benefits of educational displays.

*Comment:* A number of commenters voiced their frustration over delays in obtaining a decision on their applications for registrations. Several proposed that specific timeframes be

established for processing new applications and for renewals and amendments to existing registrations. If processing was not completed during these timeframes, the Service would be required to automatically issue the registration.

*Response:* The Service understands (and shares) the frustration of these respondents, particularly in view of the increasing permits workload cited earlier in this notice from enactment of the Wild Bird Conservation Act and the hosting of CITES meetings; however, it cannot agree to abdicate its responsibilities under the Act by issuing registrations without having considered all aspects of an application in light of the issuance criteria set forth in regulations. Several ongoing efforts in OMA should reduce the problem of delays over time. These include a reorganization of the office including emphasis on the concept of team-building, hiring of additional people, refinement of the computerized application tracking system, and regulatory efficiencies expected to result from this proposal.

*Comment:* Several commenters questioned why the Service does not publish notices of applications for CBW registrations in the Federal Register as set forth in section 10(c) of the Act.

*Response:* This long-standing Service practice is based upon the fact that a CBW registration is not a permit. Section 17.21(g)(1) in effect issues a general permit to "any person" to conduct specified prohibited activities in accordance with several provisos, one of which is that that person first register with the Service. Section 17.21(g) in its entirety was the subject of public review and comment through the rulemaking process.

#### Discussion of the Proposal

Of the three alternatives presented in the Notice of Intent, which were designed to show the Service's concept of the outer limits of possible action, alternatives 1 and 3 (complete elimination of CBW's and no change, respectively) were not selected for purposes of formulating this proposal. The Service has concluded that changes are needed, but that complete elimination of the CBW system is neither warranted nor advisable. The majority of captive non-native species are not present in large numbers, nor are they represented by many surplus animals. The proposal described below is designed to encourage the formation of responsible cooperative breeding programs for that majority.

1. The Service proposes to eliminate CBW registration for pheasants (family

Phasianidae); both listed parakeet species of the genus *Neophema*; the Laysan teal (*Anas laysanensis*); the "generic" tiger, which is the result of interbreeding of various subspecies of the tiger (*Panthera tigris*); and the white-winged wood duck (*Cairina scutulata*). Taxa may be added to or deleted from this "exempt" list as circumstances warrant.

The American Pheasant and Waterfowl Society (APWS) has conducted a survey of members, asking them to report how many specimens of pheasants and waterfowl they hold. A total of 482 individuals responded, showing ownership of 9,267 pheasants of 13 species. Of that number, 3,999 or 43 percent were unsexed, presumably young of the year. This indicates a healthy, productive population. Because of possible sampling bias, plus uncertainty as to how many persons actually have pheasants, it is impossible to project total pheasant population in the U.S. with any certainty. The 482 respondents are equal to almost 25% of the APWS membership, the majority of whom have pheasants. There is probably a significant number of persons with pheasants who do not belong to APWS. It seems a conservative estimate would be that there are at least 18-20,000 pheasants in the U.S. The same census shows 457 Laysan teal, of which 128, or 28 percent, are unsexed, and 282 white-winged wood ducks (52, or over 18 percent, unsexed).

The 1990 and 1991 Psittacine Captive Breeding Surveys, done by World Wildlife Fund in collaboration with the American Federation of Aviculture (AFA), show 439-465 *Neophema* held by respondents. Again, while accurate projections of the total U.S. population can't be made, it seems safe to assume that it is much larger, since the reports indicate a return of from 6-10 percent of distributed questionnaires. Also, the surveys state that it is unknown whether they surveyed 10 percent, 1 percent, or 0.1 percent of U.S. aviculturists. The surveys also found that survival of these species in captivity appears assured if inbreeding problems can be minimized, and recommend that serious thought be given to downlisting or delisting the captive populations of these species.

The "generic" tiger, as it is known in the zoo community, is of no value in terms of preserving the taxon for possible reintroduction to the wild because it no longer has the same genetic makeup as wild populations. The Service has no reliable estimate of the total population of these animals in the U.S., although the American Association of Zoological Parks and Aquariums (AAZPA) advises that there

are about 200 held in member institutions. It is AAZPA's goal to reduce this to zero over time through attrition. Given the popularity of the tiger in circuses and with other entertainers, it would appear that the non-AAZPA population is sizeable. The Service believes that there is no benefit to tigers in the wild to be had through continuing a registration requirement for generic tigers because of lack of genetic value, and because there are now Species Survival Plans (SSP) in place for four subspecies (Siberian, Sumatran, Indochinese, and true Bengal tigers). CBW registrations would continue to be required for the SSP animals.

The Service intends that no first-time importation of specimens of the above taxa that were taken from the wild will be allowed, since they exist in the United States in plentiful, or even surplus, numbers. That being the case, it would be extremely difficult to justify removing specimens from the wild population of an endangered species to add to an already large captive population. Further, the Service notes that since permit records have been computerized (late 1983), there have been only two requests for first-time imports of specimens of any of these taxa that were removed from the wild (two 1986 requests for import of white-eared pheasants). An exception to this policy could be considered in the event that any of these taxa (other than generic tigers) subsequently becomes the subject of a cooperative breeding program.

The Service believes that this relaxation of the standards in § 17.21(g) will not operate to the disadvantage of the species in the wild; further, it will be consistent with the conservation of the species because domestic demand has been, and will continue to be, satisfied by captive-born wildlife, and because first-time import of wild-caught specimens would be essentially prohibited.

As pointed out in the comments section, the Act establishes a precedent for the rebuttable presumption with regard to the captive-held (pre-Act) exemption, and, in section 10(g), imposes a similar burden of proof on all persons claiming to operate under permits and exemptions. Therefore, the main reason for adding a rebuttable presumption to this category is that it will serve as a reminder to persons and institutions operating under the general permit granted in 50 CFR 17.21(g) that they still bear the burden of proof that they are operating within the terms of that regulatory provision. Language would be added concerning the requirements for recordkeeping and

reasonable access for inspection by Service agents set forth in 50 CFR 13.46 and 13.47. Complete records would rebut the presumption against compliance.

2. The Service proposes to amend the regulation regarding CBW registration in a manner that will make the system more closely parallel its original purpose, i.e., to encourage responsible breeding efforts with listed species. The required goals of the program would be to preserve the genetic makeup of the species, to establish a self-sustaining captive population, and to make animals available for any legitimate and appropriate effort to re-establish or augment wild populations of the species.

In order to qualify for a CBW registration, persons or institutions would have to be participants in an approved responsible cooperative breeding program for the taxon concerned. Persons or institutions holding animals surplus to the needs of the program, or conducting research designed to improve maintenance or breeding technology, would also qualify for a registration provided the animals are maintained and disposed of in accordance with the instructions of those managing the program.

While most of the current breeding programs are SSP's, an example of a non-AAZPA program is the AFA's red siskin project. Formation of other well-organized programs is encouraged. The proposed rule sets forth criteria that a breeding program must meet in order for its participants to qualify for CBW registrations. The Service believes that the programs should be computerized for efficiency and accuracy, since maintenance of studbook records by hand for a program of any size would be an overwhelming task. The AAZPA advises that all SSP's are in fact computerized.

CBW registrants would be required to keep accurate records of all transfers, births and deaths, and to make those records available for inspection by Service agents at reasonable hours. However, individual registrants would not be required to submit an annual report to the Service provided a complete annual report of activities of the breeding program is submitted to the Service by those managing the program.

If the breeding program meets all of the criteria found at proposed § 17.21(g)(1)(ii) and is therefore recognized by the Service, it will be assumed that individual participants approved by the program have the necessary facilities and expertise to properly engage in breeding operations.

At this point, the Service has identified 44 qualifying programs and, in addition, 38 studbooks for species not yet having a cooperative breeding program. As such programs come on line, the taxon concerned can be added for CBW eligibility by notice in the **Federal Register**.

Importation of wild-caught specimens for breeding programs could be approved only in unusual circumstances, including a definitive showing of need for new bloodlines that can only be satisfied by wild animals. However, a determination would have to be made that the status of the wild population would allow limited taking, and preference would be given to imports of specimens already in captivity. The importation of wild-caught specimens could only occur through the issuance of a permit under § 10 of the Act and § 17.22 of the regulations.

3. Holders of species not included in the exempt category, or who do not qualify for a breeding program CBW, would be required to obtain an interstate commerce permit for interstate purchases, and a specific permit under the Act for import or export activities. For the latter, in most cases the taxon involved will also be listed under CITES so that both types of permit applications could be processed simultaneously. Therefore, there would not be any significant increase in burden on the applicant in this regard. Notice of applications for such permits would be published in the **Federal Register** in accordance with section 10(c) of the Act. To ease the burden for those who would no longer qualify for a CBW registration, any existing registration that is valid on the date of publication of the final rule would remain in force until its expiration date. As new cooperative breeding programs are developed, those holding the taxa involved can seek to participate, thus regaining their eligibility for a CBW registration.

4. On the subject of the term "harass", the Service believes that persons who legally hold listed wildlife without a permit have been inadvertently placed in a gray area. While a permit is not required to possess lawfully acquired listed wildlife, one cannot possess it without doing something to it that might be construed as harassment under a literal interpretation of the present definition, e.g., keep it in confinement, feed it a diet that may be artificial, provide medical care, etc. Obviously, maintaining animals in inadequate, unsafe or unsanitary conditions, feeding an improper or unhealthful diet, and physical mistreatment constitute

harassment because such conditions might create the likelihood of injury or sickness of an animal. It is proposed to modify the definition of "harass" in 50 CFR 17.3 to exclude normal animal husbandry practices such as humane and healthful care when applied to captive-born wildlife.

5. The current definition of "enhance the propagation or survival" found at 50 CFR 17.3 includes "(c) Exhibition of living wildlife in a manner designed to educate the public about the ecological role and conservation needs of the affected species." (Emphasis added.) In the Notice of Intent of January 7, 1992, the Service raised the question of whether education of the American public about non-native listed wildlife has any significant impact in terms of fostering the survival of such species in the wild. Many of the comments in support of education merely asserted that education has value in terms of conserving species in the wild. The Service did not intend to denigrate the value of education in general; rather, it questioned whether there is a direct cause and effect relationship between education through exhibition of living wildlife and enhancement of survival in the wild of the species exhibited, as required by the plain wording of the definition. Benefits of education cited by commenters included general elevation of environmental consciousness and interest in global environmental problems. Specific examples offered included the educational value of wildlife in films, the decrease in whaling because of education about great whales, the reduction in incidental take of marine mammals by fishermen influenced by education, the National Wildlife Federation's Ranger Rick program, Earth Day observances, and the current effort to save the rain forests. While granting the value of these educational efforts, the Service notes that none of them include (or necessitate) the exhibition of living wildlife in a manner that would have a specific impact on the survival of the species exhibited. Further, no respondent offered detailed ideas for standards that could be applied to educational content or delivery to make it more meaningful. Therefore, the Service proposes to delete education from the definition of "enhance the propagation or survival". However, if during the comment period on this proposal the Service receives examples of positive impacts on survival in the wild by means of live animal exhibition, or suggestions either for improving the definition or for educational standards

and criteria, the Service's decision may differ from the proposed rule.

#### Public Comment Solicited

The Service intends that any final rule will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited.

#### Regulatory Analysis

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because no significant burden will be added to the already mandated paperwork requirements, preparation or administration, and similar requirements that have been imposed by the existing rule.

The Service has determined that these proposed regulations are categorically excluded from further National Environmental Policy Act (NEPA) requirements. Part 516 of the Departmental Manual, Chapter 6, Appendix I, section 1.4(A)(1) categorically excludes changes or amendments to an approved action when such changes have no potential for causing substantial environmental impact. Further, Appendix I, section 1.4(C)(1) categorically excludes permitting actions not involving killing, removal from the wild, or permanent impairment of reproductive capability of endangered or threatened species. No increase in the latter activities is expected to result from this proposed revision of the existing rule.

No aggregate increase in the burden on affected individuals would be made in the information collection requirements contained in § 17.21(g), which have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0022.

Finally, the Department of the Interior has determined that this action, which would amend regulations that implement exceptions to the prohibitions of the Act, does not contain significant takings implications as described in Executive Order 12630.

**Author**

The primary author of this proposed rule is R.K. Robinson, Special Assistant-Ecological Services, U.S. Fish and Wildlife Service, room 420C, 4401 N. Fairfax Drive, Arlington, VA 22203.

**List of Subjects in 50 CFR Part 17**

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

**Proposed Regulations**

For the reasons set forth in the preamble, it is proposed that title 50, chapter 1, subchapter B, part 17, subparts A and C be amended as set forth below.

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Public Law 99-625, 100 Stat. 3500.

**Subpart A—Introduction and General Provisions**

2. The definition of "Enhance the propagation or survival" in 50 CFR 17.3 is proposed to be amended to read as follows:

**§ 17.3 Definitions.**

Enhance the propagation or survival, when used in reference to living wildlife in captivity, includes, but is not limited to, the following activities when it can be shown that such activities would not be detrimental to the survival of wild or captive populations of the affected species:

(a) Provision of health care, management of populations by culling, contraception, euthanasia, grouping or handling of wildlife to control survivorship and reproduction, and similar normal practices of animal husbandry needed to maintain captive populations that are self-sustaining and that possess as much genetic vitality as possible; and

(b) Accumulation and holding of living wildlife that is not immediately needed or suitable for propagative or scientific purposes, and the transfer of such wildlife between persons in order to relieve crowding or other problems hindering the propagation or survival of the captive population at the location from which the wildlife would be removed.

3. The definition of "Harass" in 50 CFR 17.3 is proposed to be amended to read as follows:

**§ 17.3 Definitions.**

Harass in the definition of "take" in the Act means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. This definition, when applied to captive wildlife, does not include normal animal husbandry practices including, but not limited to, provision of adequate, safe enclosures; healthful diets; humane treatment; and confining, tranquilizing, or anesthetizing for provision of medical care or for artificial insemination procedures.

**Subpart C—Endangered Wildlife**

4. Section 17.21(g) is proposed to be amended by revising paragraph (g)(1) introductory text, (ii) and (v); by deleting paragraph (g)(2)(v) and revising paragraphs (g)(2) introductory text (g)(2) (ii), (iii) and (iv); by revising paragraph (g)(3); and by adding paragraph (g)(6) to read as follows:

**§ 17.21 Prohibitions.**

(g) *Captive-bred wildlife.* (1) Notwithstanding paragraphs (b), (c), (e) and (f) of this section, any person may take; import or export; deliver, receive, carry, transport or ship in interstate or foreign commerce, in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce any endangered wildlife that is bred in captivity in the United States, provided either that the wildlife is of a taxon listed in paragraph (g)(6) of this section, or that the following conditions are met:

(i) The purpose of such activity is to enhance the propagation or survival of the affected species through participation in a cooperative breeding program that meets the following criteria to the satisfaction of the Service:

(A) The program must be managed by a group or organization having the necessary expertise in husbandry of the affected species to successfully conduct the program, and having a species coordinator or manager and a studbook keeper;

(B) The goal of the program is to develop a single well-managed, genetically diverse and self-sustaining population;

(C) Individual specimens must be registered in a central studbook and tracked by computer;

(D) Whenever possible and feasible, the programs must be associated with efforts to preserve natural habitat for the affected species, and to release specimens to the wild; and

(E) Individual participants in the program must:

(1) Have a demonstrated interest in preserving the species;

(2) Have, to the satisfaction of program management, proper facilities and sufficient experience with breeding, rearing, and general husbandry of the affected or similar species;

(3) Abide by the animal husbandry guidelines provided by the program management; and

(4) Be willing to breed animals according to the best genetic plan as determined by the program management.

(iii) \* \* \*

(iv) \* \* \*

(v) Any person subject to the jurisdiction of the United States who engages in any activities authorized by this paragraph does so in accordance with paragraphs (g) (2), (3), and (4) of this section, and with all other applicable regulations in this Subchapter B.

(2) Any person subject to the jurisdiction of the United States seeking to engage in any of the activities authorized by this paragraph, in accordance with the conditions set forth in paragraph (g)(1)(ii) of this section, must first register with the Service (Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Arlington, Virginia 22203). Requests for registration must be submitted on an official application form (Form 3-200) provided by the Service, and must include the following information:

(i) \* \* \*

(ii) A brief description of the cooperative breeding program(s) being participated in by the applicant, including names and addresses of the persons managing the program(s);

(iii) Evidence, in writing, that the applicant has been accepted as a participant in the program; and

(iv) A copy of the applicant's license or registration, if any, under the animal welfare regulations of the U.S. Department of Agriculture (9 CFR Part 2).

(3) Upon receiving a complete application as described in paragraph (g)(2), the Director will decide whether or not the registration will be approved. In making his decision, the Director will consider, in addition to the general criteria in § 13.21(b) of this subchapter, whether the cooperative breeding program concerned and the applicant

appear qualified to enhance the propagation or survival of the species in accordance with the conditions set forth in paragraph (g)(1)(ii) of this section. Each person so registered must maintain accurate written records of activities conducted under the registration, and allow reasonable access to Service agents for inspection purposes as set forth in §§ 13.46 and 13.47. Each person registered must submit to the Director an individual written annual report of his activities, including all births, deaths and transfers of any type. Such individual annual reports will not be required if the management of the cooperative breeding program submits a written annual report of the above activities covering the entire program and its participants.

(4) \* \* \*

(5) \* \* \*

(6) Any person subject to the jurisdiction of the United States seeking to engage in any of the activities authorized by paragraph (g)(1) of this section may do so without first registering with the Service with respect to pheasants (family Phasianidae), parakeets of the species *Neophema pulchella* and *N. splendida*, the Laysan teal (*Anas laysanensis*), the white-winged wood duck (*Cairina scutulata*) and the inter-specific crossed or "generic" tiger (*Panthera tigris*) [i.e., specimens not identified or identifiable as members of the Bengal, Sumatran, Siberian or Indochinese subspecies (*Panthera tigris tigris*, *P.t. sumatrae*, *P.t. altaica* and *P.t. corbetti*, respectively)], provided:

(i) Such activity does not involve interstate or foreign commerce, in the course of a commercial activity, with respect to non-living wildlife;

(ii) Each specimen to be imported is uniquely identified by a band, tattoo or other means that was reported in writing to an official of the Service at a port of export prior to export of the specimen from the United States;

(iii) No specimens of the taxa set forth in this paragraph (g)(6) of this section may be imported if they were taken from the wild;

(iv) Any exports of such specimens meet the requirements of paragraph (g)(4) of this section; and

(v) Each person claiming the benefit of the exception in paragraph (g)(1) of this section must maintain accurate written records of activities, including births, deaths, and transfers of specimens, and make those records accessible to Service agents for inspection at reasonable hours as set forth in §§ 13.46 and 13.47.

Dated: January 8, 1993.

Richard N. Smith,  
Deputy Director, U.S. Fish and Wildlife  
Service.

[FR Doc. 93-13545 Filed 6-10-93; 8:45 am]

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## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

### 50 CFR Part 640

[Docket No. 930491-3091; LD. 032993A]

#### Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

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

ACTION: Proposed rule.

**SUMMARY:** NMFS proposes to amend the regulations that implement the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP). This proposed rule would modify the 2-day special recreational fishing season in the Exclusive Economic Zone (EEZ) off Florida. Specifically, proposed modifications to that season in the EEZ off Florida would: Change the season from the last weekend in July to the last Wednesday and Thursday in July; increase the daily bag and possession limit to 12 spiny lobsters, except off Monroe County, Florida, where the limit would remain 6 spiny lobsters; limit harvesting of spiny lobster to (1) Diving, and (2) the use of bully nets or hoop nets; and prohibit harvesting of spiny lobster by dividing at night off Monroe County, Florida. The intended effects of this rule are to enhance cooperative Florida/Federal management of the spiny lobster fishery by implementing Florida's recreational rules in the EEZ off Florida, reduce fishing effort off Monroe County, Florida, protect the value spiny lobster resource, reduce environmental damage, and to otherwise improve the effectiveness of necessary regulations.

**DATES:** Written comments must be received on or before June 28, 1993.

**ADDRESSES:** Comments on the proposed rule should be sent to Georgia Cranmore, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702. Copies of documents supporting this action may be obtained from the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813-893-3161.

**SUPPLEMENTARY INFORMATION:** The spiny lobster fishery of the Gulf of Mexico and South Atlantic is managed under the FMP, prepared and amended by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 640, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The FMP contains a regulatory amendment procedure for implementing specified gear and harvest restrictions applicable to the spiny lobster fishery in the EEZ. The intended effects of that procedure include: (1) Providing a more flexible and timely system for implementing regulations on the spiny lobster fishery; (2) enhancing cooperative Florida/Federal management of the fishery; (3) reducing Federal management costs; and (4) improving the effectiveness of necessary rules. In accordance with that regulatory amendment procedure, the Florida Marine Fisheries Commission (FMFC) has requested the Director, Southeast Region, NMFS (Regional Director), to implement in the EEZ off Florida, with the Councils' oversight, modifications to certain gear and harvest limitations that were proposed by the FMFC and approved by the Governor and Cabinet of Florida for implementation in Florida's waters.

Specifically, the FMFC requests adoption in the EEZ off Florida of (1) A change in the dates of the special 2-day recreational season from the last weekend in July to the last Wednesday and Thursday in July; (2) an increase in the daily bag and possession limit during that season from six to twelve lobsters in the EEZ off Florida, except off Monroe County, where the limit would remain at six; (3) a limit on the harvest to (a) diving, and (b) bully or hoop nets; and (4) a prohibition on night diving for lobster off Monroe County, Florida during the 2-day season. The FMFC is requesting implementation of these changes before the start of their 2-day season on July 28-29, 1993.

The objective of Florida's rules is to reduce fishing effort and participation, and thus reduce congestion and traffic, in the Florida Keys (Monroe County) during the special 2-day recreational season. Businesses, property owners, and local governments asked the FMFC to modify or abolish the 2-day lobster season to prevent further damage to the environment. In addition to crowding on land and at sea during this season, the FMFC received reports of damage to coral reefs and seagrass beds from the concentrated fishing effort in the Florida Keys during this season. On the other

hand, continuation of the 2-day special season has the strong support of recreational fishing groups and dive operators throughout Florida.

Originally, this season was designed to end conflicts between recreational and commercial lobster fishermen during the trap soak period and on opening day of the regular season (August 6). One argument for retaining the special 2-day season was that its elimination would merely shift recreational effort to the first 2 days of the regular season.

The Florida Marine Patrol has been overwhelmed by the large number of participants in the area during this 2-day period. Violations include anchoring in coral, taking of undersized lobsters, exceeding the bag limits, use of prohibited gear, and other marine resource violations. There are also increasing safety violations, including snorkeling/diving in heavily traveled boat routes, poor seamanship, and extreme traffic congestion on land and sea. Based on public testimony, the FMFC concluded that a move from the weekend season to mid-week would solve some of the problems of overcrowding and resource disturbance in the Florida Keys by eliminating some potential participants. The FMFC also attempted to make lobster fishing more attractive outside the Keys by doubling the bag limit to 12 lobster per day (for the 2-day season only) outside Monroe County, but maintaining the 6-lobster bag limit within Monroe County. Based on preliminary information regarding the 1992 special season, it appears that Florida's rules were at least partially successful, despite the fact that the Federal season remained unchanged.

Florida's rules also prohibit trap fishing during the 2-day season and maintain prohibitions on harvesting methods that may puncture or crush lobsters. Elimination of traps is designed to decrease congestion around shorelines and canals and increase safety of people and maintain and marine resources. Florida's rule prohibiting night diving for lobster in the Florida Keys during the 2-day season is designed to aid enforcement efforts, reduce illegal harvest over the bag limit, and increase diver safety.

As required by the regulatory amendment procedure of the FMP, the Regional Director has preliminarily concluded that the modifications to the gear and harvest limitations requested by the FMFC (1) are consistent with the scope and procedures of the management measures that may be implemented under that procedure; and (2) are consistent with the objectives of the FMP. Further, the Regional Director has preliminarily concluded that

application of the requested measures are appropriately limited to the EEZ off Florida.

#### Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has initially determined that this proposed rule is consistent with the national standards and other provisions of the Magnuson Act and other applicable law.

The Assistant Administrator determined that the rule is not a "major rule" under E.O. 12291 because it would not have an annual effect on the economy of \$100 million or more; would not result in an increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; and would not result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Councils prepared a regulatory impact review (RIR) that concludes that this proposed rule, if adopted, would have the following economic effects. Changes to the 2-day season may dissipate revenues accruing to dive shops, boat rental firms, motels, hotels, restaurants, gas stations, and other businesses in the Florida Keys (Monroe County) by reducing participation in the 2-day season. However, it is likely that these revenues do not represent foregone losses because they will be redistributed over other parts of the regular season (August 6–March 31) or to other areas of Florida during the special season. A copy of the RIR is available (see ADDRESSES).

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because, as stated above, revenues are expected to be redistributed but not foregone. As a result, a regulatory flexibility analysis was not prepared.

The Councils prepared an environmental assessment (EA) for this proposed rule that discusses the impact on the environment as a result of this rule. A copy of the EA is available and comments on it are requested (see ADDRESSES).

The Councils determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coast zone management program of Florida, the only state affected. This

determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

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

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

#### List of Subjects in 50 CFR Part 640

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 9, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 640 is proposed to be amended as follows:

#### PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 640 continues to read as follows:

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

2. In § 640.2, a new definition for "Off Monroe County, Florida" is added in alphabetical order to read as follows:

#### § 640.2 Definitions.

\* \* \* \* \*

*Off Monroe County, Florida* means the area from the Florida coast to the outer limit of the EEZ between a line extending directly east from the Dade/Monroe County, Florida boundary (25°20.4' N. latitude) and a line extending directly west from the Monroe/Collier County, Florida boundary (25°48.0' N. latitude).

\* \* \* \* \*

3. In § 640.7, in paragraph (g), the comma before "as specified in 640.21(a)" is revised to a semicolon, and paragraphs (l) and (p) through (s) are revised to read as follows:

#### § 640.7 Prohibitions.

\* \* \* \* \*

(l) Possess a spiny lobster harvested by prohibited gear or methods; or possess on board a fishing vessel any dynamite or similar explosive substance; as specified in § 640.20(b) and § 640.22 (a)(1) and (a)(3).

\* \* \* \* \*

(p) Possess spiny lobsters in or from the EEZ in an amount exceeding the daily bag and possession limit specified in § 640.23 (a) or (b), except as authorized in § 640.23 (c) and (d).

(g) Possess spiny lobsters aboard a vessel that uses or has on board a net or trawl in an amount exceeding the limits, as specified in § 640.23(d).

(r) Operate a vessel that fishes for or possesses spiny lobster in or from the EEZ with spiny lobster aboard in an amount exceeding the cumulative bag and possession limit, as specified in § 640.23(g).

(s) Transfer or receive at sea spiny lobster in or from the EEZ caught under the bag and possession limits, as specified in § 640.23(h).

\* \* \* \* \*

4. In § 640.20, paragraph (b) is revised to read as follows:

**§ 640.20 Seasons.**

\* \* \* \* \*

**(b) Special recreational fishing**

*seasons.* (1) *EEZ off Florida.* There is a 2-day special recreational fishing season in the EEZ off Florida on the last Wednesday and successive Thursday of July each year during which fishing for spiny lobster is limited to diving or use of a bully net or hoop net. (See § 640.22(a) for general prohibitions on gear and methods.) In the EEZ off Monroe County, Florida, no person may harvest spiny lobster by diving at night, that is, from 1 hour after official sunset to 1 hour before official sunrise, during

this 2-day special recreational fishing season.

(2) *EEZ other than off Florida.* There is a 2-day special recreational fishing season in the EEZ other than off Florida during the last Saturday and successive Sunday of July each year during which fishing for spiny lobster may be conducted by authorized gear and methods other than traps. (See § 640.22(a) for general prohibitions on gear and methods.)

\* \* \* \* \*

**§ 640.22 [Amended]**

5. In § 640.22, in paragraph (a)(2), the reference to "§ 640.23(c)" is revised to read "§ 640.23(d)".

6. In § 640.23, paragraphs (b) through (g) are redesignated as paragraphs (c) through (h); in newly designated paragraph (d), in the third sentence, the reference to "this paragraph (c)" is revised to read "this paragraph (d)"; in newly designated paragraph (e), the reference to "paragraph (b) of this section" is revised to read "paragraph (c) of this section"; in newly designated paragraph (f), the reference to "paragraphs (a) or (c) of this section" is revised to read "paragraphs (a), (b), or (d) of this section"; in newly designated paragraph (g), the reference to "paragraph (a) of this section" is revised

to read "paragraphs (a) and (b) of this section"; in newly designated paragraph (h), the reference to "paragraphs (a) or (c) of this section" is revised to read "paragraphs (a), (b), or (d) of this section"; paragraph (a) is revised; and new paragraph (b) is added to read as follows:

**§ 640.23 Bag and possession limits.**

(a) *Commercial and recreational fishing season.* Except as specified in paragraphs (c) and (d) of this section, during the commercial and recreational fishing season specified in § 640.20(a), the daily bag and possession limit of spiny lobster in or from the EEZ is six per person.

(b) *Special recreational fishing seasons.* During the special recreational fishing seasons specified in § 640.20(b), the daily bag and possession limit of spiny lobster—

(1) In or from the EEZ off Monroe County, Florida is six per person;

(2) In or from the EEZ off Florida other than off Monroe County, Florida is twelve per person; and

(3) In or from the EEZ other than off Florida is six per person.

\* \* \* \* \*

[FR Doc. 93-13950 Filed 6-10-93; 12:40 pm]  
BILLING CODE 3510-22-M

# Notices

Federal Register

Vol. 58, No. 111

Friday, June 11, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 93-065-1]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

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

findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

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

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

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a

limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

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

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

Permit No.	Permittee	Date issued	Organisms	Field test location
93-048-01, renewal of permit 92-073-01, issued on 06-30-92.	American Cyanamid Company.	05-04-93	Tobacco plants genetically engineered to express tolerance to the herbicides sulfonyleurea and imidazolinone.	New Jersey.
93-048-02	Cargill Hybrid Seeds	05-04-93	Rapeseed plants genetically engineered to express an industrial enzyme from <i>Aspergillus niger</i> .	Colorado, Illinois.
93-049-02	University of Idaho	05-04-93	Rapeseed plants genetically engineered to express male sterility, male fertility, and tolerance to the phosphinothricin class of herbicides.	Idaho.
93-050-01, renewal of permit 92-085-01, issued on 06-12-92.	Agritope, Incorporated	05-04-93	Tomato plants genetically engineered to express a S-adenosylmethionine hydrolase gene to alter fruit ripening.	Oregon.
93-076-02, renewal of permit 92-105-02, issued on 06-18-92.	Holden's Foundation Seeds, Incorporated.	05-05-93	Corn plants genetically engineered to express male sterility and tolerance to the phosphinothricin class of herbicides.	Iowa.

Permit No.	Permittee	Date issued	Organisms	Field test location
93-026-05, renewal of permit 91-074-01, issued on 06-05-91.	Upjohn Company .....	05-14-93	Corn plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Michigan, Puerto Rico.
93-060-02 .....	Pioneer Hi-Bred International, Incorporated.	05-14-93	Corn plants genetically engineered to express a viral coat protein for resistance to certain viruses and a marker gene for tolerance to the phosphinothricin class of herbicides.	Iowa, Nebraska.
93-076-03, renewal of permit 92-244-03, issued on 10-21-92.	Holden's Foundation Seeds, Incorporated.	05-14-93	Corn plants genetically engineered to express male sterility and tolerance to the phosphinothricin class of herbicides.	Hawaii.
93-076-01, renewal of permit 92-066-01, issued on 06-04-92.	Holden's Foundation Seeds, Incorporated.	05-18-93	Corn plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Hawaii, Iowa.

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

Done in Washington, DC, this 7th day of June 1993.

Mr. Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-13830 Filed 6-10-93; 8:45 am]

BILLING CODE 3410-34-P

[Docket No. 93-064-1]

#### Receipt of A Permit Application for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

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

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

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, BBEP, APHIS,

USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

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

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

Application No.	Applicant	Date received	Organisms	Field test location
93-118-01 ....	New York State Agricultural Experiment Station.	04-29-93	Squash plants genetically engineered to express resistance to cucumber mosaic virus, watermelon mosaic virus 2, and zucchini yellow mosaic virus.	New York.

Done in Washington, DC, this 7th day of June 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-13828 Filed 6-10-93; 8:45 am]

BILLING CODE 3410-34-P

#### Forest Service

Van Camp Timber Sales and Winter Range Improvement; Clearwater National Forest; Idaho County, ID

AGENCY Forest Service, U.S.D.A.

**ACTION:** Revised Notice; Intent to prepare an environmental impact statement.

**SUMMARY:** The original Notice of Intent was published in the Federal Register on January 31, 1991. Availability of the Draft EIS was published on page 23900 of the Federal Register on May 24, 1991,

with comments due by July 8, 1991. The Final EIS and Record of decision were expected in July of 1991. This Notice updates the planned date of release of the Final EIS and Record of Decision. They are now expected in August of 1993. The delay in release was due to additional analysis performed to respond to public comment on the Draft EIS. No additional comment period is planned prior to release of the Final EIS and Record of Decision.

**FOR FURTHER INFORMATION CONTACT:** Kris Hazelbaker, Van Camp Interdisciplinary Team Leader, or Jon B. Bledsoe, District Ranger, Lochsa Ranger District, Clearwater National Forest, Rt. 1 Box 398, Kooskia, ID 83539, (208)926-4275.

The responsible official is the Forest Supervisor of the Clearwater National Forest.

Dated: June 4, 1993.

**Bert Kulesza**

*Deputy Forest Supervisor.*

[FR Doc. 93-13733 Filed 6-10-93, 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

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

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

**Agency:** Bureau of Export Administration.

**Title:** Exception to Order Requirement.

**Agency Form Number:** None but requirements are found at § 772.6(c) of the Export Administration Regulations.

**OMB Approval Number:** 0694-0011.

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

**Burden:** 3 reporting/recordkeeping hours.

**Number of Respondents:** 10.

**Avg Hours Per Response:** 15 minutes.

**Needs and Uses:** The information requested by this report must be submitted to the Bureau of Export Administration whenever a definite order for export has not been received for a pending shipment. The purpose of the reporting requirement is to prevent shipments of commodities and technology in violation of the Export Administration Regulations.

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

**Frequency:** On occasion.

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

**OMB Desk Officer:** Gary Waxman, (202) 395-7340, room 3208, New Executive Office Building, Washington, DC 20503.

**Agency:** National Telecommunications and Information Administration.

**Title:** Public Telecommunications Facilities Program (PTFP) Grant Monitoring.

**Agency Form Number:** None but requirements are found at 15 CFR part 2301.

**OMB Approval Number:** 0660-0001.

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

**Burden:** 8,495 hours.

**Number of Respondents:** 1,655.

**Avg Hours Per Response:** Varies between one hour to 24 hours per respondent.

**Needs and Uses:** The PTFP is a grant-making program which funds the planning and construction of public telecommunications facilities. In order to monitor the use of grant funds and to process payment requests, grantees are required to submit certain reports and forms periodically.

**Affected Public:** State and local governments, nonprofit corporations and Indian Tribes.

**Frequency:** On occasion, quarterly, annually.

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

**OMB Desk Officer:** Jonas Niehardt, (202) 395-3785, room 3235, New Executive Office Building, Washington, DC 20503.

**Agency:** Office of the Secretary

**Title:** Customer Survey for the Commerce Performance Review.

**Agency Form Number:** None.

**OMB Approval Number:** None.

**Type of Request:** New Collection — prompt review requested.

**Burden:** 312 hours.

**Number of Respondents:** 1,250.

**Avg Hours Per Response:** 15 minutes.

**Needs and Uses:** This survey will be used to obtain feedback and information from Commerce customers to make quality improvements to our products, services, and operations.

**Affected Public:** Individuals, state or local governments, businesses or other for-profit organizations, non-profit institutions and small businesses or organizations.

**Frequency:** One-time survey.

**Respondent's Obligation:** Voluntary.

**OMB Desk Officer:** Don Arbuckle, (202) 395-7340, room 3208, New Executive Office Building, Washington, DC 20503.

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

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

Dated: June 7, 1993.

**Edward Michals,**

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

[FR Doc. 93-13744 Filed 6-10-93; 8:45 am]

BILLING CODE 3510-CW-F

## International Trade Administration

[A-583-808]

### Sweaters Wholly or in Chief Weight of Man-Made Fiber From Taiwan; Final Results of Changed Circumstances Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration.

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

**SUMMARY:** On November 27, 1992, the Department of Commerce published the preliminary results of the changed circumstances antidumping duty administrative review of the antidumping duty order on sweaters wholly or in chief weight of man-made (MMF sweaters) fiber from Taiwan. The changed circumstances review covers one company, Jia Farn Manufacturing Company, Ltd. (Jia Farn), for the period April 27, 1990 through August 31, 1992. We gave interested parties an opportunity to comment on the preliminary results. After our analysis of the information on the record and the arguments presented in case and rebuttal briefs, we have determined that Jia Farn was not the manufacturer of the merchandise in question, and entries of MMF sweaters purported to have been manufactured by Jia Farn are, therefore, subject to the antidumping duty order on MMF sweaters from Taiwan. As a result of this finding, we are instructing the U.S. Customs Service to continue to suspend liquidation of entries of merchandise purportedly manufactured by Jia Farn at the "all others" rate from the original investigation.

**EFFECTIVE DATE:** June 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Breck Richardson or Maureen Flannery,

Office of Antidumping Compliance,  
International Trade Administration,  
U.S. Department of Commerce,  
Washington, DC 20230; telephone (202)  
482-4733.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department of Commerce (the Department) initiated this changed circumstances antidumping administrative review of the antidumping duty order on sweaters wholly or in chief weight of man-made fiber from Taiwan (MMF sweaters) on September 22, 1992 (57 FR 43705) to determine whether Jia Farn Manufacturing Company, Ltd. (Jia Farn), a manufacturer excluded from the order, is reselling subject merchandise produced by other manufacturers. On November 27, 1992, the Department published in the *Federal Register* (57 FR 56322) the preliminary results of this review. The Department has now completed this review in accordance with 19 CFR 353.22(f)(1) and section 751(b) of the Tariff Act of 1930, as amended (the Tariff Act).

##### Final Results of Review

The issue under review in this proceeding is whether Jia Farn manufactured all of the sweaters it sold during the period of review. Verification revealed that the company's response contained numerous and significant inaccuracies (with respect to, e.g., number of employees, ownership of equipment, manufacturing functions performed by the company, and control of subcontractors) as well as facts that could not be verified (with respect to, e.g., yarn purchases and price negotiations). As a result of these pervasive deficiencies in the information submitted by Jia Farn, and additional privileged information received by the Department, we have determined that we are unable to rely on the information submitted by Jia Farn, and must resort to best information otherwise available (BIA). As BIA, the Department has determined that Jia Farn is not the manufacturer of any of the sweaters sold by the company during the period of review.

##### Analysis of Comments Received

We invited interested parties to comment on the preliminary results of the changed circumstances review. We received case and rebuttal briefs from the respondent, Jia Farn, and the petitioner, the National Knitwear and Sportswear Association (NKSA). We did not hold a public hearing in this matter because one was not requested. Comments raised by parties to this

proceeding are discussed below. In cases where two or more comments involved related topics, those comments have been collapsed into single comments. Following each comment number, we have indicated, in parentheses, the corresponding number of the comment(s) as given in Jia Farn's December 21, 1992 case brief, and its letter of June 1, 1993. This number is preceded by "JF Comment(s)" if the comment is from the case brief, or "June 1, 1993 JF Comment" if the comment is from the June 1, 1993 letter.

*Comment 1* (JF Comments 1, 15, and 16): Jia Farn contends that the Department lacked jurisdiction to conduct a review of Jia Farn, and thus argues that the Department should terminate the review and rescind all associated actions. Jia Farn also maintains that the Department inaccurately claims that the company's exclusion from the antidumping duty order was based on a determination that Jia Farn was a manufacturer of MMF sweaters. Jia Farn claims that exclusion from the antidumping duty order is without limitation or reservation. According to Jia Farn, by the terms of the antidumping duty order, Jia Farn is referred to as a producer, manufacturer, or exporter.

Jia Farn also objects to the Department's suspension of liquidation and the subjecting of Jia Farn's sweaters to the "all others" antidumping duty deposit rate with respect to entries made on or after April 27, 1990. Jia Farn contends that, even assuming a review under section 751(b) of the Tariff Act is appropriate, the only result of such a review can be the revocation of an affirmative determination. Jia Farn argues that a section 751(b) review is a review of an affirmative determination, not an order. Accordingly, Jia Farn states that the Department's Notice of Initiation, which refers to review of the "order" and Jia Farn's status "as a manufacturer" is legally deficient and that the Department lacks jurisdiction to conduct such a review. Jia Farn claims that a review of an affirmative determination, as opposed to an order, or entries under an order (which is done under section 751(a)), can only lead to an affirmation or revocation of that determination. Therefore, in this review, the Department can determine only that the order should remain in effect or should be revoked. Jia Farn concludes that the Department has no authority to take any other action, such as suspension of liquidation or imposition of a deposit rate.

Further, Jia Farn contends that section 733(d)(1), the source of authority cited by the Department in its preliminary

results, applies only to entries subject to an affirmative preliminary determination. If a preliminary affirmative determination had been made with respect to Jia Farn's entries, suspension of liquidation would have occurred at that time. Thus, Jia Farn concludes that since its entries were not subject to the original preliminary determination and suspension of liquidation, they cannot now be made subject to such suspension of liquidation.

The petitioner contends that Jia Farn's claim of lack of jurisdiction to conduct a changed circumstances review is without statutory authority. The petitioner cites 19 U.S.C. 1675(b) to support its position that the Tariff Act not only confers authority on the Department to conduct a changed circumstances review, but also requires that the Department do so whenever the Department receives information sufficient to warrant such a review.

The petitioner also points out that the antidumping duty order only excludes MMF sweaters that were "manufactured" by Jia Farn. Accordingly, the exclusion did not give Jia Farn the unlimited right to unlawfully evade the antidumping duty order by exporting to the United States MMF sweaters manufactured by other Taiwan companies. According to the petitioner, suspension of liquidation pursuant to the Department's preliminary results is essential to the enforcement of the antidumping duty order in this case.

*Department's Position:* We disagree with Jia Farn, and the Department's position has been upheld by the Court of International Trade (CIT) in *Jia Farn Manufacturing Company, Ltd. versus United States*, Slip Op. 93-42 (CIT March 26, 1993). The CIT agreed with the Department that the subject of antidumping orders is merchandise, not companies, and that only merchandise manufactured by Jia Farn was excluded from the order on MMF sweaters from Taiwan. Because the Department unquestionably has the authority to conduct a review of merchandise subject to the order, the CIT held that the Department has the authority to conduct this review. Merchandise manufactured by companies other than Jia Farn has always been, and continues to be, subject to the order. Therefore, such merchandise is subject to suspension of liquidation, regardless of whether Jia Farn sold the merchandise.

We find Jia Farn's interpretation of the distinction between reviews conducted pursuant to section 751(a) and those conducted pursuant to section 751(b) to be strained and unpersuasive.

The Department conducts reviews upon request pursuant to section 751(a) if a request is properly filed by an interested party in the anniversary month of the order. When the Department receives information indicating that special, or "changed," circumstances are present, it may initiate a review pursuant to section 751(b). A decision to revoke or not to revoke may be made after review under either section 751(a) or section 751(b). The statute does not express a preference for one over the other. The Department has revoked many cases after review under section 751(a). See, e.g., Final Results of Countervailing Duty Administrative Review and Revocation of Countervailing Duty Order: Industrial Nitrocellulose from France (February 8, 1989, 54 FR 6157). By the same token, the Department has conducted many reviews pursuant to section 751(b) the purpose of which was not to decide whether to revoke an order. See, e.g., Lime from Mexico: Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review (January 17, 1989, 54 FR 1753) (review conducted to determine whether sale of government-owned company affected deposit rate of new privately-owned firm); Final Results of Changed Circumstances Administrative Reviews: Pure Magnesium and Alloy Magnesium from Canada (November 16, 1992, 57 FR 54047) (review conducted to determine whether amended utility contract affected net subsidy).

**Comment 2 (JF Comment 2):** Jia Farn maintains that the basis upon which the Department initiated the review was a misinterpretation of the antidumping duty order and an inappropriate definition of "manufacturer" by the U.S. Customs Service (Customs). (Jia Farn states that Customs defined manufacturer as "the party that knits the panels used in producing the sweater.") Jia Farn adds that the Department specifically informed Customs that the application of this definition was inappropriate. Jia Farn claims that a U.S. government team examined Jia Farn's files in 1991, at which time it found no reselling or transshipment. Meanwhile, Customs, using an erroneous definition of manufacturer, reported in April, 1991 that Jia Farn had exported merchandise which exceeded its production capacity. Jia Farn also objects to this Customs report on the basis that a single month of large shipments does not necessarily indicate when production occurred.

Jia Farn points out that the report, which served as the basis for the Department's initiation of the review, failed to identify with reasonable

certainty the individual who made the statements. Jia Farn also contends that the information contained in the report was at least a year old and was well known to the Department when the Department initially rejected Customs' action against Jia Farn.

In response, the petitioner points out that the initiation was based on overwhelming evidence indicating that Jia Farn was engaged in a scheme to circumvent the antidumping duty order on MMF sweaters. Specifically, the petitioner cites to reports provided by Customs, the International Trade Administration, and the State Department, indicating that producers and exporters were avoiding duties by shipping through Jia Farn. Second, the petitioner claims that this information is corroborated by the fact that Jia Farn's imports to one U.S. port for the month of April, 1991 alone exceeded Jia Farn's production capacity, as reported by Customs. The petitioner concludes that these reports provide an overwhelming basis for initiating a changed circumstances review.

**Department's Response:** As stated in the notice of initiation, the U.S. government reports and cables provided evidence sufficient to warrant further inquiry through a changed circumstances review. (See Sweaters Wholly or in Chief Weight of Man-Made Fiber from Taiwan; Initiation of Changed Circumstances Antidumping Duty Administrative Review, September 22, 1992, 57 FR 43705.) The CIT confirmed that the Department "acted reasonably" in initiating this changed circumstance review. Jia Farn, Slip Op. at 15.

With respect to Jia Farn's challenges to the Customs report, it is standard Department practice to withhold the names of confidential sources in this type of situation, and the courts have upheld that practice. See *Daido Cop. v. United States*, 807 F. Supp. 1571 (CIT 1992). Furthermore, the Department did not initiate this changed circumstances review based upon the April 1991 shipment data. As the notice of initiation states, information contained in a Department of State cable, reported by Customs, and in a memorandum from the Deputy Inspector General of Commerce "provides a sufficient basis for the Department to conduct a changed circumstances review of Jia Farn's status as a manufacturer." (*Id.*) The Department merely stated that the import data "further supports the Department's determination that changed circumstances exist sufficient to warrant a changed circumstances review of Jia Farn's status as a manufacturer." (*Id.*)

**Comment 3 (JF Comment 3):** Jia Farn argues that the Department failed to provide procedural fairness in its review procedures and preliminary results, and that the Department's use of BIA was inappropriate because Jia Farn was not provided adequate time to prepare its response. Jia Farn argues that it was given only seven business days to prepare its questionnaire response, later extended to 13 business days after the questionnaire was issued. Jia Farn also contends that during verification, the Department repeatedly passed up opportunities, at the invitation of Jia Farn, to contact its suppliers and subcontractors by telephone, and that no attempts were made to visit its subcontractors until the last day of verification.

In response, the petitioner contends that, given the limited scope of this changed circumstances review, Jia Farn was given more than enough time to prepare its submission.

**Department's Position:** Although Jia Farn was originally given a deadline of nine days (seven business days), in order to ensure accuracy and completeness, the Department permitted Jia Farn, pursuant to its September 21, 1992 request, to make reasonable amendments, supplementation, and correction of deficiencies, where necessary, up until the time of the Department's verification on October 5, 1992. Indeed, Jia Farn took advantage of these opportunities and provided amendments and corrections prior to the verification. The Department also gave Jia Farn further opportunities to correct deficiencies at verification. It should also be pointed out that the nature of the requests for information in the four-page questionnaire for this review presented a far less onerous burden than does a normal questionnaire in a standard annual review. Furthermore, although the deadlines established in this proceeding were shorter than in a normal case, the circumstances in this case were extraordinary. When faced with the possible evasion of an antidumping duty order, the Department must act quickly and vigorously to investigate such potential evasion and take prompt action in the case of an affirmative finding.

Jia Farn's claim that the Department failed to contact suppliers and subcontractors until the last day of verification is also inaccurate. The Department took full advantage of the opportunity to visit Jia Farn's reported suppliers and subcontractors. Four groups of Department officials visited several of Jia Farn's reported suppliers and subcontractors for, generally, two

days of verifications. A report of the results of these official visits is contained in the attachments to the November 18, 1992 Verification Report on Jia Farn.

**Comment 4 (JF Comment 4):** Jia Farn maintains that the Department is in error where it states that "in the original investigation Jia Farn demonstrated to the Department that it either produced its own yarn for MMF sweaters by performing the yarn spinning function in-house, or purchased the yarn for use by subcontractors." (Jia Farn December 21, 1992 Case Brief at 5.) Jia Farn claims it never indicated to anyone, nor was it verified in the original investigation, that Jia Farn produced its own yarn for MMF sweaters by performing the yarn spinning function in-house. Instead, Jia Farn claims that the reference to spinning, in the verification report for the investigation, is to dyed yarn, which is yarn already in existence, not the production of yarn.

**Department's Position:** We agree with Jia Farn. The public version of the June 25, 1990 verification report, on page 4, states that, for the spinning function, "dyed yarn is spun onto spools." On page 10, it states that "Jia Farn purchases raw and pre-dyed acrylic yarn \* \* \*". Page 11 indicates that "[r]aw material costs include invoice price of the amounts paid for raw yarn, and dyeing charges, transportation, and invoice price of pre-dyed yarn." The report does not indicate anywhere that Jia Farn produced its own yarn. However, the conclusion in the original investigation that Jia Farn manufactures the sweaters it exports was based upon much more than yarn processing.

**Comment 5 (JF Comment 5):** Jia Farn argues that the Department's assertion in the preliminary results that Jia Farn performed no knitting operations during the review period is a conclusion, not a fact, and is unsupported by the evidence on the record. Jia Farn contends that it performed knitting at its factory location until its machines were transferred, and continues to perform knitting operations by having machines which it owns used by other knitters outside its factory to knit for Jia Farn.

The petitioner first points out that Jia Farn acknowledged that it performed no knitting operations at its production facility for most of the review period. Second, the petitioner contends that Jia Farn performed no knitting operations during the remainder of the review period since, as the Department found at verification, Jia Farn neither owned nor controlled the knitting machines transferred to secondary subcontractors as part of a contractual agreement.

**Department's Position:** We agree with the petitioner. The Department determined at verification that Jia Farn owns only a small number of machines and that agreements existed whereby machines it formerly owned were "gifted" to the subcontractors that had possession of them on the condition that Jia Farn's orders would have top priority. Jia Farn stated in its September 24, 1992 response "that these machines are used to knit panels only for Jia Farn." However, during verification, the owners of Jia Farn admitted that these machines may be used for other manufacturers' orders as long as such activity does not supplant work for Jia Farn. This was confirmed during verification visits to some of the locations to which these machines had been transferred. (See attachments 18 and 19 to the November 18, 1992 Jia Farn verification report.) We also learned during a verification visit to the locations of these machines that many are old and are not being used. Accordingly, we have concluded that, during the review period, few, if any, knitting operations can be attributed to Jia Farn. (See also comment 6.)

**Comment 6 (Comments 8 and 19):** Jia Farn argues that it did not overstate the number of knitting machines it owns. Jia Farn maintains that it has relocated such machines to the premises of various knitters outside of Taipei, but that it retains control over their operations.

Jia Farn contends that the Department misinterpreted the contractual agreements between the parties by basing its conclusion on one translation of one phrase in the agreements, which the Department has interpreted without regard to the way the parties to the contract interpret the same language. Further, Jia Farn argues that the Department's interpretation of the agreements cannot be applied to the whole period, since the contracts are dated in December 1990 and the machines were not moved from Jia Farn until October, November, and December of 1990. As a result, Jia Farn claims that this distinction should not permit the Department to apply its interpretation of the agreements to the entire period of review. Jia Farn maintains that this also provides a separate basis for finding no substantial evidence to support the Department's actions for that part of the review.

In response, the petitioner points out that, as noted in the verification report, the "translation" of the contractual agreements provided by Jia Farn was incorrect, and that the Department's interpreter was required to make several corrections to the translated copy.

According to the petitioner, the Department's corrections to Jia Farn's translations are not a mere difference in "interpretation" of these provisions, but rather were necessary in light of Jia Farn's apparent attempt to mislead the Department concerning the nature of the relationship between the parties.

**Department's Position:** The Department's conclusion that the knitting machines in question are no longer owned by Jia Farn is based on two findings made during verification. The language of the agreements, as translated, indicates that Jia Farn did not continue to own the machines in question. Moreover, the Department's interpretation of the language is eminently reasonable given the corroborating information from unrelated subcontractors. (See attachments 18, and 19 to the verification report). Additionally, there is no evidence on record to contradict the Department's interpretation.

Regarding Jia Farn's argument that the Department's interpretation of the agreements cannot be applied to the whole period, even assuming Jia Farn owned machines prior to the October to December 1990 period when the machines were moved, that would constitute only five months of the more than two-year review period and does not change our conclusion that Jia Farn performed few knitting operations during the period of review. This was a key factor in our determination that Jia Farn was not the manufacturer of MMF sweaters during the review period.

**Comment 7 (JF Comments 6 and 17):** Jia Farn agrees with the Department's observation, in its November 18, 1992 verification report, that its use of subcontractors has increased since the order went into effect. However, Jia Farn contends that the increase is related to its increase in sales volume.

Jia Farn disputes the percentage of finishing operations performed in-house as indicated in the November 18, 1992 verification report. According to Jia Farn, the cost verification in the original investigation specifically covered each style of sweater produced by Jia Farn during the period of investigation (POI) and indicated the percentage of sweaters actually finished in-house. Jia Farn asserts that further examination of this data reveals a significantly different percentage of in-house finishing for the POI than that noted by the Department in its November 18, 1992 report. According to Jia Farn's interpretation of the data, Jia Farn states that, during the original investigation, it was engaging in substantial subcontracting for all the processes of production and, in some cases, 100 percent of the production

processes were subcontracted to unrelated companies.

Jia Farn contends that the Department's statement in the preliminary results that Jia Farn significantly reduced its in-house finishing operations in the review period is without foundation. Jia Farn argues that the actual number of sweaters finished in-house at its production facility is the same or larger than it was during the original investigation. Second, in terms of total sweaters shipped, while Jia Farn concedes that it has perhaps performed a somewhat smaller percentage of finishing operations than during the original investigation, Jia Farn claims that this does not mean it has significantly reduced in any absolute terms its in-house finishing operations. To support its position, Jia Farn cites the Department's verification report in the changed circumstances review which, according to Jia Farn, indicates that a higher percentage of sweaters were totally finished by Jia Farn.

In response, the petitioner contends that Jia Farn's statement does not reflect the facts as verified. The petitioner cites the June 25, 1990, verification report from the less than fair value investigation for the proposition that the vast majority of the finishing operations were conducted in-house during the original investigation, whereas in the changed circumstances review, Jia Farn subcontracted out the majority of the finishing operation.

*Department's Position:* While there was a significant increase in sweater sales to the United States by Jia Farn, there was not a corresponding increase in in-house finishing operations. Though in-house finishing may have increased in absolute terms, it did not increase in relation to the increase in sales to the United States. In fact, on a percentage basis, from the period of the original investigation to the changed circumstances review period, there has been a significant decrease in Jia Farn's in-house finishing of sweaters compared with its total sales to the United States.

*Comment 8 (JF Comments 7 and 18):* Jia Farn argues that it did not overstate the number of full-time employees by more than 300 percent, as indicated in the preliminary results and verification report, but that, according to Taiwan law, the company properly defined full-time employees as those who had worked for a full month during the year and were eligible for overtime pay and two days off. According to Jia Farn, this figure included employees in three categories: non-production, production and "employees who knit with Jia Farn knitting machines or machines

effectively controlled by Jia Farn." (Jia Farn December 21, 1992 Case Brief at 7.)

Jia Farn indicates that the Department has misinterpreted the word "currently" as it is used in the questionnaire response in regard to individuals employed full time by Jia Farn. Jia Farn claims that the number of employees reported as "currently employed" in the September 24, 1992 responses was the total number of employees employed at any time during 1992. Jia Farn also claims that the Department is aware that what it considered full time was any employee employed for at least one month during 1992. Jia Farn argues that its use of that word in the phrase "currently employed" should not be interpreted as a reference to a specific date. Jia Farn claims that the Department's comparison in its verification report of the claimed number of employees "currently employed" with those on Jia Farn's payroll in August 1992, a month when production was at a relatively low level, is a misleading representation of Jia Farn's activities.

The petitioner questions the merit of Jia Farn's response. Petitioner points out that when Jia Farn referred to the "current" number of employees, it really meant the total number of full-time and temporary workers employed during the year.

*Department's Position:* As the verification results demonstrate, the number of workers currently employed by the company was grossly overstated in Jia Farn's September 24, 1992 response. In addition, subsequent efforts by Jia Farn to clarify the misstatement concerning current employment are unpersuasive. First, Jia Farn failed to point out in its September 24 response that the employee figures, as presented, included all employees associated with Jia Farn for one month or more during the year in question. In effect, high employee turnover during the period, without further explanation, makes the company appear to employ a greater number of workers and thus appear more involved in the manufacture of sweaters than is actually the case. Jia Farn's reference to the "current number of full time workers" cannot be construed as representing the number of individuals employed during the year when Jia Farn had already provided another, different, figure meant to represent total employment for the year in question. By every measure, Jia Farn's response does not provide an accurate representation of the facts uncovered during verification. Second, Jia Farn counted among its reported employees those unrelated subcontractors who use knitting machines neither owned by Jia

Farn, nor located at Jia Farn's facility. However, these unrelated subcontractors are not listed as employees in the company's payroll records, which Jia Farn specifically referenced in its response on this issue. Based upon this information, and the failure of Jia Farn to provide an accurate, straightforward presentation of the facts, we conclude that Jia Farn substantially overstated the size of its work force in this proceeding.

*Comment 9 (JF Comment 9):* Jia Farn argues that the Department is only partially accurate in its assertions regarding Jia Farn's yarn spinning operations. In its list of production processes provided to the Department, Jia Farn did indicate that one process was the spooling of yarn onto a cone used for the actual knitting. Jia Farn states that its response incorrectly indicated that this function was always performed by Jia Farn, but now contends that in actuality it is performed either by the yarn supplier or the knitter. However, Jia Farn adds that this is a relatively minor processing step, and that the error made by Jia Farn is a result of a failure of communication between Jia Farn and its counsel and the short time in which Jia Farn had to prepare its response. Jia Farn asserts that, in any event, the error is immaterial to the issues in the review.

The petitioner maintains that Jia Farn's response clearly indicated that Jia Farn performed yarn spinning operations during the period of review. The petitioner points out that now Jia Farn not only admits that it never spun yarn, but that it never even performed the limited function of spooling yarn onto cones during the period of review.

Contrary to Jia Farn's claim that the issue of yarn spinning is immaterial to the issues of the review, the petitioner asserts that the nature of the manufacturing operations performed by Jia Farn on the MMF sweaters it exported under its name during the period of the review is crucial to the determination in this review.

*Department's Position:* We agree with the petitioner. While the meaning of the term "spinning" may initially have been unclear in Jia Farn's response, the company clearly did not perform either spinning operations or spooling operations during the period of review, which is a factor that supports the conclusion that the company did not perform or control the manufacture of all of the MMF sweaters which it exported during the period of the changed circumstances review. We also note that the elimination of the spooling function represents another change from the way Jia Farn conducted business

during the period of the original investigation. (See June 25, 1990 "Verification Report of Constructed Value Jia Farn Manufacturing Co., Ltd." from the LTFV investigation, at 4.)

**Comment 10 (JF Comment 11):** Jia Farn maintains that it never asserted it dyed any yarn in-house. In fact, Jia Farn claims that the company dyes its yarn at dyeing houses that perform the operations at its instructions. Jia Farn claims that this is all Jia Farn ever asserted pertaining to yarn dyeing.

The petitioner asserts that Jia Farn's September 24, 1992 response clearly indicates that the company performs the dyeing function.

**Department's Position:** We agree with the petitioner. Jia Farn's response states that "[i]n every case of production of its sweaters, Jia Farn purchases the materials including the yarn, dyes the yarn, if necessary, and provides the materials to its subcontractors." (See Jia Farn's September 24, 1992 response at 13.) In addition, we note that the attachments to Jia Farn's response classify the operations performed by Jia Farn, as opposed to those performed by unrelated companies. Here again, Jia Farn's response indicates that the company dyed the yarn, if necessary. (See September 24, 1992 response at 10; and September 28, 1992 response at Attachment 5.) It would be unreasonable to interpret Jia Farn's response to mean that it subcontracted this function out to unrelated dyers when the company used such unequivocal language to describe the operations which the company itself performed. In light of the facts and the apparent misstatement on record, we view Jia Farn's response on this issue as confusing, and the defense of the misstatement unpersuasive. As was stated in the preliminary results, during the period of review the company did not perform any dyeing operations, nor was there any evidence that adequately demonstrated that it directly controlled such operations.

**Comment 11 (JF Comment 20):** Jia Farn disagrees with the Department's assertion that sales-specific subcontracting information submitted by Jia Farn in its questionnaire response contained misrepresentations and coding errors which overstate its participation in production. Jia Farn maintains that there were no misrepresentations and that any errors were due to time constraints, imposed by the Department. It further argues that coding was not so in error as to fail to demonstrate that Jia Farn was the manufacturer of the sweaters it exported to the United States.

**Department's Position:** Jia Farn's response had significant coding errors with respect to the specific functions actually performed by Jia Farn, such as dyeing and spinning operations. For example, the subcontracting codes showed that yarn spinning was performed in-house even though all spinning was subcontracted out as part of the knitting process. In addition, though the coding indicated that yarn dyeing was performed in house, it was actually subcontracted to unrelated subcontractors. (November 18, 1992 verification report at 2, 13, 14, 16, 17, and 18.)

**Comment 12 (JF Comment 28):** Jia Farn contends that the verification report indicates a misunderstanding regarding coding with respect to knitting. A certain code was used to indicate that some knitting was performed by Jia Farn on a particular style. This code was used on all shipments of that style, even if no knitting was done by Jia Farn on some shipments of that style. Jia Farn argues that it did not have adequate time to respond in a more detailed fashion. The verification report indicates the coding was incorrect when a particular shipment bore the Jia Farn code but the knitting was completely subcontracted.

**Department's Position:** Jia Farn did not explain in its questionnaire response what it now claims—that it applied a code, indicating that some knitting was done by Jia Farn to certain shipments for which no knitting was done by Jia Farn. If this was the case, then Jia Farn should have made this clear in its questionnaire response. Not only did Jia Farn fail to do so, but it also neglected to clarify this at verification. Had Jia Farn done so, the Department at verification could have examined additional shipments of styles for which the knitting code was incorrect. The explanation offered in Jia Farn's case brief is unsupported and untimely.

**Comment 13 (JF Comments 10 and 21):** With respect to the issue of yarn acquisition, Jia Farn contends that detailed and specific evidence furnished by Jia Farn contradicts the Department's assertion that the company was unable to provide sufficient evidence to substantiate its claim that it paid yarn suppliers for yarn. Jia Farn argues that while it did not retain check registers or canceled checks, it did keep and show to the Department many entries in the yarn purchase journal and signed receipts for payment.

Jia Farn claims that instead of examining the information it furnished, the Department required information which Jia Farn does not maintain. Jia Farn asserts the illegality of such a

requirement, and states that the failure to provide information which it does not have cannot be used by the Department to justify, in whole or in part, use of BIA. Jia Farn adds that it provided the same evidence in this review as it did in the original investigation. Moreover, according to Jia Farn, in the original investigation, the Department also contacted the yarn suppliers to confirm their relationship with Jia Farn. Jia Farn maintains that the Department had the opportunity to do so for this review in order to determine that Jia Farn paid the yarn suppliers for the yarn. Jia Farn claims that had the Department conducted an appropriate verification of the yarn suppliers in the present review, it would have confirmed the relationship and the receipt of funds for yarn by the yarn suppliers listed by Jia Farn.

The petitioner asserts that Jia Farn's lack of documentation on the issue of yarn acquisition was remarkable. Most importantly, according to the petitioner, Jia Farn refused to provide the Department with its check registers and canceled checks for the payments to yarn suppliers. Thus, the petitioner asserts that the Department was correct in stating that "it could not be confirmed that the company purchasing the yarn was, in fact, Jia Farn." (NKSA December 30, 1992 Case Brief at 7.)

**Department's Position:** We agree with the petitioner. The lack of documentation with respect to yarn acquisition was fundamental and extensive. We were unable in every instance to confirm that an actual payment had been made from Jia Farn to the yarn supplier. Although we saw evidence of payments coming out of Jia Farn's bank account, we could not confirm to whom these payments were made. We did see receipts from yarn suppliers, but we could not confirm that the payment for the yarn was made from a Jia Farn bank account. We also encountered much difficulty in our attempts to match the amount of an invoice with the bank disbursements, because Jia Farn makes multiple payments for most invoices, and we were not able to reconcile multiple payments from the bank accounts to invoice amounts.

Jia Farn did not have the check registers for 1991 or 1990 not because they did not exist, but because the company disposed of them. Check registers are the foundation of a company's accounting records, tax return and financial statements. Disposal of key business records for a recent period is contrary to basic business practice. Further, it is essential for any company to be able to track

orders and payments for supplies. Excuses proffered by Jia Farn for the Department's inability to conduct such traces at verification are not credible. We are not resorting to BIA on account of Jia Farn's failure to produce information that does not exist. Rather, our resort to BIA is based on Jia Farn's failure to produce sufficient documentation to support its claims—documentation that Jia Farn admits it disposed of.

*Comment 14* (JF Comments 12, 22, and 29): Jia Farn states that indeed it directs and controls the production of sweaters. Jia Farn points out that the mere fact that several master subcontractors were managing other subcontractors during various stages of production does not indicate that Jia Farn is not in control of the production process. Jia Farn claims it selects and directs a master subcontractor to do production, but that use of master subcontractors to supervise others does not relieve the company of its responsibility as the manufacturer of the merchandise. Jia Farn notes that it controls production in terms of quantity, specifications, and the results that are to be achieved.

In addition, Jia Farn states it selected and approved the colors and supplied the yarn; established and provided the subcontractors with directions as to the quantity to be produced and how they were to be produced, timing of production and all other necessary details; visited subcontractors as necessary and inspected as necessary; and arranged for necessary financing of production and all follow-up. Thus, it argues, it has the decision-making power, which is the essence of control and direction. Moreover, Jia Farn argues that the verification report indicates that master subcontractors were not used for production of all merchandise in question. Jia Farn contends that, in fact, most of the production was done by non-master subcontractors.

Jia Farn also disagrees with the Department's assertion that it had no written tracking system for monitoring the sweater subcontracting. It claims that the "style files" are the production control devices of Jia Farn. The file contains specifications, requirements for the order, due dates, and all other details of production.

Further, Jia Farn asserts that yarn purchases per se are not done from memory, even though the selection of yarn producers is done from memory. At the time the order is placed, Jia Farn has a limited number of yarn suppliers, and the managers know which supplier to contact. Jia Farn claims the yarn delivery notices are kept in the style

files. Jia Farn uses one of its trucks for moving pieces from one processor to another. No schedule is maintained because the general manager knows who has to be contacted next. Jia Farn also notes that it or its agent inspects the sweaters when they are completed.

Jia Farn also points out that the Department changed its definition of manufacturer from the original investigation. Specifically, Jia Farn points to one sweater model it sold during the period of the original investigation where the linking, knitting, sewing, applique attachment, and button attachment were all performed by one subcontractor for Jia Farn. Finishing operations were primarily completed by Jia Farn in-house, but also in part by the subcontractor. In addition to this example, Jia Farn contends that the Department must have found numerous instances of other companies that were totally subcontracting production from start to finish, and not infrequently to one subcontractor. Jia Farn claims it knows this to be the case because this has been the practice in Taiwan for years. Jia Farn asserts that these companies were considered manufacturers in the original investigation because they determined when production began and its details, and they were ultimately responsible for production.

To underscore the definitional problem, Jia Farn points out that, contrary to the definition of manufacturer as one who controls and directs production, a master subcontractor does not know the cost of production, the cost of yarn, the cost of materials, and various general administrative costs incurred by the true manufacturer and, therefore, cannot be the manufacturer.

In response, petitioners contend that the Department's finding on this issue is supported by the information gathered during verification. Petitioners specifically cite to the verification report where the Department found that in the Yi-Lan area of Taiwan, an area contractor directs his own subcontractors to fill Jia Farn's orders. Jia Farn "has no dealing with these subcontractors \* \* \* Jia Farn has no evidence to show that it controlled the subcontractors once the specification of the orders are given to them." (November 18, 1992 verification report at 2.)

*Department's Position:* The role Jia Farn played in the manufacture of MMF sweaters during the period of the changed circumstances review varied significantly from that which it played during the period of the original

investigation. After the preliminary determination in the original investigation, Jia Farn gave its knitting machines to unrelated subcontractors, and ceased all production knitting operations. The spooling functions became entirely subcontracted. The percentage of subcontracted finishing operations increased significantly relative to the increase in exports of sweaters to the United States. Furthermore, the Department verified instances in which master subcontractors controlled much, and sometimes all, of the merchandise. We learned during the verification that the master subcontractor charged a management fee for directing or supervising the production, except for the purchase of the yarn. Moreover, the Department could not verify Jia Farn's claim that it directs and controls the production of all sweaters it sells. Our determination does not rest solely on the extent to which Jia Farn relied on master subcontractors, but rather, as discussed in the *Final Results of Review* section, we have determined that we cannot rely on the information submitted by Jia Farn because of numerous deficiencies and inaccuracies. Therefore, as BIA, we have determined that Jia Farn did not manufacture any of the sweaters it sold during the period of this review.

We also disagree with Jia Farn's claim that the Department has changed its definition of what constitutes a manufacturer. As discussed above, the Department determined that Jia Farn's role in the manufacturing process has significantly changed since the original investigation. The example cited by Jia Farn in support of its claim to the contrary is inaccurate. That transaction was not, in fact, a case of total subcontracting of production. Jia Farn did perform most of the finishing operation.

*Comment 15* (JF Comments 13 and 27): Jia Farn asserts that the Department erroneously assessed Jia Farn's role in pricing its sweaters. Jia Farn maintains that it sets the price for the completed sweater. Jia Farn reports that while a trading company, operating as an agent of Jia Farn, may negotiate with U.S. customers, the price is set by Jia Farn, and Jia Farn will not produce the product unless it gets the price it demands. Jia Farn maintains that it was made clear during verification and is uncontroverted that Jia Farn must agree to the price before any price is final. Jia Farn further argues that the absence of negotiation documents is not relevant because a contract between the two firms does not exist. Jia Farn objects to the Department's not accepting

documents from outside the period of review showing calculation of prices for specific sweaters and ignoring discussions that occurred between the trading company and Jia Farn as to what price Jia Farn would charge for its sweaters then in production or under negotiation.

In response, the petitioner points out that the Department, at verification, found Jia Farn unable to provide documentation to substantiate its claim that the selling price of the merchandise was negotiated by Jia Farn. In the face of the findings at verification, the petitioner contends that Jia Farn cannot support the statement in its case brief that "[i]f Jia Farn does not agree to a price, the sweater does not get produced."

**Department's Position:** Although Jia Farn claims that its trading company acts as its sales agent, in that the trading company negotiates and sets prices with Jia Farn's U.S. customers, and that Jia Farn must approve the final sales price negotiated by its trading company, neither Jia Farn nor its trading company could substantiate this claim. Jia Farn has stated on the record that there is no contract between itself and its trading company empowering the trading company to act as Jia Farn's sales agent. At verification, neither Jia Farn nor the trading company could produce any documentation from the period of review regarding the negotiation process between Jia Farn and the trading company or Jia Farn's approval of the prices set by the trading companies. Both parties claimed that these processes were handled verbally or by facsimile and that they did not retain copies of the facsimiles. Because of both parties' failure to substantiate their claim about the price-setting process, we cannot conclude that Jia Farn did in fact set prices during the period of review.

**Comment 16** (JF Comments 14, 23, and 26): Jia Farn asserts that the inconsistencies and deficiencies in Jia Farn's financial records cited by the Department do not support any resort to BIA because its financial records meet the requirements of Taiwan accounting practices. Jia Farn maintains that its records are sufficient for any reasonable verification. In addition, Jia Farn asserts that the Department requested information and documents which Jia Farn does not maintain in the normal course of business.

With specific regard to weaknesses and deficiencies noted by the Department, Jia Farn contends that it does not have the check registers for 1990 and 1991 because once transactions reflected in the check

register for a year are recorded in the financial records and are supported by invoices and other documents, the underlying records have no further purpose and are discarded. Moreover, Jia Farn notes that the Department had adequate opportunity to verify the information that would appear on a check register, including such records as the yarn inventory ledger.

With respect to the Department's specific sales traces, Jia Farn maintains that it retained all basic support documentation required to be kept under the financial practices of Taiwan. What was not kept, according to Jia Farn, were such things as orders for yarn and other types of documents when such documents were superseded by other documents (e.g., documents which show the actual deliveries of yarn). Jia Farn claims that these documents are not critical support documents.

Further, in response to the Department's contention that the company official in charge of Jia Farn's accounting records indicated that not all transactions may have been recorded in the company's books and records, Jia Farn maintains that this reference was to minor expense transactions made with cash, such as payment for lunch for visitors. Jia Farn contends that a few hundred dollars in minor expenses in any one week period does not provide an adequate basis for the Department to conclude that the financial records are deficient. Jia Farn maintains that it recorded all significant expenses. To do otherwise, Jia Farn claims, would be a highly imprudent business practice given the tax liability that companies face.

Jia Farn maintains that while it does not keep a comprehensive list of cash disbursements, only extremely minor expenses go unrecorded. Jia Farn argues that it does account for cash on hand by recording in its records each expense that is made by Jia Farn from cash on hand except for a few minor expenses where no invoice is presented to Jia Farn.

In response, the petitioner asserts that the substantial inconsistencies and deficiencies found at verification call into question the integrity of the information submitted on behalf of Jia Farn in this review. In particular, the petitioner points to Jia Farn's refusal to provide the necessary supporting documentation for any of its cash disbursements which occurred in 1990 or 1991. With respect to the canceled checks and check registers, the petitioner contends that it was reasonable for the Department to require direct proof of expenditures,

particularly given the inaccuracies and inconsistencies of much, if not all, of the information submitted by Jia Farn in this changed circumstances review.

**Department's Position:** We agree with the petitioner. Jia Farn was repeatedly unable to confirm that payments made during the period under review were made by Jia Farn, or that the payments went to the entity listed on a particular invoice. We were unable to perform a complete tracing of bank disbursements and cash on hand disbursements. Jia Farn did not provide any listing, either numerical or chronological, of check disbursements for 1991 and 1990, or any listing of cash disbursements or a reconciliation of cash on hand. Indeed, Jia Farn stated that it does not prepare a reconciliation of cash on hand and that there was no established system of tracking cash disbursements. Additionally, Jia Farn stated that cash disbursements are made regularly, quite often on a daily basis, and certain disbursements for which Jia Farn does not receive Government Uniform Invoices (GUIs) may not be recorded into the books of the company. We were unable to determine to what extent transactions of the company were not recorded. Even if there were only "a few hundred dollars in minor expense in any one week period," such expenses could add up to many thousands of dollars over the course of a year. Further, the Department could not confirm that these transactions totalled only a few hundred dollars nor could we confirm that these were minor expenses. Jia Farn made no attempt to provide any information to confirm that these expenses were minor. Therefore, given the substantial amount of cash disbursements, there is a strong likelihood that the financial statements are materially misstated.

The check registers and canceled checks were requested as support for the disbursements out of the bank accounts. The supporting documentation for cash disbursements was requested to verify the disbursements made from "Cash on Hand" located on the premises of Jia Farn. The Department does not know what other documents of which Jia Farn is speaking which could have been used. The Department notes that it spent an extensive amount of time at verification working with the owner and the company accountant in an attempt to verify cash disbursements. The Department looked at all records which the company disclosed to the Department, and these records did not provide adequate proof or verification of disbursements and expenses. The lack of documentation and the lack of internal control seriously calls into

question the integrity of the financial statements and the integrity of the submission. A claim of technical compliance with local accounting practices, if that is the case here, cannot overcome the gross deficiencies and inconsistencies in the information and documentation provided by Jia Farn. Those inconsistencies and deficiencies were so extensive that we are compelled to find the submitted information unreliable and to resort to the use of BIA.

*Comment 17 (JF Comment 24):* Jia Farn objects to the Department's assessment of one of its accounts, and states that every payment for business purposes made from this account was recorded in Jia Farn's books and financial records.

*Department's Position:* Jia Farn's argument only addresses the payments coming out of this account. It does not address how all of the income deposited into this account was recorded on the books of the company, and it does not address how the balance at the end of the year was reflected in the company's books. If in fact this account was as claimed and was used for business purposes, then the ending cash balance should either be reflected on the balance sheet of Jia Farn or shown as a distribution to the owners. The Department extensively examined this issue at verification. However, the company's answers to the Department's questions and requests for documentation did not provide an adequate explanation of how all of the transactions on this account were recorded on the books of the company.

*Comment 18 (JF Comment 25):* Jia Farn disagrees with the Department's assessment that a document trace of a particular style revealed several inconsistencies and system weaknesses. Jia Farn contends that the Department's assertion is based upon the fact that Jia Farn does not maintain what Jia Farn considers useless or irrelevant documents.

Jia Farn maintains that this particular order was not recorded in the yarn inventory ledger, because the yarn inventory ledger was not intended to be a complete record of yarn purchases, and not all orders were recorded. Jia Farn also argues that the Department's assertion that there was an inconsistency regarding yarn delivery was erroneous and that Jia Farn, at verification, specifically stated that the original subcontractor was located in the city to which the yarn delivery document indicated delivery, but that before subcontracted knitting actually began, the subcontractor located to

another city. Jia Farn contends that this was the only inconsistency.

*Department's Position:* Jia Farn inconsistently claimed that a purchase order was "useless and irrelevant" for this sweater style, but not useless and irrelevant for another sweater style. For the sweater style in question, Jia Farn indicated that the purchase order for the yarn was discarded upon receipt of the GUI. It could not be determined who was paid for the yarn and the yarn used for this particular order was not recorded in the yarn inventory ledger.

The verification report also notes that Jia Farn did not explain a discrepancy in the delivery information. In its case brief, Jia Farn proffered an explanation for that discrepancy. However, that explanation was untimely and unsupported. The Department notes that Jia Farn criticizes the Department in Comment 17 regarding the lack of check registers for 1991 and 1990, stating that "the Department had adequate opportunity to verify the information that would appear on a check register, including such records as the yarn inventory ledger. Now in this comment, Jia Farn criticizes the Department's assessment of several inconsistencies and system weaknesses, stating that the "yarn inventory ledger was not intended to be a complete record of yarn purchases, and not all orders were recorded." This example typifies many of the problems which the Department encountered in its verification and supports the Department's contention that Jia Farn's records and accounting systems contain substantial inconsistencies and cannot be relied upon.

*Comment 19 (JF Comment 30):* Jia Farn argues that finishing should be sufficient to result in Jia Farn's being considered the manufacturer when combined with its over-all direction and control of the manufacturing process. Jia Farn cites pages 18 and 19 of the verification report, which indicate that Jia Farn finished a substantial portion of the volume of sweaters in the verification sample. Jia Farn claims that no errors were noted in coding on finishing, except to possibly understate the extent of Jia Farn's finishing operations. Jia Farn claims that this would indicate that Jia Farn was verified as finishing all the sweaters it indicated in the response.

Petitioner counters that the Department found that Jia Farn had no overall direction and control of the production process, and that finishing sweaters manufactured by other companies does not make Jia Farn the manufacturer of the sweaters.

*Department's Position:* We disagree with Jia Farn. As noted in our response to comment 14, we found that Jia Farn cannot be considered a manufacturer of MMF sweaters during the review period. We agree that a significant number of sweaters were finished by Jia Farn. However, finishing alone is insufficient to confer the status of manufacturer. Finishing is just a minor part of the manufacturing process, and we could not determine that Jia Farn controlled the process beyond this limited function. Jia Farn's performance of finishing operations, or the fact that finishing operations were in many cases performed by other parties, is not central to our determination in this review that Jia Farn is not the manufacturer of the sweaters it sold during the period of review. That determination is based on a variety of inconsistencies and inaccuracies noted throughout this final results of review.

*Comment 20 (JF Comment 31):* Jia Farn contradicts a statement in the verification report that it was only late in the verification that the Department's verifiers determined that the cost analysis sheet presented by Jia Farn for 1990 shipments was prepared during verification. Jia Farn contends that the fact that it did not maintain cost summary sheets during 1990, but began that process in 1991, was indicated to the verifiers from the start of verification and repeated many times.

*Department's Position:* We stand by the statement in the verification report that it was not until the last day of the Jia Farn verification that the Department's verifiers discovered that Jia Farn's staff created cost analysis sheets and placed them in the files during the verification. (See verification report at 22.)

Earlier in the verification, the verifier noted that the subcontractors could not be identified from the documents in the 1990 style files. "For the 1990 style files in this selection, Jia Farn could identify the yarn supplier but not the subcontractors from the documents in these files. For these 1990 files and the others not spontaneously examined, Jia Farn was asked to prepare the necessary documents to identify the subcontractors. In most instances, what was ultimately presented for the 1990 files was a Jia Farn cost analysis sheet for each production process." (See verification report at 21.) Since documentation did not exist in the 1990 style files, the verifier requested that Jia Farn provide for his review whatever other documentation there might be that would identify subcontractors for those styles. The verifier never asked Jia Farn to create documents which did not

previously exist. To do so would have been absurd, since documents created for verification purposes are meaningless unless tied to books and records kept by a company in the normal course of business.

*Comment 21 (JF Comment 32):* Jia Farn objects to the Department's conclusions on style file completeness. It argues that it was asked to identify the actual subcontractors for 1990, but because one of its files contained misfiled documents the Department concluded that Jia Farn's files were incomplete. Jia Farn contends that all its sales and subcontractors were accounted for, and that there was no misreporting or failure to report any subcontractor.

*Department's Position:* The Department's problems concerning Jia Farn's file completeness go beyond misfiling. For the particular file to which Jia Farn refers, Jia Farn also was unable to document the payment of certain GUIs, and could not document that the knitting, linking, and finishing operations attributed to "non-GUI payroll employees" were actually performed by them. Additionally, for the sweaters covered by this file, Jia Farn had identified a certain company as a subcontractor when, in fact, it was not. For this and the other 1990 style files where Jia Farn had been unable to identify subcontractors, the verifiers asked Jia Farn to prepare the documentation necessary to identify the subcontractors. Jia Farn later presented the verifiers with cost analysis sheets—prepared for each production process—to identify the subcontractors. The verifiers learned that, in most instances, the cost analysis sheets were created during the verification in order to present the subcontractor information to the verifiers. For the particular file discussed above, the verifiers asked Jia Farn how it was able to determine the identities of the subcontractors. Jia Farn personnel indicated that they had "brainstormed" the question the previous night and then, after identifying the subcontractors, phoned the subcontractors and confirmed that they had worked on these styles. Jia Farn at that point explained that it had followed a similar process for all other 1990 selected style files for which there was no GUI information in the file. This last minute, undocumented identification of the subcontractors is a serious verification deficiency. In addition, other proprietary information on the record calls into serious question the integrity of Jia Farn's identification of its subcontractors. (For a description of the proprietary information, see page

23, paragraph 1 of the proprietary version of the verification report.)

*Comment 22 (JF Comment 33):* Jia Farn objects to the Department's assertion, in its verification report titled "Report on Manufacturing Operations," that it appeared Jia Farn's only involvement in producing many of the sweaters sold during the period of review was yarn acquisition. Jia Farn maintains that this conclusion was unsupported by, and contradicted in, the report. Jia Farn concedes that it subcontracted out all production processes, but asserts that this subcontracting pattern is not an uncommon practice of manufacturers.

*Department's Position:* During the cost verification, Jia Farn stated that subcontractors performed the functions of knitting, cutting, linking, sewing, and finishing, and that Jia Farn was responsible for the acquisition and dyeing of yarn and spinning. Jia Farn also indicated in its submission "that it performed the spinning operations for the sweaters sold during the period of investigation." However, in examining Jia Farn's operations, the Department saw only one spinning machine which appeared to be used for sample models. When this point was raised, Jia Farn acknowledged that the spinning function was also subcontracted.

Although Jia Farn claims that these findings are contradicted in the report, it does not indicate where or what those contradictions are. We point out that the report states that "It appeared that Jia Farn's only involvement in producing many of the sweaters sold during the [period of review] was yarn acquisition." (emphasis added) The report also notes that "[f]or the third selection, Jia Farn indicated that its involvement in the production of the sweater was limited to purchasing the yarn." (Report on Manufacturing Operations at 10.)

*Comment 23 (JF Comment 34):* Jia Farn argues that the Department's assertion that it could not ascertain the actual identity of the payee involved in any particular transaction is inaccurate and misleading. Jia Farn contends that the Department repeatedly missed opportunities to verify the identities of entities involved in particular transactions after being invited to do so.

Jia Farn further argues that the Report on Manufacturing Operations is contradictory regarding Jia Farn's accounting system for yarn purchases. It argues that on page 1 the Department reports that Jia Farn did not maintain an accounting system for tracking yarn purchases, then on page 7 describes the accounting system and confirms that Jia

Farn did acquire sufficient yarn to account for its production.

*Department's Position:* Jia Farn's statement in its brief, regarding the identification of the payee involved in specific transactions, is contradicted by statements in the verification report. For details, see the June 4, 1993 proprietary memorandum from the analyst to the file on this issue.

As outlined throughout the verification report and this notice, the Department tried repeatedly to confirm that the payments from Jia Farn's bank account were in fact going to the same entity as listed on the GUI. In no instance were we able to confirm this.

Furthermore, Jia Farn's argument that the Department contradicts itself regarding the accounting for yarn purchases is in itself flawed. The examples which Jia Farn uses address two completely different subjects. The first statement referred to from the verification report was:

Jia Farn did not maintain an accounting system for tracking yarn purchases.

Jia Farn disregards the following sentences contained within the same paragraph of the verification report:

Jia Farn placed orders by telephone or with written purchase orders. Jia Farn indicated that the information confirming the terms of the purchase, whether it was a small sheet of paper documenting a phone conversation or an actual purchase order, was thrown away upon receipt of a Government Uniform Invoice\* \* \* In those instances orders were placed with the dye house to begin dyeing yarn. However, the record of these instructions were also discarded by Jia Farn.

The purpose of these questions was to ascertain whether or not Jia Farn maintained control of the manufacturing operations and whether Jia Farn tracked the ordering and purchasing of yarn, not the payment for yarn. At no time did Jia Farn present evidence to support its claim that it controlled the manufacturing operations.

The reconciliation to which Jia Farn refers, which describes the accounting system, including the general ledger, was performed as a test to see if Jia Farn's payments for yarn were sufficient in relation to the number of sweaters sold by Jia Farn. This issue is only indirectly related to the first.

*Comment 24 (June 1, 1993, JF Comment 3):* Jia Farn contends that the attachments to the verification report are confirmation of Jia Farn's accounting for its knitting machines because, as the knitting companies verified, the Department's verifiers found the same number of machines that Jia Farn had indicated it had placed with them. In addition, the verifiers chose not to visit

all of the knitters, presumably because they felt no need to verify the facts any further. Moreover, the attachment confirms the description and written evidence of Jia Farn's agreements to place its machines with the knitters.

**Department's Position:** We agree with Jia Farn's comment only to the extent that, during the verification, Jia Farn was able to account for the location of the machines. But our findings, as discussed in comments 5, 6, and 14, indicate that Jia Farn was no longer the owner of these knitting machines and was not in control of the operations involving them.

**Comment 25 (June 1, 1993, JF Comment 4):** Jia Farn argues that the attachments to the verification report confirm that numerous opportunities were presented to, but denied by, the Department to obtain additional data from various service providers—such as accountants—of the firms visited.

**Department's Position:** At visits to a supplier of Jia Farn, certain of Jia Farn's subcontractors, and others, the response to the Department's request for information was that the information was not available because it was with the company's accountant. This was presented as a reason for not providing the information, and in no case did a company official offer to contact its accountant to obtain the information.

#### Additional Comments from Petitioner

Petitioner submitted a number of comments in addition to those already mentioned. These included a set, submitted on June 1, 1993, in response to the attachments to the verification report. In these comments, the petitioner noted inconsistencies, and possible misrepresentations, in Jia Farn's responses; minimal or nonexistent involvement by Jia Farn in the purchases of yarn; non-ownership by Jia Farn of the knitting machines used to produce the sweaters sold by Jia Farn; and lack of control or supervision, on the part of Jia Farn, over the operation of knitting machines. Petitioner indicated that these points, as well as other irregularities we noted in the attachments, are corroborating evidence in support of its argument that Jia Farn is not the manufacturer of the sweaters it exported during the period of review, and that Jia Farn has evaded, and allowed for the circumvention by other Taiwan sweater companies of, the antidumping duty order.

**Department's Position:** For the most part, we agree with the petitioner and have already addressed these comments in our responses, above, to previous comments, and in the section on the **Final Results of Review**, above.

#### Suspension of Liquidation

Because we have determined that Jia Farn was not the manufacturer of the sweaters it sold during the period of this changed circumstances review, we determine that the merchandise subject to this changed circumstance review is subject to the antidumping duty order on MMF sweaters from Taiwan. We are instructing Customs to continue the suspension of liquidation of all entries of MMF sweaters sold by Jia Farn, or purported to be manufactured by Jia Farn, that are entered or withdrawn from the warehouse, for consumption on or after April 27, 1990. Entries made subsequent to the period of this changed circumstances review, that is, entries made on or after September 1, 1992, will be considered entries not manufactured by Jia Farn, and thus subject to the antidumping duty order, except to the extent that Jia Farn can satisfy the Department, in the course of future reviews, that it was the actual manufacturer of any MMF sweaters it exports to the United States.

Interested parties may request disclosure within five days of the date of publication of this notice. These final results are in accordance with section 19 CFR 353.22(f)(1)(ix).

These final results are in accordance with 19 CFR 353.22(f)(1) (iv) and (v).

Dated: June 4, 1993.

**Joseph A. Spetrini,**  
Acting Assistant Secretary for Import Administration.

[FR Doc. 93-13865 Filed 6-10-93; 8:45 am]  
BILLING CODE 3510-05-P

#### National Oceanic and Atmospheric Administration

##### Crab Interim Action Committee; Public Meeting

The Alaska Region of the National Marine Fisheries Service (NMFS) announces a meeting of the Crab Interim Action Committee of the North Pacific Fishery Management Council. The purpose of the meeting will be to discuss recent regulatory action by the Alaska Board of Fisheries affecting management of crab fisheries under the Fishery Management Plan for King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area. That action would establish Norton Sound as a superexclusive registration area. The meeting is open to the public, but no public hearing is scheduled. It will begin at 10 a.m. Alaska Daylight Time, June 18, 1993, in the Large Conference Room, Suite 5, Bureau of Indian Affairs,

9109 Mendenhall Mall Road, Juneau, Alaska.

For further information: Contact Steven Pennoyer, Director, Alaska Region, NMFS, P.O. Box 2-1668, Juneau, Alaska 99802, 907-586-7221.

Dated: June 7, 1993.

**David S. Crestin,**  
Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.  
[FR Doc. 93-13740 Filed 6-10-93; 8:45 am]  
BILLING CODE 3510-22-M

#### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

##### Procurement List Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to the Procurement List woodland camouflage trousers to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** July 12, 1993.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** On February 26, 1993, the Committee for Purchase From People Who Are Blind or Severely Disabled published a notice (58 FR 11590) of the proposed addition of these trousers to the Procurement List. Comments were received from two of the three current contractors for the trousers. The first comment came in response to a Committee request for sales data made before the first notice of proposed rulemaking proposing addition of the trousers to the Procurement List. That contractor indicated that the trousers comprised a large percentage of its sales for the most recent twelve months, and indicated in some detail the severe impact which loss of these sales would cause. The contractor also provided a discussion of the legislative and case law histories of the Committee's authorizing statute, and the Committee's regulations, to demonstrate its contention that the Committee's program was not intended to have a severe impact on commercial contractors. The second contractor objected to the Committee's piecemeal removal of clothing and textile

requirements of the Government from private industry.

The first contractor's comments quantify the harm which it would suffer if the entire Government requirement for the trousers were added to the Procurement List. However, the Committee has never formally proposed the addition of the entire requirement to the Procurement List. Because of the impact considerations noted in the first contractor's comments, the Committee's initial notice of proposed rulemaking indicated that the addition of approximately 7.5% of the requirement to the Procurement List was contemplated. While the second notice of proposed rulemaking doubled this quantity, the Committee has decided to return to its original proposal, which would add to the Procurement List a total of 150,000 pairs of the trousers per year.

The Committee does not believe that addition of this quantity of the trousers to the Procurement List constitutes severe adverse impact on either of the two commenting contractors, as the action would cause them a loss of less than 5% of their sales. Over 90% of the Government requirement for the trousers remains open to competitive procurement from the commenting contractors and other manufacturers. Because the Committee's action will not have a severe adverse impact on either commenting contractor, the first contractor's contentions that the Committee's program may not severely impact commercial contractors are not relevant to this action.

The second contractor's objection to the proposed action appears to be based on the assumption that recent reductions in Government procurement of clothing and textile items are solely due to the Committee's actions. However, the major part of these reductions were caused by actions other than additions to the Procurement List, such as downsizing of military forces after the end of the Cold War. The Committee rejects the contractor's assertion that its program is being used by the Government to destroy the clothing and textile industry.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to produce the commodities, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a

substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Trousers, Woodland Camouflage  
8415-01-184-1340 thru -1360  
(150,000 pairs annually)

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,  
Executive Director.

[FR Doc. 93-13869 Filed 6-10-93; 8:45 am]

BILLING CODE 6820-33-P

#### Procurement List Additions

**AGENCY:** Committee for Purchase from People Who Are Blind or Severely Disabled.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to the Procurement List a commodity, a military resale commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** July 12, 1993.

**ADDRESSES:** Committee for Purchase from People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** On January 25, March 26, April 16 and 23, 1993, the Committee for Purchase from People Who Are Blind or Severely Disabled published notices (58 FR 5959, 16401, 19805 and 21706) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of

qualified nonprofit agencies to provide the commodity, military resale commodity and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity, military resale commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity, military resale commodity and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity, military resale commodity and services.

3. The action will result in authorizing small entities to furnish the commodity, military resale commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity, military resale commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodity, military resale commodity and services are hereby added to the Procurement List:

#### Commodity

Insulation Tape, Electrical  
5970-00-419-4290

#### Military Resale Commodity

M.R. 581 Cutlery, Plastic, Reusable

#### Services

Janitorial/Custodial, Federal Building, 200 E. Liberty, Ann Arbor, Michigan  
Repair of Small Hand Tools, Fleet and Industrial Supply Center, Jacksonville, Florida

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,  
Executive Director.

[FR Doc. 93-13871 Filed 6-10-93; 8:45 am]

BILLING CODE 6820-33-P

**Procurement List Proposed Additions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to Procurement List.

**SUMMARY:** The Committee has received a proposal to add to the Procurement List commodities, a military resale commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** July 12, 1993.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities, military resale commodity and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities, military resale commodity and services to the Government.

2. The action does not appear to have a severe adverse impact on the current contractors for the commodities, military resale commodity and services.

3. The action will result in authorizing small entities to furnish the commodities, military resale commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities, military resale commodity and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities, military resale commodity and services has been proposed for addition to the Procurement List for production by the nonprofit agency listed:

**Commodities**

Fishing Kit, Emergency

4220-01-181-3154

Nonprofit Agency: Opportunity Resources, Inc., Missoula, Montana

Applicator, Disposable

6515-00-234-6838

6515-00-303-8100

Nonprofit Agency: Suburban Adult Services, Sardinia, New York

Mouse Pad, Computer

7045-01-368-4808

7045-01-368-4809

7045-01-368-4810

7045-01-368-4811

Nonprofit Agency: South Texas Lighthouse for the Blind, Corpus Christi, Texas

Shirt, Sleeping

8415-00-935-6855

8415-00-890-2099

8415-00-890-2100

8415-00-890-2101

8415-00-890-2102

8415-00-890-2103

(50% of the Government's requirement)

Nonprofit Agency: Mount Rogers Community Mental Health/Mental Retardation Services Board, Wytheville, Virginia at its facility in Hillsville, Virginia

**Military Resale Commodity**

M.R. 021 Wrist Pad, Computer

Nonprofit Agency: South Texas Lighthouse for the Blind, Corpus Christi, Texas

**Services**

Janitorial/Custodial, U.S. Department of Energy, 1990 Germantown Road, Germantown, Maryland

Nonprofit Agency: Hagerstown Goodwill Industries, Inc., Hagerstown, Maryland

Janitorial/Custodial, Federal Building, U.S. Post Office and Courthouse, Third and Sharkey Streets, Clarksdale, Mississippi

Nonprofit Agency: Allied Enterprises of Oxford, Oxford, Mississippi

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 93-13872 Filed 6-10-93; 8:45 am]

**BILLING CODE 9820-33-P**

**Proposed Additions to the Procurement List; Correction**

In FR Doc. 93-11524 beginning on page 28563 in the issue of May 14, 1993, on page 28564, in the first column, the NSNs listed for File, Folder should read:

7530-01-346-4295

7530-01-346-4296

7530-01-347-5227

The comment period for these commodities is hereby extended to July 12, 1993.

**Beverly L. Milkman,**  
*Executive Director.*

[FR Doc. 93-13870 Filed 6-10-93; 8:45 am]

**BILLING CODE 9820-33-P**

**DEPARTMENT OF EDUCATION****National Assessment of Educational Progress Data Reporting Program**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed priority for fiscal years 1994 and 1995.

**SUMMARY:** The Secretary proposes an absolute priority and two competitive priorities for fiscal years (FY) 1994 and 1995 under the National Assessment of Educational Progress (NAEP) for a Data Reporting Program. The Secretary takes this action to ensure a thorough and detailed investigation of the data from the 1990 NAEP, the 1992 NAEP or the 1991 NAEP High School Transcript Study and to support monitoring our progress toward the National Education Goals. The priorities are proposed in order to expand the available information about factors related to the academic achievement of U.S. children in public and private schools.

**DATES:** Comments must be received on or before July 12, 1993.

**ADDRESSES:** All comments concerning these proposed priorities should be addressed to Alex Sedlacek, U.S. Department of Education, 555 New Jersey Avenue, NW., room 306D, Washington, DC 20208-5653.

**FOR FURTHER INFORMATION CONTACT:** Alex Sedlacek. Telephone: 202-219-1734. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** NAEP is a primary indicator of the level of U.S. students' academic achievement. Since 1969, NAEP has been assessing what American students know and can do in a variety of curriculum areas and plotting their progress across time. To provide context for the achievement results, NAEP also collects demographic, curricular and institutional background information from students, teachers and school administrators. The 1991 NAEP High School Transcript Study (Transcript Study) collected transcript data on twelfth graders who participated in the 1990 NAEP. The Transcript Study

collected data on the characteristics of students and of the high school courses the students took.

The Department contracted with the Educational Testing Service to design and administer the 1992 NAEP, and to prepare and disseminate a series of reports on the NAEP data. Under the proposed absolute priority, the Secretary will encourage other educational researchers to study the NAEP and Transcript Study data and prepare reports on specific topics in order to expand the available information about the teacher background variables, instructional variables, school environment variables, and student background variables that relate to academic achievement.

The Secretary will award analysis grants under the proposed absolute priority in order to encourage a broader range of educational researchers to work with the NAEP or Transcript Study data, and to foster the development of new approaches to analyzing and reporting on these data sets.

The proposed absolute priority is intended to ensure that competitive grant projects meet the standards required for accurate statistical analysis of the complex data produced by NAEP and the Transcript Study.

Please note that there are no program regulations for this competition; therefore, in evaluating applications, the Secretary will use the selection criteria in the Education Department General Administrative Regulations (34 CFR 75.210).

The Secretary will announce the final absolute and competitive priorities in a notice in the *Federal Register*. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priorities, and the quality of the applications received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

**Note:** This notice of proposed priorities does not solicit applications. A notice inviting applications under this competition will be published in the *Federal Register* concurrent with or following publication of the notice of final priorities.

#### Priorities

##### *Proposed Absolute Priority*

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute

preference to applications that meet the following priority. The Secretary proposes to fund under this competition only applications that meet this absolute priority:

##### *Analysis of Data From the 1990 NAEP, the 1992 NAEP or the 1991 NAEP High School Transcript Study*

Projects proposing to conduct analyses of the data from the 1990 NAEP, the 1992 NAEP authorized by section 406(i) of the General Education Provisions Act (GEPA), or the 1991 NAEP High School Transcript Study. Each analysis project must be designed to increase the information available to educational policymakers in areas where student performance might be affected by institutional change. Each grantee must publish and disseminate the results of the grant-funded data analyses. To ensure that published products meet the National Center for Education Statistics' (NCES) standards, each grantee must make provisions for an NCES sponsored pre-publication peer review.

Each application must describe in detail, for each proposed analysis, the approaches to be used to account for—

- The sampling error associated with the multi-stage sampling plan of NAEP when estimating the precision of all statistical parameters; and
- The measurement error in the multiply-imputed NAEP proficiency scores when estimating statistical parameters and their standard errors.

##### *Proposed Competitive Priorities*

Under 34 CFR 75.105(c)(2)(i) the Secretary proposes to give preference within the absolute priority to applications that meet one or more of the following competitive priorities. The number of points the Secretary proposes to award to an application that meets a competitive priority in a particularly effective way is indicated in parentheses next to the title of the priority. These points would be in addition to any points the application earns under the selection criteria.

##### *Proposed Competitive Priority 1—Innovative Approaches to Analysis of the 1990 NAEP, the 1992 NAEP or 1991 Transcript Study Data (Up to 8 points)*

Analysis projects that develop new approaches to analyzing and reporting the information contained in the NAEP and Transcript Study data, or appropriately apply state-of-the-art statistical procedures to the data.

##### *Proposed Competitive Priority 2—Development of Analytic Software Applicable to NAEP Data (Up to 7 points)*

Analysis projects that include the development of statistical software that allows more advanced analytic techniques to be readily applied to NAEP data and thereby promotes a wider dissemination of NAEP data and the results of analyses of NAEP data.

##### **Invitation to Comment**

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period in room 306D, 555 New Jersey Ave. NW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

**Program Authority:** 20 U.S.C. 1221e-1(i). (Catalog of Federal Domestic Assistance Number: 84.999B National Assessment of Educational Progress Data Reporting Program)

Dated: June 1, 1993.

Richard W. Riley,  
Secretary of Education.

[FR Doc. 93-13774 Filed 6-10-93; 8:45 am]  
BILLING CODE 4000-01-P

[CFDA No: 84.094B]

##### **Patricia Roberts Harris Fellowship Program; Technical Assistance Workshop**

**AGENCY:** Department of Education.  
**ACTION:** Notice of technical assistance workshops.

**SUMMARY:** The Department of Education will conduct technical assistance workshops to assist prospective applicants in developing applications for the Patricia Roberts Harris Fellowship Program for fiscal year 1993. The workshops will take place on June 14 at the California School of Professional Psychology, 1005 Atlantic Avenue, Rm 106 and 107, Alameda, CA from 9 a.m. to 4 p.m.; June 16 at the McCormick Auditorium in Norris University Center, Northwestern University, 1999 South Campus Drive, Evanston, IL from 9 a.m. to 4 p.m.; and on June 18 at the GSA Auditorium located at 7th & D Streets, SW., Washington, DC from 9 a.m. to 4 p.m. Reservations are not necessary.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles H. Miller, U.S. Department of Education, 400 Maryland Avenue, SW., ROB-3, room 3022, Washington, DC

20202-5251. Telephone: (202) 708-8395. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time Monday through Friday.

Program Authority: 20 U.S.C. 1134, 1134d-1134g.

Dated: June 7, 1993.

**Maureen A. McLaughlin,**

*Acting Assistant Secretary for Postsecondary Education.*

[FR Doc. 93-13776 Filed 6-10-93; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Floodplain Involvement for the Central Neutralization Facility Pipeline Extension, K-25 Site, Oak Ridge Reservation, Tennessee

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of floodplain involvement.

**SUMMARY:** DOE proposes to reroute the Central Neutralization Facility (CNF) effluent from Poplar Creek to the Clinch River by either extending the existing CNF pipeline from K-801 (Outfall 011 on Poplar Creek) southwest 7200 feet to K-901 (Outfall 014 on the Clinch River) or continuing the pipeline from the K-801 outfall down Poplar Creek to the Clinch River. Both routes are located in Roane County, Tennessee. In accordance with 10 CFR part 1022, DOE will prepare a floodplain assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected floodplain.

**DATES:** Comments are due to the address below no later than June 28, 1993.

**ADDRESSES:** Send comments to Larry Radcliffe, Director, Waste Management Division (EW-92), U.S. Department of Energy, Post Office 2001, Oak Ridge, Tennessee, 37831-8541, or fax comments to (615) 576-5333.

**FOR MAPS AND FURTHER INFORMATION ON THIS PROPOSED ACTION, CONTACT:** Ralph Skinner, Program Manager, Waste Management Division (EW-92), U.S. Department of Energy, Post Office 2001, Oak Ridge, Tennessee, 37831-8541.

**FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT:** Carol M. Borgstrom, Director, Office of NEPA Oversight, EH-25, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

**SUPPLEMENTARY INFORMATION:** The proposed pipeline extension would intersect the floodplain briefly at two locations along the overland route. One intersection would occur at the K-1250-3 vehicle bridge east of Building K-33 on the K-25 Site and the second intersection would be at the Clinch River discharge point where Gillian Road ends at the river. There would be no disturbance at the bridge intersection as the pipeline would be hung on the bridge above the floodplain. The pipeline would cross approximately 100 feet of 100-year flood plain at the discharge location. The second route down Poplar Creek would have limited or no impact on the floodplain in that the pipeline would be connected at the current discharge point into Poplar Creek. This route follows the Poplar Creek floodway to the Clinch River. In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022), DOE will prepare a flood plain assessment for this proposed DOE action. After DOE issues the assessment, a floodplain statement of findings will be published in the *Federal Register*.

**Paul D. Grimm,**

*Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.*

[FR Doc. 93-13850 Filed 6-10-93; 8:45 am]

BILLING CODE 6450-01-M

### Floodplain Statement of Findings for Proposed Closure of the K-1407-B Holding Pond at the K-25 Site, Oak Ridge, Tennessee

**AGENCY:** Department of Energy (DOE).

**ACTION:** Floodplain statement of findings.

**SUMMARY:** This is a Floodplain Statement of Findings for Proposed Closure of the K-1407-B Holding Pond at the K-25 Site, Oak Ridge, Tennessee, prepared in accordance with 10 CFR part 1022. DOE proposes to remediate the relatively low level of soil contamination by eliminating the air pathways for exposure. The proposed action entails placing engineering-compacted backfill (i.e., gravel and soil) over the K-1407-B Holding Pond (B Pond), a 1.3-acre impoundment located within the 100-year floodplain of Mitchell branch and within the 500-year floodplain for both Mitchell Branch and Poplar Creek, in Oak Ridge Tennessee.

DOE prepared a floodplain assessment describing the effects; alternatives, and measures designed to avoid or minimize potential harm to or

within the floodplain of both Mitchell Branch and Poplar Creek. DOE will endeavor to allow 15 days of public review after publication of the statement of findings before implementing the proposed action.

#### FOR FURTHER INFORMATION AND A LOCATION MAP, CONTACT:

Mr. Lester K. Price, Acting Director, Environmental Restoration Division (EW-91), U.S. Department of Energy, P.O. Box 2001, Oak Ridge, Tennessee 37831-8541. 615-576-0715, send fax to (615) 576-6074.

**FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT:** Ms. Carol Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586-4600 or (800) 472-2765.

**SUPPLEMENTARY INFORMATION:** The Floodplain Assessment is available from the Oak Ridge address above. The action is proposed to be located in the floodplain because the contaminated soil is in the floodplain. Several alternatives, such as no action, summary placement of backfill, backfill and clay cap, five-component Resource Conservation and Recovery Act cap, and excavation and treatment were considered and evaluated. Under the no-action alternative, no further action would be taken at the site to prevent exposure to soil contamination. The no-action alternative is not consistent with the Comprehensive Environmental Response, Compensation, and Liability Act requirements.

The proposed action conforms to all applicable State or local floodplain protection standards. No steps were taken to avoid or minimize potential harm to or within the affected floodplain because the floodplain assessment concluded there would be negligible impacts as a result of the proposed action. DOE shall endeavor to allow at least 15 days of public review after publication of the statement of findings.

Issued in Washington, DC, this 4th day of June, 1993

**Paul D. Grimm,**

*Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.*

[FR Doc. 93-13851 Filed 6-10-93; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket Nos. ER93-609-000, et al.]

### Montana Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

June 4, 1993.

Take notice that the following filings have been made with the Commission:

#### 1. Montana Power Company

[Docket No. ER93-609-000]

Take notice that on May 26, 1993, The Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission an Amendment No. 1 to its original filing in this docket. This amended filing provides additional information requested by Commission staff.

A copy of the filing was served upon Black Hills Power and Light Company.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 2. Washington Water Power Company

[Docket No. ER93-672-000]

Take notice that on May 27, 1993, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 an Agreement for the sale of Capacity and Energy between WWP and Public Utility District No. 1 of Pend Oreille County. WWP requests that the Commission accept the Agreement for filing, effective as of August 1, 1993.

A copy of the filing was served upon Public Utility District No. 1 of Pend Oreille County.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 3. PacifiCorp

[Docket No. ER93-671-000]

Take notice that PacifiCorp on May 17, 1993, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Letter Agreement, Contract No. DE-MS79-93BP94061, between PacifiCorp and Bonneville Power Administration (Bonneville), dated May 20, 1993 for the exchange of nonfirm energy.

PacifiCorp requests a waiver of prior notice be granted and that an effective date of July 1, 1993 be assigned to commence delivery of nonfirm energy to PacifiCorp.

Copies of this filing were supplied to Bonneville and the Public Utility Commission of Oregon.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 4. Puget Sound Power & Light Company

[Docket No. ER93-167-000]

Take notice that on May 6, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an amendment in the above-referenced docket.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Entergy Power, Inc.

[Docket No. ER92-516-002]

Take notice that on May 25, 1993, Entergy Power, Inc. (Entergy) tendered for filing its refund report in the above-referenced docket.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 6. PacifiCorp

[Docket No. ER93-675-000]

Take notice that on May 27, 1993, PacifiCorp tendered for filing pursuant to sections 205 and 206 of the Federal Power Act and in accordance with § 35.13 of the Commission's Rules and Regulations a Period I and Period II cost of service filing in compliance with the Commission's Opinion Nos. 318 and 318A (Opinion No. 318) under Docket Nos. EC88-2-000 and EC88-2-003. This filing provides PacifiCorp's embedded wholesale and transmission cost of service on both a divisional and single system basis. Also enclosed is PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 4, PacifiCorp's FERC Electric Tariff, First Revised Volume No. 6, revised sheet Nos. 1, 2, 3, 4, 5, 6, 7 and 8 to PacifiCorp's FERC Electric Tariff, Original Volume No. 5 and rte sheets to PacifiCorp's Rate Schedule FERC Nos. 262, 279, 280, 288, 290, 292 and 297.

PacifiCorp's filing herein is only in compliance with Opinion No. 318 as PacifiCorp is not seeking a rate increase for any of the above listed tariffs or rate schedules at this time.

Copies of the filing were served upon all parties hereto, the Wyoming Public Service Commission, Public Service Commission of Utah, the Public Utility Commission of Oregon, the Idaho Public Utilities Commission, the Public Utilities Commission of Colorado, the Montana Public Service Commission, the Public Utilities Commission of California, the Nevada Public Service Commission and the Arizona Corporation Commission.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Consumers Power Company

[Docket No. ER93-682-000]

Take notice that on May 28, 1993, Consumer Power Company tendered for filing a Notice of Termination of Consumers FERC Electric Tariff, Original Volume No. 4 and Consumer Service Agreement thereunder with Wolverine Power Supply Cooperative, Inc.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 8. Central Illinois Public Service Company

[Docket No. ER93-673-000]

Take notice that on May 27, 1993, Central Illinois Public Service Company (CIPS) tendered for filing a Facilities Use Agreement between CIPS and Electric Energy, Incorporated (EEInc). CIPS states that the purpose of the Facilities Use Agreement is to establish the terms and payment schedule from EEInc. to CIPS for certain transmission improvements recently constructed by CIPS.

CIPS seeks an effective date of December 18, 1992 and, accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing were served on EEInc. and the Illinois Commerce Commission.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 9. Pennsylvania Electric Company

[Docket No. ER93-669-000]

Take notice that on May 26, 1993, Pennsylvania Electric Company (Penelec) tendered for filing pursuant to Rule 205 of the Commission's Rules of Practice and Procedure (18 CFR 385.205) an amendment to its existing rate schedule for transmission and supplemental power services to Allegheny Electric Cooperative, Inc. (Allegheny Cooperative). Under such existing rate schedule, Penelec has been providing such services to Allegheny Cooperative through 158 delivery points in Pennsylvania. Concurrently, Penelec's affiliates, Metropolitan Edison Company (Met-Ed) and Jersey Central Power & Light Company (JCP&L), have been providing transmission and supplemental power services to Allegheny Cooperative through 16 additional delivery points in Pennsylvania and one additional delivery point in New Jersey.

Under the tendered amendment, Penelec would provide supplemental

power services to Allegheny Cooperative through the 17 delivery points presently provided with supplemental power by Met-Ed and JCP&L, which will provide transmission service to such delivery points of such Penelec supplemental power. The rates charged by Penelec for such supplemental power service to such additional delivery points will be based upon the rates charged by Penelec to Allegheny for supplemental power to the 158 delivery points now served by Penelec, after excluding from such Penelec rates the transmission component thereof.

Copies of the filing have been served on the Pennsylvania Public Utility Commission and Allegheny Cooperative.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 10. Niagara Mohawk Power Corporation

[Docket No. ER93-670-000]

Take notice that on May 26, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Commission a signed Service Agreement between Niagara Mohawk and Orange & Rockland Utilities, Inc. (O&R) for sales of system capacity and/or energy or resource capacity and/or energy under Niagara Mohawk's proposed Power Sales Tariff in Docket No. ER93-313-000. Niagara Mohawk filed its Power Sales Tariff on January 11, 1993 and requested an effective date of March 13, 1993 for the Tariff. In its May 14, 1993 filing of the proposed Service Agreement with EOC, Niagara Mohawk requests an effective date for this Service Agreement of 60-days following its filing with FERC consistent with § 35.3 of the FERC's regulations.

A copy of this filing has been served upon LILCO and the New York Public Service Commission.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### 11. Central Illinois Public Service Company

[Docket No. ER93-664-000]

Take notice that on May 26, 1993, Central Illinois Public Service Company (CIPS) tendered for filing a "Supplemental Agreement for the Purchase of Power by Norris Electric Cooperative from Central Illinois Public Service," dated May 20, 1993 and Eighth Revised Schedule A, Points of Delivery, to underlying supply agreement between CIPS and Norris Electric Cooperative (Norris). CIPS

provides Norris full-requirements service under a long-standing supply agreement. The Supplemental Agreement provides for an additional delivery point for Norris.

CIPS requests an effective date of April 27, 1993, and accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing were served upon Norris and the Illinois Commerce Commission.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E end of this notice.

#### 12. South Carolina Electric & Gas Company

[Docket No. ER93-585-000]

Take notice that on May 24, 1993, South Carolina Electric & Gas Company (SCE&G) tendered for filing proposed cancellation of Rate Schedule 34 (FERC) between South Carolina Electric & Gas Company and Savannah Electric and Power Company.

On May 19, 1993, SCE&G modified its filing by correcting the termination date on the letter of cancellation from November 1986 to November 1985.

Under the proposed cancellation the contract which expired by its own terms effective November 30, 1985 will be canceled.

Copies of this filing were served upon Southern Company Services, Inc., which assumed contracts of Savannah Electric and Power Company.

*Comment date:* June 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-13759 Filed 6-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD93-09746T Colorado-56]

#### Department of the Interior, Bureau of Land Management; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

June 7, 1993.

Take notice that on June 1, 1993, the United States Department of the Interior's Bureau of Land Management (BLM) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Pictured Cliffs Formation in the Ignacio Blanco Pictured Cliffs Field in La Plata County, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers approximately 5,088 acres lying within the Southern Ute Indian Reservation and is administered by the Bureau of Land Management. The lands are described as follows:

Township 32 North, Range 9 West  
Sections 3-4: All  
Sections 9-10: All  
Township 33 North, Range 9 West  
Sections 27-28: All  
Sections 33-34: All

The notice of determination also contains BLM's findings that the referenced portion of the Pictured Cliffs Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93-13752 Filed 6-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ93-9-63-000; TM93-9-63-000]

#### Carnegie Natural Gas Co.; Compliance Filing

June 7, 1993

Take notice that on June 3, 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:

Sub Forty-Third Revised Sheet No. 8  
Sub Forty-Third Revised Sheet No. 9

Carnegie states that it is filing the above tariff sheets in compliance with the Letter Order issued in these dockets on May 27, 1993, to revise the projected gas cost included in Carnegie's out-of-cycle PGA filed in these dockets on April 28, 1993. That Letter Order directed Carnegie to refile its rates in this docket to reflect a demand rate reduction implemented on Carnegie's upstream pipeline supplier, Texas Eastern Transmission Corporation in Docket TQ93-6-17-000, which became effective on April 1, 1993. Accordingly, Carnegie states that the substitute revised tariff sheets submitted in these dockets, as compared with the tariff sheets filed in these dockets on April 28, 1993, reflect a demand charge decrease of \$0.3186 per dth to its CDS and LVWS rates, a \$0.0105 per dth decrease in the DCA charge, and a decrease from \$3.8754 to \$3.8649 per dth in its maximum commodity rate under Rate Schedule SEGSS.

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 June 14, 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. 93-13745 Filed 6-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES91-32-001]

**Citizens Utilities Co.; Amended  
Application**

June 7, 1993.

Take notice that on June 2, 1993, Citizens Utilities Company (Citizens) filed an amendment to its application in Docket No. ES91-32-000 under section 204 of the Federal Power Act. By letter order dated July 7, 1993, Citizens was authorized to issue not more than 2,568,000 shares of common stock pursuant to the provisions of Citizens Management Equity Incentive Plan through July 7, 1993. Citizens is requesting authorization to change the authorization period which will expire on July 7, 1993 to September 7, 1993.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 93-13753 Filed 6-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER93-688-000]

**Consumers Power Co.; Filing**

June 7, 1993

Take notice that on June 1, 1993, Consumers Power Company (Consumers) tendered for filing a Service Agreement for Limited-Term Prescheduled Interruptible Wholesale Electric Service with Alpena Power Company.

A copy of this filing was served upon Alpena Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington

DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 18, 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. 93-13750 Filed 6-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-185-005]

**El Paso Natural Gas Co.; Compliance  
Filing**

June 7, 1993.

Take notice that on June 3, 1993, El Paso Natural Gas Company (El Paso) tendered for filing and acceptance, pursuant to part 154 of the Federal Energy Regulatory Commission's Regulations Under the Natural Gas Act (NGA) and in compliance with ordering paragraph (B) of the Commission's Order Granting in Part and Denying in Part Rehearing and Clarification issued May 6, 1993 at Docket No. RP92-185-004 certain revised tariff sheets contained in its First Revised Volume No. 1-A Tariff.

El Paso states that ordering paragraph (B) of said order requires El Paso to file revised tariff sheets to reflect: (1) That the twenty-four hour notice period under the overpull penalty begins at 7 a.m. on the day after notice is actually provided and (2) a mechanism to credit confiscated unauthorized gas.

El Paso states that in response to directive (1), El Paso tendered certain tariff sheets to reflect that the twenty-four (24) hour notice period shall begin at 7 a.m. Mountain Standard Time on the day after notice is actually provided.

El Paso states that in compliance with directive (2), El Paso tendered a tariff sheet requiring El Paso to credit the value of retained unauthorized gas volumes or any unauthorized gas penalties against amounts otherwise due from eligible mainline Shippers. Specifically, the tariff sheet adds a new § 27.10, Accounting for Retained Unauthorized Gas and Penalties, to reflect that El Paso shall credit each eligible mainline Shipper on its monthly transportation service invoice with a share of the value of the

unauthorized gas retained by El Paso (less any production area charges and other burdens, if any) and unauthorized gas penalty payments received by El Paso. El Paso states that the retained volumes shall be valued based on the appropriate index price for each production basin (Anadarko, Permian or San Juan) as such are described in §§ 20.11(e)(1)(1), (2) or (3) of the proposed tariff provisions concerning the cash-out of imbalances filed in this proceeding. Each Shipper shall receive a credit in proportion to the mainline charges billed to such Shipper less conditional credits pursuant to § 28.18 of El Paso's Volume No. 1-A Tariff to the mainline charges billed to all Shippers less such conditional credits. El Paso states that the proposed tariff provision is based on the tariff proposal filed by Natural Gas Pipeline Company cited on page 17 of the order as the basis for the Commission's directive.

El Paso respectfully requested that the Commission accept the tendered tariff sheets for filing and permit them to become effective August 1, 1993, which is not less than thirty (30) days following the date of this filing.

El Paso states that copies of the filing were served upon all parties of record at Docket No. RP92-185-000, et al., and all interstate pipeline system transportation customers of El Paso and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 14, 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. 93-13746 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP93-411-000]

**National Fuel Gas Supply Corp.;  
Request Under Blanket Authorization**

June 7, 1993.

Take notice that on June 2, 1993, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP93-411-000, a request pursuant to

§ 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization (1) to construct and operate sales tap facilities to attach a new residential customer of National Fuel Gas Distribution Corporation (Distribution); and (2) to construct and operate one delivery point with respect to an existing wholesale customer, Distribution, under the authorization issued in Docket No. CP83-4-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

National proposes to construct residential sales tap facilities in Benzinger Township, Elk County, Pennsylvania. It is stated that the total deliveries are estimated to be 150 Mcf annually, which will have minimal impact on National's peak day and annual deliveries.

National also proposes to add one new delivery point for Distribution in the Town of Wheatfield, Niagara County, New York, for the delivery of gas for the account of Distribution. The proposed delivery point would interconnect with National's Line X. It is stated that the facilities will include valves, regulators, heaters, metering, filters, pipeline and appurtenant facilities. National states that the total peak day deliveries through the proposed new delivery point is estimated to be 3,600 Mcf daily and 1,314,000 Mcf annually. National further states that the service rendered through the proposed taps will not affect National's peak day and annual deliveries.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,  
Secretary.

[FR Doc. 93-13756 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER93-686-000]

**New England Power Co.; Filing**

June 7, 1993.

Take notice that New England Power Company (NEP), on June 1, 1993, tendered for filing a revised service agreement for service to Boston Edison Company (BECO) for service under NEP's FERC Electric Tariff No. 3. NEP requests waiver of the Commission's notice requirements so that this revised agreement may become effective in accordance with its terms.

The purpose of the service agreement revision is to describe more accurately NEP's transmission of BECO's entitlement in L'Energie Cogeneration unit in Lowell, Massachusetts.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 18, 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. 93-13749 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER93-690-000]

**Niagara Mohawk Power Corp.; Filing**

June 7, 1993.

Take notice that on June 1, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Commission a signed Service Agreement between Niagara Mohawk and Delmarva Power for sales of system capacity and/or energy or resource capacity and/or energy under Niagara Mohawk's proposed Power Sales Tariff in Docket No. ER93-313-000. Niagara Mohawk filed its Power Sales Tariff on January 11, 1993 and requested an effective date of March 13, 1993 for the Tariff. In its May 14, 1993 filing of the proposed Service Agreement with EEOC, Niagara Mohawk requests an effective date for this Service Agreement of 60 days following its filing with FERC

consistent with § 35.3 of the FERC's regulations.

A copy of this filing has been served upon Delmarva and the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 18, 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. 93-13751 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER93-538-000]

#### PacifiCorp; Filing

June 7, 1993.

Take notice that PacifiCorp, on June 1, 1993, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, an amendment to its filing under the above referenced docket of Exhibit 2, dated March 17, 1993 (Revised Exhibit 2) of the Amendment of Agreements (Amendment) between PacifiCorp and Moon Lake Electric Association (Moon Lake). The Revised Exhibit 2 reflects a change in Moon Lake's utilization of PacifiCorp's 69 kV transmission line between Moon Lake's UPALCO and Pleasant Valley substation.

PacifiCorp requests, pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations, that a waiver of prior notice be granted and that an effective date of March 17, 1993 be assigned to Revised Exhibit 2.

Copies of the filing amendment were supplied to Moon Lake Electric Association, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 18, 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. 93-13757 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER93-689-000]

#### South Carolina Electric & Gas Co.; Filing

June 7, 1993.

Take notice that South Carolina Electric & Gas Company on June 1, 1993, tendered for filing proposed cancellation of Rate Schedules T1.S7(FPC), T1.S7.2(FPC), and T1.S7.3(FPC) between South Carolina Electric & Gas Company and Central Electric Power Cooperative, Inc.

Under the proposed cancellation the contract which expired effective March 31, 1993 will be canceled.

Copies of this filing were served upon Central Electric Power Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 18, 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. 93-13748 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP92-259-002]

#### Sumas International Pipeline Inc.; Compliance Filing and Request for Waiver and To Commence Operation

June 7, 1993.

Take notice that on June 1, 1993, Sumas International Pipeline Inc. ("SIPI") tendered for filing its compliance filing and Federal Energy Regulatory Commission ("Commission") Gas Tariff, in the above-referenced docket.

SIPI states that the tariff sheets contained in this filing are being tendered in compliance with Ordering Paragraph "C" of the FERC's November 2, 1993, Order and Commission Order Nos. 636, 636-A, and 636-B. SIPI also requests a waiver of certain provision of these orders and requests that the Commission act on the filing so as to allow a July 1, 1993 operation and in-service date.

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 June 18, 1993, and will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant 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. 93-13758 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP93-363-000]

#### Transcontinental Gas Pipe Line Corp.; Application

June 7, 1993.

Take notice that on May 28, 1993, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed an application with the Commission in Docket No. CP93-363-000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon a firm transportation service for Natural Gas Pipe Line Company of America (Natural), all as more fully set forth in the application which is open to public inspection.

Transco proposes to abandon a firm transportation service for Natural under Transco's FERC Rate Schedule X-124 of

up to 6,300 Mcf per day of natural gas.<sup>1</sup> Transco also requests a retroactive effective date of July 31, 1992, for its abandonment of transportation service for Natural. Transco states that Natural no longer needs this transportation service because of depleted gas supplies. United has not filed a companion abandonment request in this proceeding as of this date. Transco does not propose to abandon any facilities herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 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 NGA (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 NGA 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 abandonments 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 Transco to appear or be represented at the hearing.

Lois D. Cashell,  
Secretary.

[FR Doc. 93-13755 Filed 6-10-93; 8:45 am]  
BILLING CODE 8717-01-M

<sup>1</sup> See the Commission order issued at 58 FPC 1,573 (1977).

[Docket No. CP93-362-000]

**Transcontinental Gas Pipe Line Corp.;  
Application**

June 7, 1993.

Take notice that on May 27, 1993, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed an application with the Commission in Docket No. CP93-362-000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon five interruptible transportation and exchange services with United Gas Pipe Line Company (United), all as more fully set forth in the application which is open to public inspection.

Transco proposes to abandon, at United's request, five interruptible transportation and exchange service under Transco's FERC Rate Schedules X-14, X-41, X-43, X-46, and X-60 of up to 152,000 Mcf per day of natural gas.<sup>1</sup> Transco also requests effective dates of June 1, 1992; March 8, 1992; January 31, 1993; August 1, 1993; and May 17, 1992, for the respective abandonments of these rate schedules, because the transportation agreements' primary terms will expire then. Transco also states that United no longer needs these transportation and exchange services; however, United has not filed its abandonment requests as of this date. Transco does not propose to abandon any facilities herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 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 NGA (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

<sup>1</sup> See Commission orders issued at 14 FPC 1,121 (1955); 33 FPC 1,060; 35 FPC 170 (1966); 38 FPC 163 (1967), as amended at 41 FPC 806 (1969) and 45 FPC 533 (1971); and 49 FPC 271 (1973), which authorized Transco's five transportation and exchange services for United.

Federal Energy Regulatory Commission by sections 7 and 15 of the NGA 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 abandonments 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 Transco to appear or be represented at the hearing.

Lois D. Cashell,  
Secretary.

[FR Doc. 93-13754 Filed 6-10-93; 8:45 am]  
BILLING CODE 8717-01-M

[Docket No. ER93-676-000]

**Wisconsin Power & Light Co.; Filing**

June 7, 1993.

Take notice that on May 28, 1993, Wisconsin Power & Light Company (WP&L) tendered for filing proposed changes to its currently effective tariffs Resale Service to WPPI System (W-1), Resale Service to Rural Cooperatives (W-2), Resale Service to Public Utilities (W-3), Wholesale Interruptible Rider (W-4) and Resale Partial Requirements Service (PR-1).

WP&L states that it had intended to file for a rate increase of \$3,302,000, but because of settlement discussions, it requests rate schedule changes that will increase revenues from the affected customers by \$2,238,000 based on sales for the period August 1, 1993 through July 31, 1994. This change represents an increase of 3.0% of revenues at present rates.

WP&L requests an effective date sixty (60) days from the date of filing, but states that it expects the Commission to approve the Settlement Agreement and suspend the effective date to October 1, 1993 in accordance with that agreement.

Copies of the filing were served upon each affected customer and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 18, 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. 93-13747 Filed 6-10-93; 8:45 am]  
BILLING CODE 6717-01-M

#### Office of Fossil Energy

[FE Docket No. 93-46-NG]

#### Transco Energy Marketing Co.; 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 Transco Energy Marketing Company blanket authorization to import up to 730 Bcf of natural gas from Canada from February 7, 1993, through February 6, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 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, on May 14, 1993.

Clifford P. Tomaszewski,  
Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-13849 Filed 6-10-93; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. FE C&E 93-20—Certification Notice—120]

#### Filing Certification of Compliance: Coal Capability of New Electric Powerplant, Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.  
ACTION: Notice of filing.

**SUMMARY:** Las Vegas Cogeneration L.P. has submitted a coal capability self-certification pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

**ADDRESSES:** Copies of self-certification filings are available for public inspection upon request in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell at (202) 586-9624.

**SUPPLEMENTARY INFORMATION:** Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) on the day it is filed with the Secretary. The Secretary is required to publish a notice in the Federal Register that a certification has been filed. The following owner/operator of a proposed new baseload powerplant has filed a self-certification in accordance with section 201(d).

Owner: Las Vegas Cogeneration Limited Partnership

Operator: Las Vegas Cogeneration Limited Partnership

Location: North Las Vegas, Clark County, Nevada

Plant Configuration: Combined cycle cogeneration

Capacity: 45 megawatts

Fuel: Natural gas

Purchasing Utilities: Nevada Power Company

Expected In-Service Date: June 1, 1994.

Issued in Washington, DC on June 8, 1993.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-13847 Filed 6-10-93; 8:45 am]  
BILLING CODE 9450-01-M

#### Office of Hearings and Appeals

#### Cases Filed During the Week of May 14 Through May 21, 1993

During the Week of May 14 through May 21, 1993, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: June 7, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

#### LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 14 through May 21, 1993]

Date	Name and location of applicant	Case No.	Type of submission
May 17 1993 ...	Texaco/Selmont Texaco Memphis, TN .....	RR321-130	Request for Modification/Recession in the Texaco Refund Proceeding. <i>If granted:</i> The June 10, 1992 Decision and Order (Case No. RF321-12075) issued to Selmont Texaco regarding the firm's Application for Refund submitted in the Texaco refund proceeding would be modified.
May 21, 1993 ..	John Lohrenz, Ruston, LA .....	LFA-0298	Appeal of an Information Request Denial. <i>If granted:</i> John Lohrenz would receive access to DOE information.

## REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund applicant	Case No.
05/14/93 thru 05/21/93	Atlantic Richfield refund applications received	RF304-13950 thru RF304-13986
05/14/93 thru 05/21/93	Texaco oil refund, applications received	RF321-19738 thru RF321-19750
05/17/93	Kona Corporation	RF350-1
05/17/93	Coastal States Trading, Inc	RF340-183
05/17/93	McMinn-Loudon Farmers Coop	RF272-94709
05/17/93	Longyear Company	RF272-94710
05/18/93	Cedar Falls Utilities	RF340-184
05/18/93	Ace Paving Co., Inc	RF272-94711
05/18/93	City of Milford	RF272-94712
05/18/93	Christian Farms, Inc	RF272-94713
05/18/93	Dickson Farmers Co-Op	RF272-94714
05/19/93	Amkota Coop	RF272-94715

[FR Doc. 93-13855 Filed 6-10-93; 8:45 am]  
BILLING CODE 6450-01-P

## Office of Hearings and Appeals

## Final Closing Date for Special Refund Proceeding No. HEF-0203 Involving Beacon Oil Co.

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of closure of special refund proceeding HEF-0203, Beacon Oil Company.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces that it is terminating the proceeding established to distribute refunds from the escrow account maintained pursuant to a consent order entered into between the DOE and Beacon Oil Company.

FOR FURTHER INFORMATION CONTACT: Max William Yano, Department of Energy, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586-6602.

SUPPLEMENTARY INFORMATION: On February 7, 1986, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order setting forth final refund procedures to distribute the monies in the oil overcharge escrow account established in accordance with the terms of a Consent Order entered into by the Department of Energy and the Beacon Oil Company. See *Beacon Oil Company*, 14 DOE ¶ 85,011 (1986), 51 FR 5786 (February 18, 1986). That Decision established May 19, 1986, as the filing deadline for the submission of refund applications for direct restitution by purchasers of Beacon's refined petroleum products. 14 DOE at 88,027.

The Office of Hearings and Appeals commenced accepting refund applications in the Beacon refund proceeding on February 24, 1986, more than seven years ago. All of the

Applications for Refund filed in the Beacon proceeding are currently being considered and will be resolved in the near future. Furthermore, in view of the extended period of time that has transpired since the commencement of the proceeding, we have concluded that all eligible applicants have been provided with more than ample time to file. Accordingly, 30 days from the date of issuance of this Notice, the proceeding established to distribute funds from the escrow account maintained pursuant to the consent order entered into between the DOE and Beacon Oil Company will be closed. Any unclaimed funds remaining after all meritorious claims have been paid will be made available for indirect restitution pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501.

Dated: June 7, 1993.

George B. Breznay,  
Director, Office of Hearings and Appeals.  
[FR Doc. 93-13856 Filed 6-10-93; 8:45 am]  
BILLING CODE 6450-01-P

## Western Area Power Administration

## Cancellation of Scoping Meetings for the Proposed 500-kilovolt Navajo Transmission Line Project; Arizona, New Mexico, and Nevada

AGENCY: Western Area Power Administration, DOE.

ACTION: Postponement of public meetings.

SUMMARY: Western Area Power Administration (Western) published a notice of intent (NOI) to prepare an environmental impact statement (EIS) in the *Federal Register* (FR) on May 26, 1993, 58 FR 30162. That NOI also provided a schedule of public scoping meetings for the EIS. There is presently a serious health concern in the Four Corners area where several of the public meetings were scheduled. An illness of

unknown origin called Adult Respiratory Distress Syndrome is responsible for several deaths in the area. Therefore, as a precautionary measure, Western has decided to postpone the public scoping meeting until a future date. A notice of the new public meeting schedule will be published in the FR prior to those meetings. Written comments on scope of the EIS for the proposed Navajo Transmission Line Project are welcome. The scoping period will remain open approximately two weeks after the last public scoping meeting; the exact date will be published with the notice of the new public meeting schedule.

## FOR FURTHER INFORMATION CONTACT:

Western will maintain a mailing list of interested parties and persons who wish to be kept informed of the progress of the Navajo Transmission Line Project EIS. If you are interested in receiving future information, or wish to submit written comments, please call or write: Michael G. Skougard, Environmental Specialist, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147-0606. (801) 524-5493.

For general information on DOE's National Environmental Policy Act (NEPA) review procedures or status of a NEPA review, contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH-25, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. (202) 586-4600 or (800) 472-2756.

Issued at Golden, Colorado, June 3, 1993.  
William H. Clagett,  
Administrator.

[FR Doc. 93-13848 Filed 6-10-93; 8:45 am]  
BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL 4665-8]

**Draft Acid Rain Permits; Public Comment Period****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of Draft Permit and Public Comment Period.**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is issuing for comment draft, five-year Acid Rain permits to 37 utility plants according to the Acid Rain Program regulations (40 CFR part 72).**DATES:** Comments on draft permits must be received no later than July 12, 1993 or 30 days after the publication date of this notice in local newspapers.**ADDRESSES:** *Administrative Records.* The administrative record for each draft permit, except information protected as confidential, may be viewed at the addresses listed in "Supplemental Information".*Comments.* Send comments, requests for public hearings, and requests to receive notice of future actions concerning a draft permit to the following:

For plants in Pennsylvania and West Virginia: Thomas Maslany, Director, Air, Radiation and Toxics Division, EPA Region 3 (3AT-22), 841 Chestnut Bldg., Philadelphia, PA 19107;

For plants in Alabama, Georgia, Kentucky, and Tennessee: Winston Smith, Director, Air, Pesticides and Toxics Management Division, EPA Region 4, 345 Courtland Ave. NE., Atlanta, GA 30365;

For plants in Illinois, Indiana, and Ohio: David Kee, Director, Air and Radiation Division, EPA Region 5 (A-18), Ralph H. Metcalfe Federal Bldg., 77 West Jackson Blvd., Chicago, IL 60604;

For plants in Kansas, Iowa and Missouri: William A. Spratlin, Director, Air and Toxics Division, EPA Region 7 (ARTX), 726 Minnesota Ave., Kansas City, KS 66101.

Submit all comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of all units covered by the permit. All timely comments will be considered, except those pertaining to standard provisions under 40 CFR 72.9 and issues not relevant to the permit.

*Hearings.* To request a public hearing, state the issues proposed to be raised in

the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting the draft permit.

**FOR FURTHER INFORMATION CONTACT:**

Contact the following persons for more information about the draft permits:

For Cheswick, Kimberly Peck at (215) 597-9839; for Martins Creek and Kammer, David Campbell at (215) 597-9781; for Shawville and Albright, James Toppale (215) 597-6553. Air, Radiation and Toxics Division, EPA Region 3 (3AT-22), 841 Chestnut Bldg., Philadelphia, PA 19107;

For plants in Alabama, Georgia, Kentucky, and Tennessee, Brian Beals at (404) 347-5014. Air, Pesticides and Toxics Management Division, EPA Region 4, 345 Courtland Ave. NE., Atlanta, GA 30365;

For plants in Illinois, Cecilia Mijares at (312) 886-0968; in Indiana, Patrick Gimino at (312) 353-8651; in Ohio, Franklin Echevarria at (312) 886-9653. Air and Radiation Division, EPA Region 5 (A-18), Ralph H. Metcalfe Bldg., 77 West Jackson Blvd., Chicago, IL 60604;

For plants in Kansas, Iowa and Missouri, Jon Knodel at (913) 551-7662. Air and Toxics Division, EPA Region 7 (ARTX), 726 Minnesota Ave., Kansas City, KS 66101.

**SUPPLEMENTARY INFORMATION:****Permits**

EPA proposes to approve a permit for each utility plant that specifies the following sulfur dioxide emission allowances and compliance plans. An allowance is a limited authorization by EPA to emit up to one ton of sulfur dioxide during or after a specified calendar year.

**Region 3**

Cheswick in Pennsylvania: 38,139 Table 1 allowances to unit 1 in each year 1995-1999. The designated representative is Robert A. Irvin.

Martins Creek in Pennsylvania: 12,327 Table 1 allowances to unit 1 in each year 1995-1999; and 12,483 Table 1 allowances to unit 2 in each year 1995-1999. The designated representative is Robert G. Byram.

Shawville in Pennsylvania: 10,048 Table 1 allowances to unit 1 in each year 1995-1999; 10,048 Table 1 allowances to unit 2 in each year 1995-1999; 13,846 Table 1 allowances to unit 3 in each year 1995-1999; and 13,700 Table 1 allowances to unit 4 in each year 1995-1999. The designated representative is Alfred A. Slowik.

Albright in West Virginia: 11,684 Table 1 allowances to unit 3 in each

year 1995-1999. The designated representative is David C. Benson.

Kammer in West Virginia: 18,247 Table 1 allowances to unit 1 in each year 1995-1999; 18,948 Table 1 allowances to unit 2 in each year 1995-1999; and 16,932 Table 1 allowances to unit 3 in each year 1995-1999. The designated representative is John M. McManus.

**Region 4**

Colbert in Alabama: 13,213 Table 1 allowances to unit 1 in each year 1995-1999; 14,907 Table 1 allowances to unit 2 in each year 1995-1999; 14,995 Table 1 allowances to unit 3 in each year 1995-1999; 15,005 Table 1 allowances to unit 4 in each year 1995-1999; 36,202 Table 1 allowances to unit 5 in each year 1995-1999; 9,721 Phase I Extension Reserve allowances to unit 5 in each year 1995-1996, as a transfer unit under the Phase I extension plan for Cumberland; and five conditional reduced utilization plans for units 1 through 5 (one plan for each unit) that designate the following compensating sulfur-free generators: Sequoyah units 1 and 2, Browns Ferry units 2 and 3, and Watts Bar units 1 and 2. The designated representative is Joseph W. Dickey.

E C Gaston in Alabama: 17,624 Table 1 allowances to unit 1 in each year 1995-1999; 18,052 Table 1 allowances to unit 2 in each year 1995-1999; 17,828 Table 1 allowances to unit 3 in each year 1995-1999; 18,773 Table 1 allowances to unit 4 in each year 1995-1999; and 58,265 Table 1 allowances to unit 5 in each year 1995-1999. The designated representative is T. Harold Jones.

Bowen in Georgia: 54,838 Table 1 allowances to unit 1BLR in each year 1995-1999; 53,329 Table 1 allowances to unit 2BLR in each year 1995-1999; 69,862 Table 1 allowances to unit 3BLR in each year 1995-1999; and 69,852 Table 1 allowances to unit 4BLR in each year 1995-1999. The designated representative is K. E. Adams.

Hammond in Georgia: 8,549 Table 1 allowances to unit 1 in each year 1995-1999; 8,977 Table 1 allowances to unit 2 in each year 1995-1999; 8,676 Table 1 allowances to unit 3 in each year 1995-1999; and 36,650 Table 1 allowances to unit 4 in each year 1995-1999. The designated representative is K. E. Adams.

Yates in Georgia: 7,020 Table 1 allowances to unit Y1BR in each year 1995-1999; 843 Phase I Extension Reserve (Reserve) allowances to unit Y1BR in each year 1995-1996 and 2,513 Reserve allowances in each year 1997-1999; 6,855 Table 1 allowances to unit Y2BR in each year 1995-1999; 6,767

Table I allowances to unit Y3BR in each year 1995-1999; 8,676 Table 1 allowances to unit Y4BR in each year 1995-1999; 9,162 Table 1 allowances to unit Y5BR in each year 1995-1999; 24,108 Table 1 allowances to unit Y6BR in each year 1995-1999 and 4,618 Reserve allowances in each year 1995-1999; 20,915 Table 1 allowances to unit Y7BR in each year 1995-1999 and 1,403 Reserve allowances in each year 1995-1996; and a Phase I extension plan that requires the installation of a qualifying Phase I technology on unit Y1BR, and that designates units Y6BR and Y7BR as transfer units. The designated representative is K. E. Adams.

E W Brown in Kentucky: 6,923 Table 1 allowances to unit 1 in each year 1995-1999; 10,623 Table 1 allowances to unit 2 in each year 1995-1999 and 1,498 Phase I Extension Reserve (Reserve) allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Ghent; and 25,413 Table 1 allowances to unit 3 in each year 1995-1999 and 9,921 Reserve allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Ghent. The designated representative is James W. Tipton.

Ghent in Kentucky: 27,662 Table 1 allowances to unit 1 in each year 1995-1999; 35,786 Phase I Extension Reserve (Reserve) allowances to unit 1 in each year 1995-1996 and 6,039 Reserve allowances in each year 1997-1999; and a Phase I extension plan that requires the installation of a qualifying Phase I technology on unit 1, and that designates E W Brown units 2 and 3, and Green River unit 5 as transfer units. The designated representative is James W. Tipton.

Green River in Kentucky: 7,614 Table 1 allowances to unit 5 in each year 1995-1999 and 7,963 Phase I Extension Reserve allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Ghent. The designated representative is James W. Tipton.

Paradise in Kentucky: 57,613 Table 1 allowances to unit 3 in each year 1995-1999; 78,035 Phase I Extension Reserve allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Cumberland; and a conditional reduced utilization plan for unit 3 that designates the following compensating sulfur-free generators: Sequoyah units 1 and 2, Browns Ferry units 2 and 3, and Watts Bar units 1 and 2. The designated representative is Joseph W. Dickey.

Shawnee in Kentucky: 9,902 Table 1 allowances to unit 10 in each year 1995-1999; and a conditional reduced

utilization plan for unit 10 that designates the following compensating sulfur-free generators: Sequoyah units 1 and 2, Browns Ferry units 2 and 3, and Watts Bar units 1 and 2. The designated representative is Joseph W. Dickey.

Allen in Tennessee: 14,917 Table 1 allowances to unit 1 in each year 1995-1999; 16,329 Table 1 allowances to unit 2 in each year 1995-1999; and 15,258 Table 1 allowances to unit 3 in each year 1995-1999; and three conditional reduced utilization plans for units 1, 2, and 3 (one plan for each unit) that designates the following sulfur-free generators: Sequoyah units 1 and 2, Browns Ferry units 2 and 3, and Watts Bar units 1 and 2. The designated representative is Joseph W. Dickey.

Cumberland in Tennessee: 84,419 Table 1 allowances to unit 1 in each year 1995-1999; 80,661 Phase I Extension Reserve (Reserve) allowances to unit 1 in each year 1995-1996 and 29,906 Reserve allowances in each year 1997-1999; 92,344 Table 1 allowances to unit 2 in each year 1995-1999; 80,072 Reserve allowances to unit 2 in each year 1995-1996 and 33,813 Reserve allowances in each year 1997-1999; a Phase I extension plan that requires the installation of a qualifying Phase I technology on units 1 and 2 and that designates Gallatin units 1, 2, 3, and 4, Paradise unit 3, and Colbert unit 5 as transfer units; and two conditional reduced utilization plans for units 1 and 2 (one plan for each unit) that designates the following compensating sulfur-free generators: Sequoyah units 1 and 2, Browns Ferry units 2 and 3, and Watts Bar units 1 and 2. The designated representative is Joseph W. Dickey.

Gallatin in Tennessee: 17,400 Table 1 allowances to unit 1 in each year 1995-1999 and 14,828 Phase I Extension Reserve (Reserve) allowances to unit 1 in each year 1995-1996, as a transfer unit under the Phase I extension plan for Cumberland; 16,855 Table 1 allowances to unit 2 in each year 1995-1999 and 14,829 Reserve allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Cumberland; 19,493 Table 1 allowances to unit 3 in each year 1995-1999 and 16,696 Reserve allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Cumberland; 20,701 Table 1 allowances to unit 4 in each year 1995-1999 and 13,188 Reserve allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Cumberland; and four conditional reduced utilization plans for units 1 through 4 (one plan for each unit) that designate the following compensating sulfur-free generators: Sequoyah units 1 and 2, Browns Ferry

units 2 and 3, and Watts Bar units 1 and 2. The designated representative is Joseph W. Dickey.

Johnsonville in Tennessee: 7,585 Table 1 allowances to unit 1 in each year 1995-1999; 7,828 Table 1 allowances to unit 2 in each year 1995-1999; 8,189 Table 1 allowances to unit 3 in each year 1995-1999; 7,780 Table 1 allowances to unit 4 in each year 1995-1999; 8,023 Table 1 allowances to unit 5 in each year 1995-1999; 7,682 Table 1 allowances to unit 6 in each year 1995-1999; 8,744 Table 1 allowances to unit 7 in each year 1995-1999; 8,471 Table 1 allowances to unit 8 in each year 1995-1999; 6,894 Table 1 allowances to unit 9 in each year 1995-1999; 7,351 Table 1 allowances to unit 10 in each year 1995-1999; and ten conditional reduced utilization plans for units 1 through 10 (one plan for each unit) that designate the following compensating sulfur-free generators: Sequoyah units 1 and 2, Browns Ferry units 2 and 3, and Watts Bar units 1 and 2. The designated representative is Joseph W. Dickey.

#### Region 5

Coffeen in Illinois: 12,925 Table 1 allowances to unit 01 in each year 1995-1999; and 39,102 Table 1 allowances to unit 02 in each year 1995-1999. The designated representative is Gilbert Moorman.

Grand Tower in Illinois: 6,479 Table 1 allowances to unit 09 in each year 1995-1999. The designated representative is Gilbert Moorman.

Joppa Steam in Illinois: 12,259 Table 1 allowances to unit 1 in each year 1995-1999; 10,487 Table 1 allowances to unit 2 in each year 1995-1999; 11,947 Table 1 allowances to unit 3 in each year 1995-1999; 11,061 Table 1 allowances to unit 4 in each year 1995-1999; 11,119 Table 1 allowances to unit 5 in each year 1995-1999; and 10,341 Table 1 allowances to unit 6 in each year 1995-1999. The designated representative is William H. Sheppard.

Bailey in Indiana: 12,256 Table 1 allowances to unit 7 in each year 1995-1999; 17,832 Phase I Extension Reserve (Reserve) allowances to unit 7 in each year 1995-1996, 3,725 Reserve allowances in 1997, 3,570 Reserve allowances in 1998, and 3,562 Reserve allowances in 1999; 17,134 Table 1 allowances to unit 8 in each year 1995-1999; 22,817 Reserve allowances to unit 8 in each year 1995-1996, 4,458 Reserve allowances in 1997, 4,456 Reserve allowances in 1998, and 4,466 Reserve allowances in 1999; and a Phase I extension plan that requires the installation of a qualifying Phase I technology on units 7 and 8 and that

designates Michigan City unit 12 as a transfer unit. The designated representative is John W. Dunn.

Clifty Creek in Indiana: 19,620 Table 1 allowances to unit 1 in each year 1995-1999; 19,289 Table 1 allowances to unit 2 in each year 1995-1999; 19,873 Table 1 allowances to unit 3 in each year 1995-1999; 19,552 Table 1 allowances to unit 4 in each year 1995-1999, 18,851 Table 1 allowances to unit 5 in each year 1995-1999; and 19,844 Table 1 allowances to unit 6 in each year 1995-1999. The designated representative is Fred L. Stokes.

F B Culley in Indiana: 4,703 Table 1 allowances to unit 2 in each year 1995-1999; and 18,603 Table 1 allowances to unit 3 in each year 1995-1999. A Phase I extension plan for units 2 and 3 has not been approved because Phase I Extension Reserve (Reserve) allowances were not available when EPA acted on this plan. If Reserve allowances become available in the future, unit 2 is eligible to receive 2,261 Reserve allowances in each year 1995-1996 and 985 Reserve allowances in each year 1997-1999; unit 3 is eligible to receive 21,457 Reserve allowances in each year 1995-1996 and 5,794 Reserve allowances in each year 1997-1999. The units will be eligible for the reserve allowances only if a qualifying Phase I technology is installed at both units by January 1, 1997. The designated representative is J. Gordon Hurst.

Frank E Ratts in Indiana: 9,131 Table 1 allowances to unit 1SG1 in each year 1995-1999; and 9,296 Table 1 allowances to unit 2SG1 in each year 1995-1999. The designated representative is Virgil E. Peterson.

Michigan City in Indiana: 25,553 Table 1 allowances to unit 12 in each year 1995-1999 and 23,410 Phase I Extension Reserve allowances in each year 1995-1996, as a transfer unit under the Phase I extension plan for Bailly. The designated representative is John W. Dunn.

Warrick in Indiana: 29,577 Table 1 allowances to unit 4 in each year 1995-1999. A Phase I extension plan for F B Culley designating this unit as a transfer unit has not been approved because Phase I Extension Reserve (Reserve) allowances were not available when EPA acted on this plan. If Reserve allowances become available in the future, unit 4 is eligible to receive 19,459 Reserve allowances in each year 1995-1996. The designated representative is J. Gordon Hurst.

Kyger Creek in Ohio: 18,773 Table 1 allowances to unit 1 in each year 1995-1999; 18,072 Table 1 allowances to unit 2 in each year 1995-1999; 17,439 Table 1 allowances to unit 3 in each year

1995-1999; 18,218 Table 1 allowances to unit 4 in each year 1995-1999; and 18,247 Table 1 allowances to unit 5 in each year 1995-1999. The designated representative is Fred L. Stokes.

Walter C Beckjord in Ohio: 9,811 Table 1 allowances to unit 5 in each year 1995-1999; and 25,235 Table 1 allowances to unit 6 in each year 1995-1999. The designated representative is Gregory C. Ficke.

#### Region 7

Des Moines in Iowa: 2,259 Table 1 allowances to unit 11 in each year 1995-1999. The designated representative is William D. Leech.

George Neal in Iowa: 2,571 Table 1 allowances to unit 1 in each year 1995-1999. The designated representative is William D. Leech.

Milton L. Kapp in Iowa: 13,437 Table 1 allowances to unit 2 in each year 1995-1999. The designated representative is Michael R. Chase.

Riverside in Iowa: 3,885 Table 1 allowances to unit 9 in each year 1995-1999. The designated representative is Stephen E. Shelton.

Quindaro in Kansas: 4,109 Table 1 allowances to unit 2 in each year 1995-1999. The designated representative is Lawrence M. Adair.

Asbury in Missouri: 15,764 Table 1 allowances to unit 1 in each year 1995-1999. The designated representative is J.H. Weitzel.

New Madrid in Missouri: 27,497 Table 1 allowances to unit 1 in each year 1995-1999; and 31,625 Table 1 allowances to unit 2 in each year 1995-1999. The designated representative is Gary L. Fulks.

#### Addresses

The administrative records for each plant may be viewed during normal operating hours at the following locations:

#### Region 3

For plants in Pennsylvania and West Virginia: EPA Region 3, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597-9800.

#### Region 4

For plants in Alabama, Georgia, Kentucky, and Tennessee: EPA Region 4 Library, 345 Courtland Ave. NE., Atlanta, GA 30365, (404) 347-4216, and the additional locations for each plant:

Colbert: (1) Sheffield Public Library, 316 N. Montgomery Ave., Sheffield, AL 35660, (205) 386-5633, and (2) Air Division, Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, AL 36109, (205) 271-7861.

E C Gaston: (1) Wilsonville City Hall, 9005 N. Main St., Wilsonville, AL 35186, (205) 669-4845, and (2) Alabama Department of Environmental Management (address above).

Bowen: (1) Bartow County Library, 429 W. Main Street, Cartersville, GA 30120, (404) 382-4203, and (2) Air Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, suite 120, Atlanta, GA 30354.

Hammond: (1) Rome-Floyd County Library, 205 Riverside Parkway NE., Rome, GA 30161-2913, (706) 236-4604, and (2) Georgia Department of Natural Resources (address above)

Yates: (1) Newnan-Coweta Public Library, 25 Hospital Rd., Newnan, GA 30263, (404) 253-3625, and (2) Georgia Department of Natural Resources (address above).

E W Brown: (1) Mercer County Courthouse Deed and Record Room, P.O. Box 426, North Main Street, Harrodsburg, KY 40330, (606) 734-6310, and (2) Division of Air Quality, Kentucky Department of Environmental Protection, Natural Resources and Environmental Cabinet, 316 St. Clair Mall, Frankfort, KY 40601, (502) 564-3382.

Ghent: (1) Carroll County Courthouse, 2nd Floor Courthouse, Carrollton, KY 41008, (502) 732-7000, and (2) Kentucky Department of Environmental Protection (address above).

Green River: (1) Muhlenburg County Courthouse, P.O. Box 525, Main Street, Greenville, KY 42345, (502) 338-2520, and (2) Kentucky Department of Environmental Protection (address above).

Paradise: (1) Harbin Memorial Library, 117 S. Main St., Greenville, KY 42345, (502) 338-4760, and (2) Kentucky Department of Environmental Protection (address above).

Shawnee: (1) Paducah Public Library, 555 Washington St., Paducah, KY 42001, (502) 442-2510, and (2) Kentucky Department of Environmental Protection (address above).

Allen: (1) Memphis-Shelby County Public Library Information Center, Science and Business Desk, 1850 Peabody Ave., Memphis TN 38104, (901) 725-8877, and (2) Pollution Control Section, Memphis-Shelby County Health Department, 814 Jefferson Ave., room 438, Memphis, TN 38105, (901) 576-7775.

Cumberland: (1) Stewart County Public Library, County Courthouse, Dover, TN 37058, (615) 232-5839, and (2) Division of Air Pollution Control, Tennessee Department of Conservation, L & C Annex, 9th Floor, 401 Church St.,

Nashville, TN 37243-1531, (615) 532-0554.

Gallatin: (1) Edward Ward Carmack/Sommer County Public Library, 658 Hartsville Pike, Gallatin, TN 37066, (615) 452-1722, (2) Tennessee Department of Conservation (address above).

Johnsonville: (1) Benton County Library, 122 W. Walnut, Camden, TN 38320, (901) 584-4772, and (2) Tennessee Department of Conservation (address above).

#### Region 5

For plants in Illinois: (1) Illinois Environmental Protection Agency Library, 2200 Churchill Rd., Springfield, IL 62706, and (2) EPA Region 5, Ralph H. Metcalfe Federal Building, Room 1822, 77 West Jackson Blvd., Chicago, IL 60604.

For plants in Indiana and Ohio: EPA Region 5 (address above).

#### Region 7

Des Moines: Public Library of Des Moines, 100 Locust St., Des Moines, IA 50309, (515) 283-4152.

George Neal: Sioux City Public Library, 529 Pierce St., Sioux City, IA 51101-1203, (712) 252-5669.

Milton L. Kapp: Clinton Public Library, 306 8th Ave. S., Clinton, IA 52732, (319) 242-8441.

Riverside: Davenport Public Library, 321 Main St., Davenport, IA 52801-1490, (319) 328-7832.

Quindaro: Kansas City Kansas Public Library, 625 Minnesota Ave., Kansas City, KS 66101-2872, (913) 551-3280.

Asbury: Joplin Public Library, 300 Main, Joplin, MO 64801, (417) 623-7953.

New Madrid: New Madrid Memorial Library, 431 Mill St., New Madrid, MO 63869, (314) 748-2378.

Dated: May 26, 1993.

**Brian McLean,**

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 93-13834 Filed 6-10-93; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4621-5]

#### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 24, 1993 Through May 28, 1993 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for

copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 09, 1993 (58 FR 18392).

#### Draft EISs

ERP No. D-AFS-L40181-ID Rating LO, Salmon River Road Improvement Project, Development Road No. 30 from North Fork to Corn Creek, Salmon National Forest, North Fork Ranger District, Custer and Lemhi Counties, ID.

Summary: EPA had no objections to the proposed project.

ERP No. D-AFS-L60097-ID Rating EO2, Spruce Creek Timber Sale, Implementation, Boise National Forest, Valley County, ID.

Summary: EPA expressed environmental objections based on the potential for further degradation of waterbodies that are already water quality impaired and adverse effect on bull trout, a Forest Service sensitive species. Additional information was needed to: describe sediment yields and effects on salmonid spawning habitat; the incremental increase in phosphate flux from the action alternatives; and measures to mitigate adverse effects on bull trout.

ERP No. D-AFS-L65193-OR Rating EC2, Paw Timber Sale, Harvest Timber and Road Construction, Implementation, Umpqua National Forest, Diamond Lake Ranger District, Douglas County, OR.

Summary: EPA expressed concerns regarding potential water quality impacts and mitigation measure effectiveness. Additional information was requested to clarify potential impacts to streams and the local aquifer and to discuss the effectiveness of best management practices and mitigation measures.

ERP No. DS-BLM-K61111-CA Rating EC2, South Fork Eel Wild and Scenic River Management, New Information, Implementation, Arcata Resources Area, Ukiah District, Mendocino County, CA.

Summary: EPA expressed environmental concerns regarding adequate riparian buffer zones. EPA requested more information in the Final Supplemental EIS for contingency measures to maintain water quality in designated Wild and Scenic rivers, best management practices to protect water quality, and measures to protect the Pacific Yew if it is encountered during timber harvesting.

#### Final EISs

ERP No. F-AFS-L65135-ID Stanley Basin Cattle and Horse Allotment

Management Plan, Implementation, Sawtooth and Challis National Forests, Custer County, ID.

Summary: EPA had no objections to the preferred alternative.

ERP No. F-BPA-L08048-00 Resource Programs to Acquire Sufficient New Resources to meet Potential Electric Power Requirements, Implementation, WA, ID, OR, MT, CA, WY, NV, UT, NM, AZ, and British Columbia.

Summary: Review of the Final EIS had been completed and the project found to be satisfactory. No formal letter was sent to the preparing agency.

ERP No. F-UAF-L00004-ID Space Nuclear Thermal Propulsion Program, Construction and Operation, Particle Bed Reactor (PBR) Validation Test Facility, Federal Permits, Licenses and Site Selection, Saddle Mountain Test Station, NV or Contain Test Facility, ID.

Summary: Review of the Final EIS was not deemed necessary. No formal letter was sent to the preparing agency.

Dated: June 8, 1993.

Anne N. Miller,

Director, FALD, Office of Federal Activities.

[FR Doc. 93-13857 Filed 6-10-93; 8:45 am]

BILLING CODE 6560-50-U

[ER-FRL-4621-4]

#### Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075. Weekly Receipts of Environmental Impact Statements filed May 31, 1993 Through June 14, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930179, DRAFT EIS, SCS, Kagman Watershed Plan, Flood Prevention and Watershed Protection, Funding and COE Section 404 Permit, Saipan, Commonwealth of the Northern Mariana Islands, Due: July 30, 1993, Contact: Joan B. Perry (671) 472-7490.

EIS No. 930180, FINAL EIS, AFS, MT, Western Vermiculite Open Pit Mine Project, Construction and Operation, Permit Approval, Bitterroot National Forest, Hamilton County, MT, Due: July 12, 1993, Contact: Lynne Dickman (406) 363-3131.

EIS No. 930181, DRAFT SUPPLEMENT, FRC, ID, Shelley (FER. No. 5090) Hydroelectric Project on the Snake River, Construction and Operation, Licensing, Updated Information, City of Idaho Falls, Bingham County, ID, Due: July 26, 1993, Contact: Jim Harris (202) 219-2780.

EIS No. 930182, DRAFT EIS, FRC, NH, Upper Androscoggin River Basin

Hydroelectric Projects, Issuance of New Licenses/Relicensing for Operation of Seven Hydroelectric Projects, Coos County, NH, Due: July 26, 1993, Contact: R. Feller (202) 219-2796.

EIS No. 930183, DRAFT EIS, AFS, AK, Ushk Bay Timber Sale, Availability of Timber to the Alaska Pulp Long-Term Timber Sale Contract, Timber Sale and Road Construction, Implementation, Tongass National Forest, Chichagof Island, AK, Due: July 26, 1993, Contact: Michael Weber (907) 747-6671.

EIS No. 930184, DRAFT EIS, FHW, NB, Omaha Northwest Connector (also known as Sorensen Parkway) Construction, between 72nd Street and Blair High Road and south of I-680, Funding and COE Section 404 Permit, City of Omaha, Douglas County, NB, Due: July 26, 1993, Contact: Philip E. Barnes (402) 437-5521.

EIS No. 930185, DRAFT SUPPLEMENT, DOE, TX, MS, AL, LA, Strategic Petroleum Reserve Expansion Plan, Implementation and Site Selection, Additional Information, Brazoria and Jefferson Counties, TX, Iberia and St. Mary Parishes, LA or Perry County, MS with Associated Pipeline and Terminals located in Several Counties and parishes of TX, LA, MS and AL, Due: July 26, 1993, Contact: Carol Borgstrom (800) 472-2756.

EIS No. 930186, FINAL EIS, UAF, CA, Norton Air Force Base (AFB) Disposal and Reuse, Implementation, San Bernardino, CA, Due: July 12, 1993, Contact: Lt. Gary Baumgartel (210) 536-3869.

EIS No. 930187, DRAFT EIS, FHW, MA, I-495 Interchange Project, Construction, between MA-9 and MA-20 Interchanges to provide access to Crane Meadow Road, Funding, Right-of-Way, NPDES and COE Section 404 Permits, Marlborough and Southborough, MA, Due: July 26, 1993, Contact: Walter A. Kudzia (617) 494-2515.

Dated: June 8, 1993.

Anne N. Miller,

Director, FALD, Office of Federal Activities.

[FR Doc. 93-13858 Filed 6-10-93; 8:45 am]

BILLING CODE 5660-50-U

[FRL-4665-2]

Open Meeting of the Superfund Evaluation Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT)

Under Public Law 92-463 (The Federal Advisory Committee Act), EPA

gives notice of a series of meetings of the Superfund Evaluation Committee. The Superfund Evaluation Committee is a new subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT), an advisory committee to the Administrator of the EPA. The Superfund Evaluation Committee will be chaired by John Sawhill, NACEPT's Chair, and will assist the Agency as it formulates its views on changes in the Superfund law. The Administrator has selected members who can broadly represent affected constituencies. The first meeting will convene June 28-29, 1993 from 9:30 a.m.-5 p.m. at the Marriott Gateway in Arlington, Virginia. The schedule and locations of the subsequent meetings are listed below.

The Superfund Evaluation Committee will: (1) Review the current performance of the Superfund program; (2) identify the concerns of affected constituencies about the program's operations; (3) identify possible administrative and legislative improvements in the program; and (4) assess the advantages and disadvantages of these improvements. At the first meeting, the Committee will review the structure and goals and of the program and consider the areas most in need of improvement. At subsequent meetings, the Committee will consider a wide range of Superfund issues including cleanup standards and technology, the current liability scheme, the role of the states, municipal liability, participation of local communities, environmental justice, economic redevelopment and voluntary cleanups. Although the Committee will address a wide range of issues, the Administrator has asked the Committee members to keep in mind EPA's continued commitment to the principle of site-specific polluter liability. The specific questions that EPA has identified for the Committee's review are listed at the end of this notice.

The Committee's meetings will be open to the public, although space will be available on a first come basis. The schedule for the meetings is as follows:

June 28-29—Superfund Overview:  
Goals and purposes; Long-term outlook

Location: Marriott Gateway, 1700 Jefferson Davis Hwy, Arlington, Virginia

July 19-21—Remedy Selection, Cleanup Standards, Speeding Cleanup, Innovative Technology

Location: Hyatt Regency Hotel, 2799 Jefferson Davis Hwy, Arlington, Virginia

August 16-18—Making the Liability Scheme More Fair and Efficient

Location: The Great Hall of the Department of Justice\*  
(Constitution Avenue between 9th and 10th)

September 8-10—Role of the States, Municipal Liability

Location: The Great Hall of DOJ\*

September 20-21—Participation of Local Communities, Environmental Equity, Economic Redevelopment of Superfund Sites, Voluntary Cleanup

Location: North Carolina State University—Park Shops Studios, Raleigh, North Carolina\*\*

\*This is a secure building and there are space restrictions; name and social security number of those wanting to attend must be submitted at least two weeks prior to those meetings. Federal or other picture identification will be required for entry.

\*\*This meeting will be broadcast to several locations across the country. Please contact Abby Pirnie (number and address below) if you are interested in knowing these locations.

At the first meeting on June 28-29, only written comments will be received. At the three day meetings, provision will be made for oral presentations by the public on the second of the three days. Interested parties may call the RCRA/Superfund Hotline at 1-800-424-9346, 703-920-9810, or 1-800-486-3323 (TDD) for copies of the materials EPA is providing to the Superfund Evaluation Committee.

Written comments will be reviewed by the Committee if received two weeks prior to all meetings after the first one. For the June 28-29 meeting, comments must be received by June 21. Written comments of preferably not more than 25 pages (at least 20 copies) may be provided to the committee up until the meeting. Those interested in attending must contact Abby Pirnie (U.S. EPA, 401 M St., SW., Washington, DC 20460, mail code, A101(F6) or phone, 202-260-7567, or fax, 202-260-3682). Members of the public who wish to make a brief oral presentation should contact Ms. Pirnie no later than two weeks prior to the meeting to have time reserved on the agenda. The Committee will schedule presentations with an effort to hear from interested persons with diverse viewpoints. The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The specific questions the Committee will be asked to consider are as follows:

### Working Session 1: Superfund Overview

#### Taking Stock of Superfund

1. Where are the biggest successes of the remedial, removal, enforcement and pre-remedial programs?
2. What are the areas of these programs that most need improvement?
3. What level of risk do Superfund sites pose to public health and the environment?

#### Future Direction of the Program

1. What should be the goals of the Superfund Program?
2. How should conflicting goals be reconciled?
3. How should success for the program be defined?
4. What should be the role and future of the NPL? Is the NPL effective in setting appropriate priorities among sites? Should the NPL be segmented or revised (as sites move through the cleanup process) to show risk reduction?
5. Should the types of wastes or sites covered by Superfund be changed?

### Working Session 2: Cleanup Standards

#### Taking Stock of Cleanup Standards

1. How does EPA choose cleanup standards now? What are the strengths and weaknesses of this approach?

#### Balancing Competing Goals

1. What should be the overall goals of the cleanup process?
2. Does there need to be more emphasis in Superfund on prevention of future contamination? How should this be achieved?
3. To what extent should site-specific risk assessments, national generic standards, or ARARs be used in determining cleanup goals?
4. How should costs be considered? How should costs of achieving ARAR's be considered?
5. How should land use be considered?
6. How should technological achievability be considered?
7. What emphasis should be placed on permanence and treatment in determining cleanup goals?
8. How should national consistency and site-specific circumstances be balanced?
9. Should there be minimum federal clean-up standards? If so, how should differing state standards be achieved at Fund-lead sites? At PRP-lead sites?

### Speeding Cleanup

#### Taking Stock of the Speed of Cleanup

1. How long do the cleanup phases take?

2. Which phases of cleanups appear to be too slow? Why?
3. How do different types of operable units (groundwater, soils) relate to the pace of cleanup?
4. What are the principal reasons sites differ in the pace of cleanup?

#### Speeding Cleanup

1. How could the entire process be redesigned (i.e., from site identification to completion) to improve and expedite the process?
2. Are there steps besides SACM implementation that should be taken to speed the site-investigation stage?
3. How can the remedy selection process be improved and expedited?
4. If standardization of remedy selection—or other parts of the program—is desirable, how should it be done?
5. What steps can be taken to avoid delays related to procurement processes?
6. Should the statute contain mandatory schedules for NPL or other classes of sites?
7. How does an emphasis on speed affect other goals of the Superfund program, especially public participation?

### Innovative Technology

#### Taking Stock of the Use of Innovative Technology

1. What are the advantages and disadvantages of using innovative technologies?
2. How often are innovative technologies used? Should they be used more frequently?
3. What are the barriers to using innovative technologies?
4. Does the preference for permanence act to encourage technology innovation in the marketplace?

#### Charting Future Consideration of Innovative Technology

1. How can barriers to the use of innovative technology be overcome in appropriate cases?
2. What are the best ways to ensure the continued development of innovative technologies?
3. Should the current statutory preference for innovative technologies be changed?

How would changes in cleanup standards, the pace of cleanup and innovative technology affect the willingness of private parties to perform cleanups voluntarily?

### Working Session 3: Ways To Make Liability More Fair and Reduce Unnecessary Costs

#### Taking Stock of the Current Liability Scheme

1. What are the most important benefits of the current liability scheme?
2. What are the most unfair aspects of the current liability scheme?
3. What transaction costs related to Superfund are unnecessary?

#### Improving on the Liability Scheme

1. Assuming that the liability scheme remains a site-specific polluter pays system, how can the liability scheme be made more fair?
2. How can we allocate responsibility at sites in a way that minimizes extraneous or unnecessary costs?
3. Should the federal government help private parties allocate costs? If so, how, and under what circumstances?
4. Should the Trust Fund be used to cover all or some "orphan shares" at sites? If so, how should this be paid for?
5. What are the barriers to more *de minimis* settlements? Are there ways outside the current scheme to handle small contributors? Should small contributors be exempted from the liability scheme?
6. Should the responsibilities of some types of parties, e.g. lenders and trustees, be addressed outside the current statutory liability scheme? (Municipal liability will be discussed separately.)
7. How will liability protection for small contributors, lenders, trustee or others affect costs imposed on the government and remaining private parties?

### Working Session 4: State Roles

#### Taking Stock of the State-Federal Relationship

1. What are the advantages and disadvantages of the current state-federal framework?

#### Setting a Course for the Future

1. What should be the goal of state-federal cooperation in Superfund?
2. Should Superfund continue to be a federal lead program? If not, how should competing uses for the Fund be prioritized?
3. What should be the federal, state, and community roles in remedy selection?
4. Should the state cost share requirement for Fund-lead sites be retained in its current form?
5. What should be the state role in paying for state-specific ARARs?
6. Should Superfund be wholly or partly a state-delegated program? If

Superfund is to be delegated, what criteria should states meet to be eligible for delegation?

7. Should some other method be used to give states a greater role?
8. If the Superfund program is delegated, should the federal government take the lead at some sites (e.g. "orphan" sites)?
9. Should states have different approaches to cleanup at Fund-lead versus enforcement-lead sites?
10. Under the current statutory scheme are there ways to improve the relationship between the federal government and the states?
11. What should be the federal role in funding state programs?
12. How should the federal government account for the differing capacity of states to administer cleanup programs?
13. What should be the state role at federal facility sites?
14. Should state cleanup laws be preempted by CERCLA?
15. How can the capacity assurance planning process be improved?

#### Municipal Liability

1. Should local governments who shipped municipal solid waste to Superfund sites be given special/individual treatment under CERCLA?
2. Should municipal generators and owner/operators be treated the same?
3. Should there be a special, separately financed "public works" program for some or all municipal landfill sites?

#### Working Session 5: Participation of Local Communities

1. What should be the role of local communities in decisionmaking?
2. Should there be more expansive processes for involving the community? If so, what should they be?
3. How can the Technical Assistance Grants process be improved to facilitate better local involvement?
4. Would more local participation be likely to slow down cleanups? If so, how should the goals of speedy cleanup and meaningful local participation be reconciled?

#### Environmental Justice

##### Taking Stock

1. How can we judge whether Superfund is being administered equitably?
2. How does Superfund measure up?
3. What are the causes of any inequitable aspects of the Superfund program?
4. In what ways do EPA's priority-setting mechanisms (e.g. highly

valuing groundwater contamination in the Hazard Ranking System) result in inequitable implementation of Superfund?

##### Implementing Superfund Justly

1. How should EPA ensure that Superfund is implemented justly?
2. Should the statute be changed to address the needs of predominantly minority and low income communities?
3. Is the current cleanup process providing adequate opportunities for low income and minority persons to raise their concerns?

##### Economic Redevelopment

##### Taking Stock of the Effect of CERCLA on Redevelopment

1. How significant a deterrent to redevelopment is CERCLA?
2. How does CERCLA deter redevelopment?

##### Facilitating Appropriate Redevelopment

1. Should redevelopment be encouraged as part of CERCLA? Should it be encouraged before long term remedies are completed? If so, what statutory changes would facilitate redevelopment?
2. What can be done under the current statutory scheme to encourage redevelopment of Superfund sites? What statutory changes would address this problem?
3. Should the economic potential of a site or the need for development in an area be considered in choosing priorities for Superfund cleanups? Does this run counter to environmental equity?
4. Would an emphasis on redevelopment divert resources from needed cleanups?
5. What should EPA's role be relative to GSA? HUD? DOJ? Other agencies?

##### Voluntary Cleanup

##### Taking Stock of Current Voluntary Cleanups

1. What types of state voluntary cleanup programs are working? What are their advantages and disadvantages?
2. How often are sites cleaned up voluntarily without government involvement? What are the advantages and disadvantages of this approach?

##### Selecting a Voluntary Cleanup Strategy

1. Should the Superfund program be structured to encourage more voluntary cleanups of contaminated property?
2. What sites should be eligible to be cleaned up voluntarily?
3. What changes to the statute are needed? (Should the tax code be

amended, should NPL listing be postponed, should permitting be waived/consolidated, should EPA offer cleanup certification?)

4. Should the federal government create incentives to make loans and insurance available for sites where voluntary cleanups are planned?

Dated: June 8, 1993.

Abby J. Firnie,

NACEPT Designated Federal Official.

[FR Doc. 93-13835 Filed 6-10-93; 8:45 am]

BILLING CODE 5550-50-M

#### Science Advisory Board

[FRL-4665-7]

#### Ecological Processes and Effects Committee; Open Meeting

Under the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Ecological Processes and Effects Committee (EPEC) of the US EPA Science Advisory Board will meet on June 21-23, 1993, at the Old Colony Inn, 625 First Street, Alexandria, Virginia 22304. The meeting is open to the public, and seating will be on a first come basis.

EPEC will meet to: (1) evaluate the ecological risk assessment in the RCRA Corrective Action RIA, (2) conduct a Consultation on Ecorisk Issues, (3) review the Assessment and Reporting Component of the Environmental Monitoring and Assessment Program (EMAP), and (4) Consult on Changes to Water Quality Criteria. The meeting will begin at 1 p.m. on June 21 and adjourn by 4 p.m. on June 23.

#### Background

##### (1) RCRA RIA

The Hazardous and Solid Waste Amendments of 1984 to the RCRA require that permits issued to hazardous waste management facilities after November 8, 1984, require corrective action of all releases of hazardous waste or constituents from any solid waste management unit. A proposed regulation implementing this requirement was published in July 1990. The Office of Solid Waste and Emergency Response (OSWER) has prepared a regulatory impact analysis (RIA) to help understand the future implications of the RCRA cleanup program.

EPEC will evaluate the ecological risk assessment chapter of the RIA to consider the following questions:

- (1) Given the constraints on available data and modeling assumptions, is the ecological risk assessment contained in

the RCRA RIA consistent with the Ecorisk Framework developed by the EPA Risk Assessment Forum?

(2) Are the ecorisk methodologies used in the RIA appropriate for assessment of risk at this broad scale (i.e., national vs. site-specific assessment)? What additional analyses could be added to strengthen the assessment?

#### (2) Ecorisk Issues

EPEC will have a consultation on ecological risk assessment issues with representatives of EPA's Risk Assessment Forum (RAF) in the Office of Research and Development. The RAF is developing eight issue papers on a range of ecological risk assessment questions. The issue papers (which will include conceptual ecorisk model development, characterization of exposure and ecological effects, and determining the ecological significance of impacts) are intended to be a bridge from the existing ecorisk framework to planned ecorisk guidelines.

#### (3) EMAP Assessment Framework

EPEC will review the draft Assessment Framework for the Environmental Monitoring and Assessment Program (EMAP) which describes the program's approach to assessing the health of ecological resources using monitoring data. The committee will also be briefed on pilot EMAP assessments in several ecosystem types, and discuss EMAP's assessment hierarchy.

#### (4) Consultation on Water Quality Criteria

EPEC will have a consultation with Agency staff on possible revisions to Water Quality Criteria. EPA last revised its methodology for developing aquatic life criteria in 1985. Since then the science has continued to evolve, as has the Agency's water quality-based control program. Key areas that EPA is considering in its revisions to the aquatic life criteria methodology include: the framework for deriving and expressing criteria to better handle time-varying concentrations; analysis of chronic toxicity data; and inclusion of plant data.

#### Availability of Documents and Information

Single copies of the draft RCRA RIA materials provided to the Subcommittee for this meeting are available from Mark Ralston, Office of Solid Waste and Emergency Response at (202) 260-4317. Single copies of the EMAP Assessment Framework are available from Eric Hyatt at (919) 541-0673. For additional

information concerning this meeting or to obtain an agenda, please contact Ms. Stephanie Sanzone, Designated Federal Official for the Ecological Processes and Effects Committee (EPEC), or Ms. Marcy Jolly, Staff Secretary, Science Advisory Board (A-101-F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Phone: (202) 260-6552; Fax: (202) 260-7118. Anyone wishing to make a presentation at the meeting should forward twenty-five copies of a written statement to Ms. Jolly no later than 12 noon, June 16, 1993. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Speakers should bring copies of their statements for the SAB and the audience.

Dated: May 25, 1993.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.  
[FR Doc. 93-13859 Filed 6-10-93; 8:45 am]

BILLING CODE 8560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-0276. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

*Please note:* The Commission has requested expedited review of this item by June 14, 1993, under the provisions of 5 CFR 1320.18.

OMB Number: None.

Title: Determination of Maximum Initial Permitted Rates For Regulated Cable Services and Actual Cost of Equipment.

Form Number: FCC Form 393.

Action: New collection.

Respondents: Individuals or households, state or local governments, and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 14,200 responses; 40 hours average burden per response, 568,000 hours total annual burden.

Needs and Uses: Section 623 of the Cable Television Consumer Protection and Competition Act of 1992 requires the Commission to prescribe rules and regulations for determining reasonable rates for basic tier cable service and to establish criteria for identifying unreasonable rates for cable programming services and associated equipment. On 4/1/93, the Commission adopted a Report and Order, MM Docket No. 92-266, implementing section 623 of the Cable Act, thus ensuring that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. On 5/19/93, the Commission issued a Public Notice releasing a revised FCC Form 393. The FCC 393 released with the Report and Order contained typographical and other errors. In addition, the Commission had received several requests for clarification about how to complete the form. The form was revised to include these corrections and clarifications. FCC 393 will be used by cable operators to submit their basic rate schedule to local franchising authorities or the FCC (in situations where the FCC has assumed jurisdiction). It will also be filed with the FCC when responding to a complaint filed with the Commission about cable programming service rates and associated equipment.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Approved by OMB 3060-XXXX, Expires 00/00/00

\*\*\*SAMPLE FORM ONLY—NOT APPROVED BY OMB\*\*\*

[FCC 393]

### Determination of Maximum Initial Permitted Rates for Regulated Cable Services and Actual Cost of Equipment

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**General Instructions for Completing FCC Form 393 (Determination of Maximum Initial Permitted Rates for Regulated Cable Services and Actual Cost of Regulated Equipment)**

1. Cable operators should use this form to calculate (1) rates for existing basic service or equipment requiring approval by local franchising authorities or the FCC, and (2) rates for cable programming service or equipment that are the subject of a complaint filed with the FCC. This form will determine whether your rates for basic service and cable programming service are reasonable under FCC regulations, 47 CFR 76.100 *et seq.*

**Note:** After your initial rate for basic service has been approved by the government, you must submit the RATE INCREASE FORM or a cost-of-service showing if you wish to subsequently increase your basic service rates. If the Commission found your cable programming service rates to be unreasonable less than one year ago and you now wish to increase your rates, you must submit the RATE INCREASE FORM or a cost-of-service showing to the Commission for its approval before raising your rates. In addition, if there was no such Commission decision and you raise your cable programming service rates while a complaint about those rates is pending, you must inform the FCC of the rate increase and submit a revised version of this form analyzing the new, higher rates under the FCC's rate standards.

2. This form should be filed with the local franchising authority, or with the FCC in situations where the FCC has assumed jurisdiction to regulate rates for basic service and associated equipment, in order to obtain approval of your existing rates for basic service and associated equipment. It should also be filed with the FCC when you are required to respond to a subscriber's complaint regarding the rate for cable programming service and associated equipment.

3. If, after completing these calculations, you determine that your

existing service rate is above the maximum permitted rate, and you do not wish to lower your rate to that level, you must submit a detailed cost-of-service showing justifying the higher rate.

Equipment rates must be based on actual cost, as determined in the equipment sections, Part III of the form.

4. The basic service tier is the tier which includes the broadcast signals you carry (except for superstations) along with the public, educational and government access channels that are required by the local franchising authority to be carried on the basic tier. You may include additional services on this tier. Equipment used to receive the basic service tier includes remotes, converter boxes, home wiring and wiring for additional connections.

5. Cable programming service consists of all video programming distributed over a cable system that is not included in the basic service tier or offered on a per-channel or per-program basis. Equipment associated with cable programming service, if any, consists of equipment used exclusively to receive such services; this equipment must not be used to receive the basic tier.

6. This form consists of three parts. Part I is the Cover Sheet, where you should fill in the information derived from Parts II and III. Part II will enable you to determine your maximum permitted rate for the basic service tier or cable programming service, depending on the service for which you are filing. If your rates exceed the permitted levels calculated in this form, you must submit a separate cost-of-service showing or reduce your rates to the permitted level. Part III will enable you to determine your actual costs for equipment used by subscribers to receive regulated programming services. The 1992 Cable Act requires that you charge no more than actual cost for this equipment.

7. Part II contains five worksheets. Worksheet 1 (Calculation of Rates in Effect on Initial Date of Regulation and Benchmark Comparison) allows you to compare your current per-channel rate to the Commission's benchmark. The benchmark is the rate that a cable system with the same number of subscribers, same number of channels, and same number of satellite channels as your system and that is subject to competition would charge. If your current per-channel rate exceeds the benchmark, you must then come into compliance with the benchmark, which is based on rates as of September 30, 1992. You must therefore complete Worksheet 2 (Calculation of Rates in Effect on September 30, 1992 and

Benchmark Comparison). This worksheet will require you to reduce your rate to the benchmark or to 90% of your September 30, 1992 per-channel rate, whichever rate is greater. Both Worksheets 1 and 2 allow you to calculate the per-channel rate you can legally charge by a process that weighs the number of channels on each tier and the price for each tier by the number of subscribers to each tier.

8. Worksheet 3, then, deducts equipment revenues per subscriber from the per-channel rate derived in Worksheets 1 and 2. The benchmark number does not separately account for profits from equipment, and the 1992 Cable Act prohibits you from charging more than your costs for equipment. Thus, you must adjust your permitted per-channel rate (calculated in Worksheets 1 and 2) by deducting equipment costs and charging for equipment costs separately.

9. If you calculated your rate from Worksheet 2, you must complete Worksheet 4, which will increase the rate you may charge in order to account for inflation.

10. Worksheet 5 must be completed if the number of regulated channels (that is, basic service channels and cable programming service channels) you currently offer is different from the number of channels used to calculate your Baseline Regulated Rate on either Worksheet 1 or Worksheet 2. If the number of regulated channels you now offer is the same as those you entered on Worksheet 1 or Worksheet 2, you do not need to complete Worksheet 5.

11. You should use Part III of this form to calculate rates for equipment and installation associated with receiving basic cable service or cable programming services. Equipment used to receive a basic tier of service includes (but is not limited to) converter boxes, remote controls, connections for additional television sets, and cable home wiring. Equipment associated with cable programming service is equipment other than that which is used to receive basic cable service. Rates for both basic service and cable programming service equipment and for installations must be based on actual cost and must be unbundled from service rates. In addition, charges for individual items of equipment, as well as charges for installation and additional outlets, must be unbundled one from the other, and charges for different models of the same type of equipment must also be separated.

12. In Part III, you must calculate an Equipment Basket (Worksheet 7) for either basic service or cable programming service equipment,

depending on which service you are filing for. Use of this Equipment Basket will enable you to set your equipment rates so that they are based on actual cost, plus a reasonable profit, as mandated by the 1992 Cable Act.

\*\*\*SAMPLE FORM ONLY—NOT APPROVED BY OMB\*\*\*

FCC Form 393—Part I

*Request for Cable Rate Approval Cover Sheet*

FCC Form 393

Approved by OMB \_\_\_\_\_

Expires \_\_\_\_\_

Date: \_\_\_\_\_

Name of Cable Operator: \_\_\_\_\_

Mailing Address (w/ZIP Code) \_\_\_\_\_

Community Unit Identification Number: \_\_\_\_\_  
Name of person to contact with respect to this form: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

Franchising Authority: \_\_\_\_\_

Mailing Address (w/ZIP Code): \_\_\_\_\_

Is this form being filed with respect to:  
basic service rate regulation \_\_\_\_\_

\_\_\_\_\_? or cable programming  
service rate regulation \_\_\_\_\_?

If this form is being filed in response to a complaint about your cable programming service rates, please attach a copy of the complaint to this cover sheet.

The following sections are to be completed after you have filled out the worksheets in Parts II and III and calculated your actual and permitted rates.

**For Base Service Tier and Equipment Rates**

**Program Service Rate**

(1) Number of channels on basic service tier. \_\_\_\_\_

(2) Monthly franchise fee per subscriber for basic service tier. \$ \_\_\_\_\_

(3) Current rate for basic service tier: (include monthly franchise fee per subscriber from (2) above if not already included). \$ \_\_\_\_\_

(4) Current basic service per channel rate: (divide (3) by (1), above). \$ \_\_\_\_\_

(5) Maximum permitted per channel rate: (from Line 600 on Worksheet 6). \$ \_\_\_\_\_

(6) Maximum permitted rate for basic service tier: (multiply (1) by (5) and add (2), above). \$ \_\_\_\_\_

Note: If your current rate for the basic service tier (entry 3) exceeds the maximum permitted rate for that tier (entry 6), you must submit a cost-of-service, showing or your basic service rate will be reduced to the maximum permitted level.

**Equipment and Installation Rates**

Note: Your equipment and installation rates for the basic service tier must not be included in your program service rate for that

tier, but rather must be completely unbundled. In addition, those equipment and installation rates must not exceed your actual costs, plus a reasonable profit. The method for unbundling your equipment and installation rates from the basic service programming rate (if necessary), and for determining your permitted equipment and installation rates, is prescribed in Part II (unbundling) and Part III (rate-setting) of this form. Enter in the spaces below the rate figures you have calculated in Part III of this form, plus the franchise fees you must pay on each of these charges. Your actual basic service equipment and installation charges may not exceed these rates, although they may be lower.

	Permitted (dollars)	Actual (dollars)
--	------------------------	---------------------

(1) Charge(s) for basic service installations<sup>1</sup> (from Lines 6 or 7 of Equipment and Installation Worksheet) (Note: include appropriate franchise fee):

(a) Hourly rate \_\_\_\_\_  
or.

(b) Average installation charges:

1. Installation of unwired homes \_\_\_\_\_

2. Installation of prewired homes \_\_\_\_\_

3. Installation of additional connection at time of initial installation \_\_\_\_\_

4. Installation of additional connections requiring separate installation \_\_\_\_\_

5. Other installations (specify) \_\_\_\_\_

(2) Charge for changing tiers (if any) (from Line 29, 30 or 31 of Equipment and Installation Worksheet) (Note: include appropriate franchise fee): \_\_\_\_\_

(3) Monthly charge for lease of remote controls (from Line 14 in Equipment and Installation Worksheet) (Note: include appropriate franchise fee): \_\_\_\_\_

Remote control type 1 \_\_\_\_\_

Remote control type 2 \_\_\_\_\_

Remote control type 3 \_\_\_\_\_

(4) Monthly charge for lease of converter boxes (from Line 21 in Equipment and Installation Worksheet) (Note: include appropriate franchise fee): \_\_\_\_\_

Converter box type 1 \_\_\_\_\_

Converter box type 2 \_\_\_\_\_

Converter box type 3 \_\_\_\_\_

(5) Monthly charge for lease of other equipment (from Line 26 in Equipment and Installation Worksheet) (Note: include appropriate franchise fee): \_\_\_\_\_

Cable home wiring .. \_\_\_\_\_

Other equipment \_\_\_\_\_

(specify) \_\_\_\_\_

<sup>1</sup>If you have further charges for additional connections beyond those reflected in your installation charge, attach a sheet explaining your calculations and setting forth those additional charges. See Note to Equipment and Installation Worksheet Instructions in Part III of this form.

**For Cable Programming Service Rates and Equipment**

**Program Service Rate**

Note: If you have more than one cable programming service tier, attach additional sheets with the following information for each tier.

(1) Number of channels on cable programming service tier \_\_\_\_\_

(2) Monthly franchise fee per subscriber for cable programming service tier \_\_\_\_\_

(3) Current rate for cable programming service tier: (include monthly franchise fee for this tier from (2) above if not already included) \_\_\_\_\_

(4) Current cable programming service per channel rate: (divide (3) by (1), above): \_\_\_\_\_

(5) Maximum permitted per channel rate: (from Line 600 on Worksheet 6) \_\_\_\_\_

(6) Maximum permitted rate for cable programming service tier (multiply (1) by (5) and add (2), above) \_\_\_\_\_

Note: If your current rate for cable programming services (entry 3) exceeds the maximum permitted rate (entry 6), you must submit a cost-of-service showing or your cable programming service rate will be reduced to the maximum permitted level.

Equipment and Installation Rates

Note: If equipment used for cable programming service is also used to receive the basic tier, then it must be included in basic service equipment. Similarly, if an installation involving cable programming services also involves the basic service tier, it must be included in basic service installations. We anticipate that virtually all equipment and installations will involve the basic service tier and there will thus be no need to complete this part of the cover sheet. However, if you lease equipment and/or provide some installation-related service that involves *only* your cable programming services, you should complete the following sections.

As for basic service, your equipment and installation rates for cable programming service must not be included in your program service rate, but rather must be completely unbundled. In addition, those equipment and installation rates must

not exceed your actual costs, plus a reasonable profit. The method for unbundling your equipment and installation rates from cable programming service rates (if necessary), and for determining your permitted equipment and installation rates, is prescribed in Part II (unbundling) and Part III (rate-setting) of this form. Enter in the spaces below the rate figures you have calculated in Part III of this form, plus the franchise fees you must pay on each of these charges. Your actual cable programming service equipment and installation charges may not exceed these rates, although they may be lower.

	Permitted (dollars)	Actual (dollars)
(1) Charge(s) for cable programming service installations <sup>1</sup> (from Lines 6 or 7 of Equipment and Installation Worksheet) (Note: include appropriate franchise fee):		
(a) Hourly rate .....	.....	.....
or.		
(b) Average installation charges:		
1. Installation of unwired homes .....	.....	.....

	Permitted (dollars)	Actual (dollars)
2. Installation of prewired homes .....	.....	.....
3. Installation of additional connection at time of initial installation .....	.....	.....
4. Installation of additional connections requiring separate .....	.....	.....
5. Other installations (specify) .....		Q03
(2) Charge for changing tiers (if any) (from Line 29, 30, or 31 of Equipment and Installation Worksheet) (Note: include appropriate franchise fee):	.....	.....
(3) Monthly charge for lease of remote controls (from Line 14 in Equipment and Installation Worksheet) (Note: include appropriate franchise fee):		
Remote control type 1: .....	.....	.....
Remote control type 2: .....	.....	.....
Remote control type 3: .....	.....	.....

	Permitted (dollars)	Actual (dollars)
(4) Monthly charge for lease of converter boxes (from Line 21 in Equipment and Installation Worksheet) (Note: include appropriate franchise fee):		
Converter box type 1: .....	.....	.....
Converter box type 2: .....	.....	.....
Converter box type 3: .....	.....	.....
(5) Monthly charge for lease of other equipment (from Line 28 in Equipment and Installation Worksheet) (Note: include appropriate franchise fee):		
Cable home wiring: ..	.....	.....
Other equipment (specify): .....	.....	.....

<sup>1</sup> If you have further charges for additional connections beyond those reflected in your installation charge, attach a sheet explaining your calculations and setting forth those additional charges. See Note to Equipment and Installation Worksheet Instructions.

FCC Form—Part II

*Worksheets and Instructions for Calculating Maximum Initial Permitted Rates for Regulated Cable Programming Services (Includes Benchmark Rate Tables)*

BILLING CODE 6712-01-M

### Worksheets for Calculating Maximum Initial Permitted Rate per Channel for Basic Tier or Cable Programming Service

Cable Operator Name:	Community Unit ID (CUID):	Date:
Franchise Authority:	Basic Tier Cable Programming (Circle One)	

Page 1 of 2

#### Worksheet 1 Calculation of Rates in Effect on Initial Date of Regulation and Benchmark Comparison

Line	Line Description	Instruction	A	B	C	D	E
			Basic	Tier 2	Tier 3	Tier 4	Total
101	Tier Charge (Monthly)	Enter for all Tiers Offered					
102	Tier Channels	Enter for all Tiers Offered					
103	Tier Subscribers	Enter for all Tiers Offered					
104	Equipment Revenue (Monthly)	Enter in Basic Column Only					
105	Charge Factor	(Line 101 * Line 103) / Line 104A					
106	Channel Factor	Line 102 * Line 103					
107	Charge per Channel	Line 105E / Line 106E					
108	Franchise Fee Expense (Monthly)	Enter Only Fees Included in Line 101 Charges [See Worksheet Instructions]					
109	Franchise Fee Deduction	Line 108E / Line 106E					
110	Base Rate per Channel	Line 107E - Line 109E					
121	Benchmark Channel Rate	Enter from Attachment A					
122	GNP-PI (current)	Enter from Survey of Current Business, Table 7.3, Line 5, most recent quarter					
123	Inflation Factor	(Line 122E / 121.8) - 1 [121.8 = 3rd Qtr 1992 GNP-PI]					
124	Adjustment Time Period	Enter Number of Months from 9/30/92 to Date of Current Rate					
125	GNP-PI Time Period	Enter Number of Months from 9/30/92 to most recent GNP-PI Quarter					
126	Time Factor	Line 124E / Line 125E					
127	Inflation Adjustment Factor	(Line 123E * Line 126E) + 1					
128	Adjusted Benchmark Rate	Line 121E * Line 127E					

If Line 110E is less than or equal to Line 128E, skip to Worksheet 3 and enter Line 110E on Line 300.  
If Line 110E is greater than Line 128E, complete Worksheet 2.

#### Worksheet 2 Calculation of Rates in Effect on September 30, 1992 and Benchmark Comparison

Line	Line Description	Instruction	A	B	C	D	E
			Basic	Tier 2	Tier 3	Tier 4	Total
201	Tier Charge (Monthly)	Enter for all Tiers Offered					
202	Tier Channels	Enter for all Tiers Offered					
203	Tier Subscribers	Enter for all Tiers Offered					
204	Equipment Revenue (Monthly)	Enter in Basic Column Only					
205	Charge Factor	(Line 201 * Line 203) / Line 204A					
206	Channel Factor	Line 202 * Line 203					
207	Charge per Channel	Line 205E / Line 206E					
208	Franchise Fee Expense (Monthly)	Enter Only Fees Included in Line 201 Charges [See Worksheet Instructions]					
209	Franchise Fee Deduction	Line 208E / Line 206E					
210	Base Rate per Channel	Line 207E - Line 209E					
220	Benchmark Channel Rate	Enter from Attachment A					
230	Reduced Base Rate per Channel	Line 210E * 0.9 [Ten Percent Reduction]					

If Line 210E is less than or equal to Line 220E, go to Worksheet 3 and enter Line 220E on Line 300.  
If Line 210E is greater than Line 220E, go to Line 230.

Enter greater of lines 220E and 230E on Worksheet 3, Line 300.

Cable Operator Name:	Community Unit ID (CUID):	Date:
Franchise Authority:	Basic Tier Cable Programing (Circle One)	

Page 2 of 2

**Worksheet 3**  
**Removal of Equipment and Installation Costs**

Line	Line Description	Instruction	
300	Base Rate per Channel	Enter from Worksheet 1 (Line 110E) or Worksheet 2 (Line 220E or 230E)	<input type="text"/>
301	Equipment & Install. Cost (Monthly)	Enter from Line 34 of Equipment Worksheet (Step G)	<input type="text"/>
302	Channel Factor	Enter from Worksheet 1 (Line 106E) or Worksheet 2 (Line 206E)	<input type="text"/>
303	Cost per Subscriber-channel	Line 301 / Line 302	<input type="text"/>
304	Base Service Rate per Channel	Line 300 - Line 303	<input type="text"/>

If Line 300 entered from Worksheet 1, go to Line 600 and enter Line 304.

If Line 300 entered from Worksheet 2, go to Worksheet 4.

**Worksheet 4**  
**Adjustment for Inflation**

Line	Line Description	Instruction	
400	Base Service Rate per Channel	Enter from Line 304	<input type="text"/>
401	Inflation Adjustment Factor	Enter from Worksheet 1, Line 127E	<input type="text"/>
402	Adjusted Base Ser.Rate per Channel	Line 400 * Line 401	<input type="text"/>

Worksheet 5 should be completed if line 121E is different than line 220E.

If line 121E is the same as line 220E, go to line 600 and enter line 402.

**Worksheet 5**  
**Adjustment for Changes in Number of Regulated Channels**

Line	Line Description	Instruction	
500	Adjusted Base Ser.Rate per Channel	Enter from Worksheet 4 (Line 402)	<input type="text"/>
501	Benchmark Channel Rate (Baseline)	Enter from Worksheet 2 (Line 220E)	<input type="text"/>
502	Benchmark Channel Rate (New)	Enter from Worksheet 1 (Line 121E)	<input type="text"/>
503	Channel Adjustment Factor	(Line 502 - Line 501) / Line 501	<input type="text"/>
504	Chan Ajustd Base Ser.Rate per Chan	Line 500 * (1 + Line 503)	<input type="text"/>

If Worksheet 5 was used, enter Line 504 on Line 600.

600	Maximum Initial Permitted Rate per Channel	Enter from Line 304, 402, or 504.	<input type="text"/>
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### Instructions for Worksheets Calculating Maximum Initial Permitted Rates for Regulated Cable Services

These instructions are to be used when completing Worksheets 1 through 5 of Part II of FCC Form 393. Using the worksheets will enable you to compute the maximum rate you may currently charge for regulated programming services under the FCC's rules. If your current rates exceed the maximum permitted rate you calculate on the worksheets, you must submit a cost-of-service showing to support your rates. If you do not do so, you will have your rates reduced to the maximum permitted rate and will be ordered to refund the excess to subscribers as necessary.

An overview of the various calculations you may be making is set forth in the General Instructions for completing this form. In addition, a decision flow chart is attached as Attachment B to this Part. This chart is designed to help you visualize the different steps you will be taking to compute your maximum initial permitted rate. Reviewing these materials first will assist you in completing the worksheets.

All calculations on the Worksheets (Parts II and III) should be carried out to at least three decimal points. The results should be rounded to the nearest cent (.004 or less down, .005 or more up) only when the final tier charge result is entered on Line (6) of the Service Charge sections of Part I ("Request for Cable Rate Approval Cover Sheet") and the final equipment charges are entered on the Equipment and Installation Rate sections of that Cover Sheet.

#### Instructions for Worksheet 1

Worksheet 1 must be used to calculate the average Base Rate Per Channel that you are currently charging for regulated programming services and associated equipment. The Worksheet also must be used to compute the Benchmark Channel Rate with which your current Base Rate Per Channel will be compared. If your current Base Rate Per Channel is equal to or lower than the Benchmark Channel Rate, your rates will be found reasonable and you will not have to reduce them. If, however, your current Base Rate Per Channel exceeds the Benchmark Channel Rate, you will have to reduce your rate in accordance with the calculations set forth in Worksheet 2.

**Line 101—Tier Charge.** In the relevant column, enter your current monthly charge for your basic service tier and for each tier of cable programming service

that you offer to subscribers in the community unit for which the form is being completed.<sup>1</sup> Do not include any premium programming offered on a per channel or per program basis. In addition, use your standard non-discounted program service rates; do not use any bulk or other discounted rates that you may offer to special classes of customers.

**Line 102—Tier Channels.** In the relevant column, enter the number of channels included in each tier of regulated programming services you offer to subscribers in the community unit. For purposes of completing the worksheets, a "channel" is a unit of cable service identified and selected by a channel number or similar designation. Channels are not excluded from consideration based on their contents and may include, for example, directory and menu channels. Total regulated channels include all channels on the basic service tier and cable programming service tiers. The distribution of several programming services combined on a single channel does not increase the number of channels on the system.

**Line 103—Tier Subscribers.** In the relevant column, enter the number of subscribers in the community unit who subscribe to each tier indicated.

**Line 104—Equipment Revenue Per Month.** To calculate your monthly average equipment revenue, take the total revenues you earned over the last fiscal year for the community unit for the following categories of equipment and installation services: (1) Converter box rental; (2) remote control rental; (3) additional outlet fees; (4) installation fees; (5) disconnect fees; (6) reconnect fees; and (7) tier changing fees. Divide that total by 12 to compute your Equipment Revenue Per Month. Enter this figure in Column A of Line 104.

**Weighting.** In order to determine the average Base Per Channel Rate paid by subscribers to your system, the per channel rate for each tier is weighted according to the number of subscribers to that tier, so that tiers with more subscribers count more in determining the average than tiers with fewer subscribers. This weighting is done by determining a weighted monthly rate per subscriber (the "Charge Factor" calculated in Line 105) and dividing by a weighted number of channels received

<sup>1</sup> When completing this form, except where noted, you should use data from the community unit involved. However, you may use data for the system instead of the community unit if all relevant factors (including program service and equipment rates, channel line-ups and franchise fees) are identical and the local franchising authority permits you to use such system data.

by each subscriber (the "Channel Factor" calculated in Line 106).

**Line 105—Charge Factor.** Multiply the monthly Tier Charge in Column A in Line 101 times the number of subscribers for that tier set forth in Column A in Line 103. Add the Equipment Revenue Per Month from Line 104 to this figure and enter the sum in Column A, Line 105.

Next, multiply the monthly Tier Charge in Column B in Line 101 times the number of subscribers in Column B of Line 103. Enter the result in Column B in Line 105—do not add the Equipment Revenue Per Month from Line 104. Repeat this calculation for each other Column that you have completed.

Finally, add the figures in Columns A–D in Line 105 together and enter the total in Column E of Line 105.

**Line 106—Channel Factor.** Multiply the number of channels in Column A in Line 102 times the number of subscribers in Column A in Line 103. Enter the result in Column A of Line 106. Repeat the same calculation for each column in Line 106. Then, add the figures in Columns A–D in Line 106 together and enter the total in Column E of Line 106.

**Line 107—Charge Per Channel.** Divide the total Charge Factor from Column E, Line 105 by the total Channel Factor from Column E, Line 106. Enter the result in Column E of Line 107. You have now completed the weighting process.

**Franchise Fees.** The calculations in Lines 108 and 109 will enable you to separate out any franchise fees that you include in your subscriber rates. If you charge subscribers separately for franchise fees and do not include those fees in your service rates, you do not need to complete these steps and should enter \$0.00 in Lines 108 and 109. If you do include franchise in your service rates, complete Lines 108 and 109. For purposes of this calculation, "franchise fees" means fees paid by the cable operators to the local franchising authority which only cable operators, and not owners of other kinds of businesses, are required to pay.

**Line 108—Franchise Fee Expense (Monthly).** Calculate the franchise fees you pay for regulated tiers of service for the community unit during an average month. Enter that total monthly payment in Column E of Line 108.

**Line 109—Franchise Fee Deduction.** To calculate the weighted per channel franchise fee, divide the Monthly Franchise Fee Expense from Line 108, Column E by the total Channel Factor from Line 106, Column E. Enter the result in Column E of Line 109.

**Line 110—Base Rate Per Channel.** Subtract the Franchise Fee Deduction in Line 109 from the Charge Per Channel in Line 107. Enter the result in the box in Line 110. This number is your current Base Rate Per Channel. It is the number that will be compared to your competitive benchmark to determine whether your current rates are reasonable or need to be reduced.

**Benchmark Calculation.** The next calculation you will perform will give you your competitive benchmark rate. This rate represents the rate that would be charged by a cable system facing competition that has similar characteristics to your own. The three characteristics that will be used in this analysis are: (1) the number of channels on regulated program tiers that you offer; (2) the number of subscribers served by your cable system; and (3) the number of satellite-delivered signals you carry on your regulated program tiers.

**Line 121—Benchmark Per Channel Rate.** Attachment A contains the benchmark rates per channel for cable systems with different numbers of channels on regulated tiers and different numbers of satellite-delivered signals. There are eight tables of benchmark rates for systems with 50, 100, 250, 500, 750, 1000, 1500 and 10,000 subscribers. Using the table with the number of subscribers closest to the number of subscribers on your system, select the benchmark per channel rate from the table. Enter the selected benchmark per channel rate in Column E of Line 121.

**Notes:** (1) When using the benchmark tables, use the number of regulated channels and satellite-delivered signals for the community unit. However, for the number of subscribers, use the number of subscribers on your system. (2) All systems with 10,000 or more subscribers should use the 10,000 subscriber table. Our analysis revealed that there is no measurable difference in the benchmark rates among systems with more than 10,000 subscribers. (3) For purposes of using the benchmark tables, a "satellite-delivered signal" is any cable program service or "superstation" delivered on a communications satellite that is not a premium service (pay channel or pay-per-view channel). If a cable system picks up a satellite channel via a microwave or fiber optic feed, the channel remains a satellite channel if it is available by satellite unless it could be picked up directly over-the-air in the cable community. (4) If the total number of channels on regulated tiers and/or the total number of satellite-delivered channels on those tiers for your community unit falls between the channel increments listed in the tables, you must interpolate the correct benchmark per channel rate. Instructions on how to perform these interpolations are attached at the end of the benchmark rate tables. If you do not wish to interpolate the

correct benchmark rate, select the lower rate of the two benchmark rates you fall between. Alternatively, you may apply the FCC's benchmark formula to calculate your benchmark rate. The formula is attached to the benchmark tables. If you use the formula, you must use the actual number of subscribers to your system, rather than the number of subscribers on the closest benchmark table.

**Inflation Adjustment.** The benchmark per channel rate that you have just selected was based on cable rates in effect on September 30, 1992. Therefore, to make sure that the benchmark against which you will compare your current rates is not too low, the benchmark per channel rate must be adjusted forward for inflation since September 30, 1992. The calculations in Lines 122 through 128 of Worksheet 1 will enable you to adjust the benchmark per channel rate in Line 121 for inflation.

**Line 122—GNP-PI (Current).** Enter the Gross National Product Price Index (GNP-PI) for the most recent quarter in Column E of Line 122. This number can be found in the "Survey of Current Business," Table 7.3, Line 5 (Most Recent Quarter), which is published monthly by the U.S. Department of Commerce. The number will also be published periodically by the FCC.

**Line 123—Inflation Factor.** Divide the current GNP-PI from Line 122 by the GNP-PI for the third quarter of 1992, which is 121.8. Subtract 1 from the resulting figure and enter the number in Column E of Line 123.

**Line 124—Adjustment Time Period.** Enter in Column E of Line 124 the number of whole months from September 30, 1992 to the date you will submit this form.

**Line 125—GNP-PI Time Period.** Enter in Column E of Line 125 the number of months from September 30, 1992 to the end of the most recent GNP-PI quarter.

**Line 126—Time Factor.** Divide the number of months in Line 124 by the number of months in Line 125 and enter in Column E of Line 126.

**Line 127—Inflation Adjustment Factor.** Multiply the Inflation Factor in Line 123 times the Time Factor in Line 126. Add 1 to the resulting figure and enter the number of Column E of Line 127.

**Line 128—Adjusted Benchmark Rate.** Multiply the Benchmark Channel Rate from Line 121 times the Inflation Adjustment Factor from Line 127. Enter the resulting figure in Column E of Line 128. This is your benchmark channel rate that has been adjusted forward for inflation.

You are now ready to compare your current rate to the benchmark:

If the Base Rate Per Channel in Line 110 is less than or equal to the Adjusted

Benchmark in Line 128, your current per channel rate is reasonable and you do not need to reduce it. You should now skip to Worksheet 3 and enter the rate from Line 100 in Line 300 of Worksheet 3. This worksheet will enable you to remove your equipment and installation costs from your Base Rate Per Channel. The resulting number will be the maximum rate per channel you can currently charge for regulated programming services.

If the Base Rate Per Channel in Line 100 is greater than the Adjusted Benchmark Rate in Line 128, your current per channel rate is unreasonable and must be reduced if you do not wish to submit a cost-of-service showing. To determine what your maximum permitted rate is, you must complete Worksheet 2.

#### Instructions for Worksheet 2

If your current per channel rate is above the benchmark, you must now examine your per channel rate as of September 30, 1992 and compare it to the benchmark. If your September 30, 1992 rate was also above the benchmark, your maximum permitted rate will be your September 30, 1992 rate, reduced by 10 percent or to the benchmark, whichever reduction is less. If you do not implement this rate reduction, you must submit a cost-of-service showing. If your current rate is above the benchmark but your September 30, 1992 rate was equal to or below the benchmark, your maximum permitted rate will be the benchmark rate, as adjusted for inflation. If you do not reduce your rate to this level, you must submit a cost-of-service showing.

Worksheet 2 will enable you to calculate your Base Per Channel Rate as of September 30, 1992 and then compare that rate to the Benchmark Channel Rate. The calculations will mirror those you performed when computing your current Base Per Channel Rate on Worksheet 1.

**Line 201—Tier Charge.** In the relevant column, enter your monthly charge as of September 30, 1992 for your basic service tier and for each tier of cable programming service that you offered to subscribers in the community unit on that date. Do not include any premium programming offered on a per channel or per program basis. In addition, use your standard non-discounted program service rates; do not use any bulk or other discounted rates that you may have offered to special classes of customers.

**Line 202—Tier Channels.** In the relevant column, enter the number of channels included in each tier of regulated programming services you

offered to subscribers in the community unit as of September 30, 1992.

Line 203—Tier Subscribers. In the relevant column, enter the number of subscribers in the community unit who subscribed to each tier indicated as of September 30, 1992.

Line 204—Equipment Revenue Per Month. To calculate your monthly average equipment revenue as of September 30, 1992, take the total revenues you earned over the preceding fiscal year for the community unit for the following categories of equipment and installation services: (1) converter box rental; (2) remote control rental; (3) additional outlet fees; (4) installation fees; (5) disconnect fees; (6) reconnect fees; and (7) tier changing fees. Divide that total by 12 to compute your Equipment Revenue Per Month as of September 30, 1992. Enter this figure in Column A of Line 204.

Line 205—Charge Factor. Multiply the monthly Tier Charge in Column A in Line 201 times the number of subscribers for that tier set forth in Column A in Line 203. Add the Equipment Revenue Per Month from Line 204 to this figure and enter the sum in Column A, Line 205.

Next, multiply the monthly Tier Charge in Column B in Line 201 times the number of subscribers in Column B of Line 203. Enter the result in Column B in Line 205—do not add the Equipment Revenue Per Month from Line 204. Repeat this calculation for each other Column that you have completed.

Next, add the figures in Columns A-D in Line 205 together and enter the total in Column E of Line 205.

Line 206—Channel Factor. Multiply the number of channels in Column A in Line 202 times the number of subscribers in Column A in Line 203. Enter the result in Column A of Line 206. Repeat the same calculation for each column in Line 206. Then, add the figures in Columns A-D in Line 206 together and enter the total in Column E of Line 206.

Line 207—Charge Per Channel. Divide the total Charge Factor from Column E, Line 205 by the total Channel Factor from Column E, Line 206. Enter the result in Column E of Line 207.

Line 208—Franchise Fee Expense (Monthly). Calculate the (non-itemized) franchise fees you paid for regulated tiers of service for the community unit during an average month for the fiscal year preceding September 30, 1992. Enter that total monthly payment in Column E of Line 208.

Line 209—Franchise Fee Deduction. To calculate the weighted per channel franchise fee, divide the Monthly

Franchise Fee Expense from Line 208, Column E by the total Channel Factor from Line 206, Column E. Enter the result in Column E of Line 209.

Line 210—Base Rate Per Channel (September 30, 1992). Subtract the Franchise Fee Deduction in Line 209 from the Charge Per Channel in Line 207. Enter the result in the box in Line 210. This number is your Base Rate Per Channel as of September 30, 1992. It will be compared to your competitive benchmark as of September 30, 1992 as part of computing your current maximum permitted rate.

Line 220—Benchmark Channel Rate (September 30, 1992). To compare your September 30, 1992 Base Rate Per Channel to the benchmark, use the number of regulated channels and satellite-delivered signals for the community unit, and the subscribers on your system, as of September 30, 1992 to find the appropriate September 30, 1992 Benchmark Channel Rate on the benchmark tables attached as Attachment A. (See instructions for Line 121, above, for further guidance in using benchmark tables.)

You are ready to compare your September 30, 1992 rate to the September 30, 1992 benchmark:

If your September 30, 1992 Base Rate Per Channel (Line 210E) is less than or equal to the September 30, 1992 Benchmark Channel Rate (Line 220E), your maximum permitted rate will be the September 30, 1992 benchmark rate, adjusted forward for inflation. You may now skip to Worksheet 3 and enter the number in Line 220E on Line 300. Worksheet 3 will enable you to remove your equipment and installation costs from this per channel rate to determine what your maximum permitted program service rate should be.

If your September 30, 1992 Base Rate Per Channel (Line 210) is greater than the September 30, 1992 Benchmark Channel Rate (Line 220), your maximum permitted rate will be your September 30, 1992 Base Rate Per Channel, reduced by 10 percent or to the benchmark, whichever yields the higher rate. To compute this rate, you will need to complete Line 230.

Line 230—Reduced Base Rate Per Channel. Multiply your September 30, 1992 Base Rate Per Channel (Line 210) times 0.9 to reduce that rate by 10 percent; enter the resulting number in the box in Line 230. Then, take the greater of the September 30, 1992 benchmark (Line 220) and the reduced rate per channel you have just computed in Line 230 and enter it in Line 300 on Worksheet 3.

### Instructions for Worksheet 3

The per channel rates you have calculated so far have included both programming service rates and rates for equipment and installations. The 1992 Cable Act, however, requires you to unbundle your programming service rates from your equipment and installation rates, as well as to unbundle those rates one from the other. Worksheet 3 is thus designed to separate your equipment and installation costs from your programming service rates. The resulting rate will be a per channel rate for programming services alone.

Line 300—Base Rate Per Channel. If you completed Worksheet 1 only, enter your Base Rate Per Channel from Line 110 on Worksheet 1 on Line 300. If you completed both Worksheets 1 and 2, enter the appropriate figure from either Line 220 or Line 230.

Line 301—Equipment and Installation Costs (Monthly). In order to complete this line, you must have completed Schedules A, B and C and the Worksheet for Equipment and Installation Charges in Part III of this form. Enter Line 34 from Step G of that Equipment Worksheet in Line 301. This figure reflects the costs you incur in an average month for equipment and installations.

Line 302—Channel Factor. If you completed Worksheet 1 only, enter the number from Line 106, Column E. If you completed Worksheet 2, enter the number from Line 206, Column E.

Line 303—Cost per Subscriber-Channel. To determine your equipment/installation costs per subscriber per channel, divide your monthly equipment and installation costs from Line 301 by the channel factor from Line 302. Enter the resulting figure in Line 303.

Line 304—Base Service Rate Per Channel. To unbundle your equipment and installation costs from your base per channel rate, subtract the Costs Per Subscriber Per Channel in Line 303 from the Base Rate Per Channel in Line 300. Enter the resulting figure in Line 304.

If you completed Worksheet 1 only, the rate reflected in Line 304 is your maximum permitted rate per channel for programming services. You should enter this rate in Line 600 and complete Part I of Form 393, "Request for Cable Rate Approval Cover Sheet."

If you completed Worksheets 1 and 2, you will need to adjust the Base Service Rate Per Channel in Line 304 for inflation and therefore must complete Worksheet 4. Moreover, if there have been changes in the number of regulated channels and/or subscribers on your

system since September 30, 1992, you will also need to adjust the Base Service Rate Per Channel in Line 304 to reflect these changes. This can be done by completing Worksheet 5 after you finish Worksheet 4.

#### Instructions for Worksheet 4

Worksheet 4 is to be used to adjust your maximum permitted rate for inflation that has occurred between September 30, 1992 and the date you submit this form. Since you have previously calculated the appropriate inflation adjustment factor in completing Worksheet 1, you will simply need to apply that factor to the Base Service Rate Per Channel calculated in Worksheet 3.

Line 400—Base Service Rate Per Channel. Enter the Base Service Rate Per Channel from Line 304 of Worksheet 3.

Line 401—Inflation Adjustment Factor. Enter the Inflation Adjustment Factor you previously calculated from Line 127 of Worksheet 1.

Line 403—Adjusted Base Service Rate Per Channel. Multiply the Base Service Rate Per Channel in Line 400 times the Inflation Adjustment Factor in Line 401. Enter the resulting figure in Line 403. This figure is your Base Service Rate Per Channel, as adjusted for inflation.

*Adjustments for Changes Since September 30, 1992.* If you completed Worksheet 2, the benchmark channel rate you used for those calculations was based on the number of regulated channels, satellite-delivered signals and subscribers to your system as of September 30, 1992. If none of these factors has since changed, you may appropriately use that benchmark and therefore need not complete Worksheet 5. If, however, there has been a change in your system with regard to one or more of these three factors since September 30, 1992, your base rate per channel must be adjusted to reflect the change in the benchmark applicable to your system. Therefore, you will need to adjust your permitted rate to account for these changes. Worksheet 5 should be used to perform these calculations.

Line 500—Adjusted Base Service Rate Per Channel. Enter your Adjusted Base Service Rate Per Channel from Line 402.

Line 501—Benchmark Channel Rate (Baseline). Enter the Benchmark Channel Rate you computed in Line 220 of Worksheet 2.

Line 502—Benchmark Channel Rate (New). Enter the Benchmark Channel Rate you computed in Line 121E of Worksheet 1.

Line 503—Channel Adjustment Factor. Subtract your Baseline

Benchmark Channel Rate in Line 501 from your New Benchmark Channel Rate in Line 502. Divide the resulting number by your Baseline Benchmark Channel Rate in Line 501 and enter this figure in Line 503.

Line 504—Channel Adjusted Base Service Rate Per Channel. Take the Channel Adjustment Factor in Line 503 and add 1. Then, multiply the resulting figure times the Adjusted Base Service Rate Per Channel in Line 500. This will give you your Channel Adjusted Base Service Rate Per Channel. Enter this number in Line 600.

Congratulations! You have now completed all calculations necessary to compute your maximum permitted rate per channel under the FCC's rate regulations. The rate for each tier of regulated services you offer will be reasonable under the FCC's rules if it does not exceed the product of this rate per channel times the number of channels on that tier. To make this final calculation, the number you entered on Line 600 should now be entered on Page 2 (or 4) of Part I of Form 393 ("Cover Sheet"). Follow the directions on Part I of Form 393 ("Cover Sheet") to finish your computations.

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ATTACHMENT A Benchmark Cable Rates

Satellite Channels	PRICE PER CHANNEL for systems with 50 subscribers and less than 25 channels														Satellite Channels					
	Weighted and Adjusted for Franchise Fees and Equipment																			
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
0	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
1	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
2	\$3,123	\$2,688	\$2,371	\$2,130	\$1,939	\$1,785	\$1,657	\$1,550	\$1,458	\$1,377	\$1,306	\$1,255	\$1,211	\$1,177	\$1,143	\$1,110	\$1,077	\$1,044	\$1,011	\$978
3	\$3,253	\$2,818	\$2,501	\$2,260	\$2,069	\$1,915	\$1,787	\$1,680	\$1,588	\$1,507	\$1,436	\$1,385	\$1,341	\$1,307	\$1,273	\$1,239	\$1,205	\$1,171	\$1,137	\$1,103
4	\$3,348	\$2,913	\$2,596	\$2,355	\$2,164	\$2,010	\$1,882	\$1,775	\$1,683	\$1,602	\$1,531	\$1,480	\$1,436	\$1,392	\$1,358	\$1,324	\$1,290	\$1,256	\$1,222	\$1,188
5	\$3,424	\$2,989	\$2,672	\$2,431	\$2,240	\$2,086	\$1,958	\$1,851	\$1,759	\$1,678	\$1,607	\$1,556	\$1,512	\$1,468	\$1,434	\$1,400	\$1,366	\$1,332	\$1,298	\$1,264
6	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
7	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
8	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
9	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
10	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
11	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
12	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
13	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
14	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
15	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
16	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
17	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
18	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
19	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
20	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
21	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
22	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
23	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
24	\$2,912	\$2,477	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,088	\$1,037	\$993	\$960	\$934	\$915	\$902	\$895	\$892	\$890
	PRICE PER CHANNEL for systems with 100 subscribers and less than 25 channels																			
	Weighted and Adjusted for Franchise Fees and Equipment																			
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
0	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
1	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
2	\$2,901	\$2,497	\$2,192	\$1,970	\$1,793	\$1,647	\$1,529	\$1,429	\$1,343	\$1,260	\$1,187	\$1,136	\$1,092	\$1,058	\$1,024	\$990	\$956	\$922	\$888	\$854
3	\$3,022	\$2,618	\$2,313	\$2,091	\$1,914	\$1,768	\$1,650	\$1,550	\$1,464	\$1,381	\$1,308	\$1,257	\$1,213	\$1,169	\$1,125	\$1,081	\$1,037	\$993	\$949	\$905
4	\$3,111	\$2,707	\$2,402	\$2,180	\$2,003	\$1,857	\$1,739	\$1,639	\$1,553	\$1,470	\$1,397	\$1,346	\$1,302	\$1,258	\$1,214	\$1,170	\$1,126	\$1,082	\$1,038	\$994
5	\$3,182	\$2,778	\$2,473	\$2,251	\$2,074	\$1,928	\$1,810	\$1,710	\$1,624	\$1,541	\$1,468	\$1,417	\$1,373	\$1,329	\$1,285	\$1,241	\$1,197	\$1,153	\$1,109	\$1,065
6	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
7	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
8	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
9	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
10	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
11	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
12	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
13	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
14	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
15	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
16	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
17	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
18	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
19	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
20	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
21	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
22	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
23	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776
24	\$2,706	\$2,302	\$2,007	\$1,785	\$1,608	\$1,462	\$1,344	\$1,244	\$1,158	\$1,085	\$1,020	\$984	\$958	\$932	\$906	\$880	\$854	\$828	\$802	\$776



ATTACHMENT A Benchmark Cable Rates

Satellite Channels	PRICE PER CHANNEL for systems with 250 subscribers and less than 25 channels										24					
	Weighted and Adjusted for Franchise Fees and Equipment															
Total channels on requested list:	6	7	8	9	10	11	12	13	14	16	18	20	21	22	23	
0	\$2,699	\$2,202	\$1,921	\$1,637	\$1,399	\$1,206	\$1,190	\$1,109	\$1,038	\$0,976	\$0,922	\$0,874	\$0,830	\$0,792	\$0,756	\$0,643
1	\$2,599	\$2,202	\$1,921	\$1,637	\$1,399	\$1,206	\$1,190	\$1,109	\$1,038	\$0,976	\$0,922	\$0,874	\$0,830	\$0,792	\$0,756	\$0,643
2	\$2,776	\$2,381	\$1,921	\$1,648	\$1,500	\$1,379	\$1,276	\$1,189	\$1,113	\$1,047	\$0,989	\$0,937	\$0,890	\$0,849	\$0,811	\$0,643
3	\$2,892	\$2,460	\$1,921	\$1,716	\$1,563	\$1,436	\$1,328	\$1,238	\$1,159	\$1,090	\$1,030	\$0,976	\$0,927	\$0,884	\$0,845	\$0,643
4	\$2,977	\$2,532	\$2,008	\$1,767	\$1,609	\$1,478	\$1,368	\$1,275	\$1,193	\$1,122	\$1,060	\$1,004	\$0,957	\$0,910	\$0,869	\$0,643
5	\$3,044	\$2,590	\$2,008	\$1,807	\$1,645	\$1,512	\$1,399	\$1,305	\$1,220	\$1,148	\$1,084	\$1,027	\$0,976	\$0,931	\$0,889	\$0,643
6	\$2,637	\$2,300	\$2,043	\$1,840	\$1,676	\$1,540	\$1,425	\$1,328	\$1,245	\$1,169	\$1,104	\$1,046	\$0,994	\$0,949	\$0,905	\$0,643
7		\$2,338	\$2,076	\$1,869	\$1,702	\$1,564	\$1,448	\$1,348	\$1,262	\$1,187	\$1,121	\$1,063	\$1,010	\$0,963	\$0,920	\$0,643
8		\$2,105	\$1,825	\$1,625	\$1,467	\$1,329	\$1,212	\$1,109	\$1,024	\$0,949	\$0,883	\$0,825	\$0,772	\$0,724	\$0,681	\$0,412
9		\$1,917	\$1,621	\$1,421	\$1,263	\$1,125	\$1,008	\$0,895	\$0,809	\$0,734	\$0,668	\$0,610	\$0,557	\$0,509	\$0,466	\$0,197
10		\$1,764	\$1,468	\$1,268	\$1,110	\$0,972	\$0,855	\$0,742	\$0,656	\$0,581	\$0,515	\$0,457	\$0,404	\$0,356	\$0,313	\$0,044
11		\$1,637	\$1,341	\$1,141	\$0,983	\$0,845	\$0,728	\$0,615	\$0,529	\$0,454	\$0,388	\$0,330	\$0,277	\$0,229	\$0,186	\$0,044
12		\$1,528	\$1,232	\$1,032	\$0,874	\$0,736	\$0,619	\$0,506	\$0,420	\$0,345	\$0,279	\$0,221	\$0,168	\$0,120	\$0,077	\$0,044
13		\$1,435	\$1,139	\$0,939	\$0,781	\$0,643	\$0,526	\$0,413	\$0,327	\$0,252	\$0,186	\$0,128	\$0,075	\$0,027	\$0,000	\$0,044
14		\$1,344	\$1,048	\$0,848	\$0,690	\$0,552	\$0,435	\$0,322	\$0,236	\$0,161	\$0,095	\$0,037	\$0,000	\$0,000	\$0,000	\$0,044
15		\$1,253	\$0,957	\$0,757	\$0,600	\$0,462	\$0,345	\$0,232	\$0,146	\$0,071	\$0,013	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
16		\$1,162	\$0,866	\$0,666	\$0,509	\$0,371	\$0,254	\$0,141	\$0,055	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
17		\$1,071	\$0,775	\$0,575	\$0,418	\$0,280	\$0,163	\$0,050	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
18		\$980	\$684	\$484	\$327	\$200	\$104	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
19		\$889	\$593	\$393	\$236	\$109	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
20		\$798	\$502	\$302	\$145	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
21		\$707	\$411	\$211	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
22		\$616	\$320	\$120	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
23		\$525	\$229	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044
24		\$434	\$138	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,044

Satellite Channels	PRICE PER CHANNEL for systems with 600 subscribers and less than 25 channels										24					
	Weighted and Adjusted for Franchise Fees and Equipment															
Total channels on requested list:	6	7	8	9	10	11	12	13	14	16	18	20	21	22	23	
0	\$2,552	\$2,170	\$1,893	\$1,681	\$1,514	\$1,379	\$1,287	\$1,173	\$1,092	\$1,023	\$0,962	\$0,909	\$0,861	\$0,818	\$0,780	\$0,634
1	\$2,552	\$2,170	\$1,893	\$1,681	\$1,514	\$1,379	\$1,287	\$1,173	\$1,092	\$1,023	\$0,962	\$0,909	\$0,861	\$0,818	\$0,780	\$0,634
2	\$2,795	\$2,327	\$2,029	\$1,803	\$1,624	\$1,479	\$1,359	\$1,258	\$1,171	\$1,097	\$1,032	\$0,974	\$0,923	\$0,877	\$0,836	\$0,680
3	\$2,850	\$2,424	\$2,114	\$1,878	\$1,691	\$1,540	\$1,415	\$1,310	\$1,220	\$1,142	\$1,075	\$1,015	\$0,962	\$0,914	\$0,871	\$0,708
4	\$2,933	\$2,495	\$2,176	\$1,933	\$1,741	\$1,595	\$1,457	\$1,348	\$1,256	\$1,176	\$1,106	\$1,045	\$0,990	\$0,941	\$0,897	\$0,739
5	\$3,000	\$2,552	\$2,225	\$1,977	\$1,780	\$1,621	\$1,480	\$1,370	\$1,284	\$1,203	\$1,131	\$1,069	\$1,012	\$0,962	\$0,917	\$0,759
6	\$2,267	\$2,013	\$1,751	\$1,517	\$1,351	\$1,200	\$1,084	\$0,992	\$0,910	\$0,838	\$0,774	\$0,712	\$0,651	\$0,591	\$0,530	\$0,372
7	\$2,599	\$2,045	\$1,782	\$1,548	\$1,382	\$1,231	\$1,115	\$1,023	\$0,941	\$0,869	\$0,806	\$0,744	\$0,683	\$0,622	\$0,561	\$0,403
8	\$2,302	\$2,072	\$1,807	\$1,573	\$1,407	\$1,256	\$1,140	\$1,048	\$0,966	\$0,894	\$0,831	\$0,769	\$0,708	\$0,647	\$0,586	\$0,428
9		\$1,869	\$1,597	\$1,379	\$1,213	\$1,062	\$0,946	\$0,854	\$0,772	\$0,700	\$0,638	\$0,576	\$0,515	\$0,454	\$0,393	\$0,235
10		\$1,493	\$1,220	\$0,999	\$0,833	\$0,682	\$0,566	\$0,474	\$0,392	\$0,320	\$0,258	\$0,196	\$0,135	\$0,074	\$0,013	\$0,000
11		\$1,300	\$1,027	\$0,806	\$0,640	\$0,489	\$0,373	\$0,281	\$0,200	\$0,128	\$0,066	\$0,005	\$0,000	\$0,000	\$0,000	\$0,000
12		\$1,107	\$0,834	\$0,613	\$0,447	\$0,296	\$0,180	\$0,088	\$0,016	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
13		\$914	\$0,641	\$0,420	\$0,254	\$0,103	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
14		\$721	\$0,448	\$0,227	\$0,061	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
15		\$528	\$0,275	\$0,054	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
16		\$335	\$0,102	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
17		\$142	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
18		\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
19		\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
20		\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
21		\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
22		\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
23		\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000
24		\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000	\$0,000

ATTACHMENT A Benchmark Cable Rates

Satellite Channels	PRICE PER CHANNEL for systems with 250 subscribers and 25 or more channels										Satellite Channels					
	25	30	35	40	45	50	55	60	65	70		75	80	85	90	95
0	\$0.620	\$0.528	\$0.460	\$0.409	\$0.368	\$0.335	\$0.308	\$0.285	\$0.266	\$0.249	\$0.234	\$0.221	\$0.209	\$0.199	\$0.190	\$0.181
5	\$0.729	\$0.620	\$0.541	\$0.491	\$0.433	\$0.394	\$0.362	\$0.335	\$0.312	\$0.292	\$0.275	\$0.260	\$0.246	\$0.234	\$0.223	\$0.213
10	\$0.782	\$0.665	\$0.580	\$0.515	\$0.464	\$0.423	\$0.386	\$0.360	\$0.335	\$0.314	\$0.296	\$0.278	\$0.264	\$0.251	\$0.239	\$0.228
15	\$0.815	\$0.693	\$0.604	\$0.537	\$0.483	\$0.440	\$0.405	\$0.374	\$0.349	\$0.327	\$0.307	\$0.290	\$0.275	\$0.261	\$0.249	\$0.238
20	\$0.839	\$0.713	\$0.622	\$0.552	\$0.498	\$0.453	\$0.416	\$0.385	\$0.359	\$0.336	\$0.316	\$0.299	\$0.283	\$0.269	\$0.256	\$0.245
25	\$0.858	\$0.729	\$0.636	\$0.565	\$0.509	\$0.463	\$0.426	\$0.394	\$0.367	\$0.344	\$0.323	\$0.305	\$0.289	\$0.275	\$0.262	\$0.250
30		\$0.743	\$0.648	\$0.575	\$0.518	\$0.471	\$0.434	\$0.402	\$0.374	\$0.350	\$0.329	\$0.311	\$0.295	\$0.280	\$0.267	\$0.255
35			\$0.658	\$0.584	\$0.526	\$0.479	\$0.441	\$0.408	\$0.380	\$0.356	\$0.335	\$0.316	\$0.299	\$0.285	\$0.271	\$0.259
40				\$0.592	\$0.534	\$0.486	\$0.446	\$0.413	\$0.385	\$0.360	\$0.339	\$0.320	\$0.303	\$0.288	\$0.275	\$0.263
45					\$0.540	\$0.492	\$0.452	\$0.418	\$0.390	\$0.365	\$0.343	\$0.324	\$0.307	\$0.292	\$0.278	\$0.266
50						\$0.497	\$0.457	\$0.423	\$0.394	\$0.369	\$0.347	\$0.327	\$0.310	\$0.295	\$0.281	\$0.269
55							\$0.461	\$0.427	\$0.397	\$0.372	\$0.350	\$0.331	\$0.313	\$0.298	\$0.284	\$0.271
60								\$0.431	\$0.401	\$0.375	\$0.353	\$0.333	\$0.316	\$0.300	\$0.286	\$0.274
65									\$0.404	\$0.378	\$0.356	\$0.336	\$0.319	\$0.303	\$0.289	\$0.276
70										\$0.381	\$0.359	\$0.339	\$0.321	\$0.305	\$0.291	\$0.278
75											\$0.361	\$0.341	\$0.323	\$0.307	\$0.293	\$0.280
80												\$0.343	\$0.325	\$0.309	\$0.295	\$0.282
85													\$0.327	\$0.311	\$0.296	\$0.283
90														\$0.313	\$0.298	\$0.285
95															\$0.298	\$0.286
100																\$0.288

Satellite Channels	PRICE PER CHANNEL for systems with 500 subscribers and 25 or more channels										Satellite Channels					
	25	30	35	40	45	50	55	60	65	70		75	80	85	90	95
0	\$0.611	\$0.520	\$0.453	\$0.403	\$0.363	\$0.330	\$0.304	\$0.281	\$0.262	\$0.245	\$0.231	\$0.218	\$0.206	\$0.196	\$0.187	\$0.179
5	\$0.719	\$0.611	\$0.533	\$0.474	\$0.427	\$0.388	\$0.357	\$0.330	\$0.306	\$0.288	\$0.271	\$0.256	\$0.243	\$0.231	\$0.220	\$0.210
10	\$0.771	\$0.656	\$0.572	\$0.508	\$0.457	\$0.417	\$0.383	\$0.354	\$0.330	\$0.309	\$0.291	\$0.274	\$0.260	\$0.247	\$0.236	\$0.225
15	\$0.803	\$0.683	\$0.595	\$0.529	\$0.476	\$0.434	\$0.399	\$0.369	\$0.344	\$0.322	\$0.303	\$0.286	\$0.271	\$0.257	\$0.245	\$0.234
20	\$0.826	\$0.703	\$0.613	\$0.544	\$0.490	\$0.447	\$0.410	\$0.380	\$0.354	\$0.331	\$0.312	\$0.294	\$0.279	\$0.265	\$0.253	\$0.241
25	\$0.845	\$0.719	\$0.627	\$0.557	\$0.502	\$0.457	\$0.420	\$0.386	\$0.362	\$0.339	\$0.319	\$0.301	\$0.285	\$0.271	\$0.258	\$0.247
30		\$0.732	\$0.638	\$0.567	\$0.511	\$0.465	\$0.427	\$0.396	\$0.369	\$0.345	\$0.325	\$0.306	\$0.290	\$0.276	\$0.263	\$0.251
35			\$0.648	\$0.576	\$0.519	\$0.472	\$0.434	\$0.402	\$0.374	\$0.350	\$0.330	\$0.311	\$0.295	\$0.280	\$0.267	\$0.255
40				\$0.584	\$0.526	\$0.479	\$0.440	\$0.407	\$0.379	\$0.355	\$0.334	\$0.315	\$0.299	\$0.284	\$0.271	\$0.259
45					\$0.532	\$0.485	\$0.445	\$0.412	\$0.384	\$0.358	\$0.338	\$0.319	\$0.303	\$0.288	\$0.274	\$0.262
50						\$0.490	\$0.450	\$0.417	\$0.388	\$0.363	\$0.342	\$0.323	\$0.306	\$0.291	\$0.277	\$0.265
55							\$0.454	\$0.421	\$0.392	\$0.367	\$0.345	\$0.326	\$0.309	\$0.293	\$0.280	\$0.267
60								\$0.424	\$0.395	\$0.370	\$0.348	\$0.329	\$0.311	\$0.296	\$0.282	\$0.270
65									\$0.398	\$0.373	\$0.351	\$0.331	\$0.314	\$0.298	\$0.284	\$0.272
70										\$0.376	\$0.353	\$0.334	\$0.316	\$0.301	\$0.287	\$0.274
75											\$0.356	\$0.336	\$0.318	\$0.303	\$0.289	\$0.276
80												\$0.338	\$0.318	\$0.305	\$0.290	\$0.277
85													\$0.321	\$0.307	\$0.292	\$0.279
90														\$0.308	\$0.294	\$0.281
95															\$0.296	\$0.282
100																\$0.284

ATTACHMENT A Benchmark Cable Rates

Satellite Channels	PRICE PER CHANNEL for systems with 750 subscribers and less than 25 channels														Satellite Channels						
	Weighted and Adjusted for Franchise Fees and Equipment																				
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		
Total channels on regulated tiers:																					
0	\$2,539	\$1,883	\$1,673	\$1,507	\$1,372	\$1,261	\$1,167	\$1,087	\$1,018	\$967	\$904	\$857	\$814	\$776	\$742	\$710	\$681	\$655	\$631	\$610	
1	\$2,539	\$1,883	\$1,673	\$1,507	\$1,372	\$1,261	\$1,167	\$1,087	\$1,018	\$967	\$904	\$857	\$814	\$776	\$742	\$710	\$681	\$655	\$631	\$610	
2	\$2,723	\$2,019	\$1,784	\$1,616	\$1,471	\$1,362	\$1,251	\$1,166	\$1,091	\$1,027	\$968	\$919	\$873	\$832	\$795	\$761	\$731	\$702	\$676	\$653	\$632
3	\$2,836	\$2,116	\$1,868	\$1,693	\$1,533	\$1,408	\$1,304	\$1,214	\$1,137	\$1,069	\$1,010	\$963	\$919	\$878	\$842	\$809	\$781	\$753	\$728	\$705	\$683
4	\$2,919	\$2,183	\$1,923	\$1,732	\$1,578	\$1,453	\$1,342	\$1,250	\$1,170	\$1,101	\$1,039	\$995	\$950	\$912	\$875	\$843	\$814	\$786	\$761	\$737	\$715
5	\$2,985	\$2,214	\$1,947	\$1,742	\$1,581	\$1,453	\$1,342	\$1,250	\$1,170	\$1,101	\$1,039	\$995	\$950	\$912	\$875	\$843	\$814	\$786	\$761	\$737	\$715
6	\$2,586	\$2,255	\$2,003	\$1,804	\$1,643	\$1,510	\$1,398	\$1,302	\$1,219	\$1,147	\$1,083	\$1,028	\$983	\$943	\$902	\$864	\$829	\$797	\$764	\$732	\$710
7	\$2,291	\$2,021	\$1,782	\$1,583	\$1,422	\$1,290	\$1,178	\$1,081	\$1,000	\$928	\$864	\$808	\$762	\$721	\$682	\$644	\$609	\$577	\$544	\$511	\$480
8		\$1,439	\$1,240	\$1,080	\$956	\$840	\$738	\$648	\$568	\$494	\$424	\$358	\$296	\$238	\$184	\$134	\$88	\$46	\$7	\$0	\$0
9		\$1,471	\$1,270	\$1,108	\$982	\$864	\$760	\$668	\$586	\$512	\$442	\$376	\$314	\$256	\$198	\$144	\$94	\$48	\$7	\$0	\$0
10		\$1,496	\$1,292	\$1,128	\$1,000	\$880	\$774	\$680	\$596	\$520	\$448	\$380	\$316	\$256	\$198	\$144	\$94	\$48	\$7	\$0	\$0
11		\$1,520	\$1,314	\$1,148	\$1,018	\$900	\$792	\$700	\$614	\$536	\$460	\$390	\$326	\$264	\$204	\$148	\$96	\$50	\$8	\$0	\$0
12		\$1,545	\$1,336	\$1,168	\$1,036	\$916	\$806	\$714	\$626	\$546	\$468	\$396	\$332	\$270	\$208	\$150	\$96	\$50	\$8	\$0	\$0
13		\$1,569	\$1,358	\$1,188	\$1,056	\$932	\$820	\$728	\$638	\$556	\$476	\$402	\$338	\$276	\$214	\$154	\$100	\$54	\$10	\$0	\$0
14		\$1,593	\$1,380	\$1,208	\$1,074	\$948	\$834	\$742	\$650	\$566	\$484	\$408	\$344	\$282	\$220	\$158	\$104	\$58	\$12	\$0	\$0
15		\$1,617	\$1,402	\$1,228	\$1,090	\$964	\$848	\$756	\$662	\$576	\$492	\$414	\$348	\$286	\$224	\$162	\$108	\$62	\$14	\$0	\$0
16		\$1,641	\$1,424	\$1,250	\$1,110	\$980	\$862	\$770	\$674	\$586	\$500	\$420	\$354	\$292	\$230	\$168	\$114	\$68	\$16	\$0	\$0
17		\$1,665	\$1,446	\$1,272	\$1,128	\$1,000	\$880	\$788	\$690	\$600	\$512	\$432	\$366	\$304	\$242	\$180	\$120	\$74	\$18	\$0	\$0
18			\$1,468	\$1,272	\$1,100	\$970	\$850	\$758	\$660	\$570	\$480	\$400	\$334	\$272	\$210	\$150	\$100	\$54	\$20	\$0	\$0
19			\$1,492	\$1,294	\$1,118	\$986	\$864	\$772	\$674	\$584	\$494	\$414	\$348	\$286	\$224	\$162	\$108	\$62	\$22	\$0	\$0
20			\$1,516	\$1,316	\$1,140	\$1,000	\$878	\$786	\$688	\$596	\$506	\$426	\$360	\$298	\$236	\$174	\$114	\$68	\$24	\$0	\$0
21			\$1,540	\$1,338	\$1,162	\$1,016	\$894	\$802	\$704	\$612	\$520	\$438	\$372	\$310	\$248	\$186	\$126	\$80	\$26	\$0	\$0
22			\$1,564	\$1,360	\$1,184	\$1,032	\$910	\$818	\$720	\$628	\$536	\$454	\$388	\$326	\$264	\$202	\$142	\$86	\$28	\$0	\$0
23			\$1,588	\$1,382	\$1,206	\$1,048	\$926	\$834	\$736	\$644	\$552	\$470	\$404	\$342	\$280	\$218	\$158	\$102	\$30	\$0	\$0
24			\$1,612	\$1,404	\$1,228	\$1,064	\$942	\$850	\$752	\$660	\$568	\$486	\$420	\$358	\$296	\$234	\$174	\$116	\$32	\$0	\$0

Satellite Channels	PRICE PER CHANNEL for systems with 1,000 subscribers and less than 25 channels														Satellite Channels						
	Weighted and Adjusted for Franchise Fees and Equipment																				
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		
Total channels on regulated tiers:																					
0	\$2,533	\$1,879	\$1,669	\$1,503	\$1,369	\$1,258	\$1,164	\$1,084	\$1,015	\$965	\$902	\$855	\$812	\$774	\$740	\$708	\$680	\$653	\$626	\$600	\$576
1	\$2,533	\$1,879	\$1,669	\$1,503	\$1,369	\$1,258	\$1,164	\$1,084	\$1,015	\$965	\$902	\$855	\$812	\$774	\$740	\$708	\$680	\$653	\$626	\$600	\$576
2	\$2,716	\$2,015	\$1,789	\$1,612	\$1,468	\$1,349	\$1,248	\$1,163	\$1,089	\$1,024	\$961	\$916	\$871	\$830	\$793	\$760	\$730	\$701	\$674	\$648	\$624
3	\$2,829	\$2,098	\$1,864	\$1,679	\$1,520	\$1,405	\$1,300	\$1,211	\$1,134	\$1,067	\$1,007	\$963	\$917	\$875	\$836	\$801	\$771	\$743	\$716	\$690	\$664
4	\$2,912	\$2,160	\$1,919	\$1,728	\$1,574	\$1,446	\$1,339	\$1,247	\$1,167	\$1,098	\$1,037	\$993	\$947	\$904	\$864	\$826	\$791	\$762	\$734	\$707	\$681
5	\$2,978	\$2,209	\$1,962	\$1,767	\$1,609	\$1,479	\$1,369	\$1,275	\$1,194	\$1,123	\$1,060	\$1,004	\$958	\$914	\$873	\$833	\$794	\$758	\$723	\$696	\$670
6	\$2,580	\$2,250	\$1,998	\$1,800	\$1,639	\$1,506	\$1,394	\$1,299	\$1,216	\$1,144	\$1,080	\$1,023	\$977	\$932	\$888	\$844	\$800	\$756	\$713	\$670	\$628
7	\$2,285	\$2,028	\$1,782	\$1,583	\$1,422	\$1,290	\$1,178	\$1,081	\$1,000	\$928	\$864	\$808	\$762	\$721	\$682	\$644	\$609	\$577	\$544	\$511	\$480
8		\$1,439	\$1,240	\$1,080	\$956	\$840	\$738	\$648	\$568	\$494	\$424	\$358	\$296	\$238	\$184	\$134	\$88	\$46	\$7	\$0	\$0
9		\$1,471	\$1,270	\$1,108	\$982	\$864	\$760	\$668	\$586	\$512	\$442	\$376	\$314	\$256	\$198	\$144	\$94	\$48	\$7	\$0	\$0
10		\$1,496	\$1,292	\$1,128	\$1,000	\$880	\$774	\$680	\$596	\$520	\$448	\$380	\$316	\$256	\$198	\$144	\$94	\$48	\$7	\$0	\$0
11		\$1,520	\$1,314	\$1,148	\$1,018	\$900	\$792	\$700	\$614	\$536	\$460	\$390	\$326	\$264	\$202	\$142	\$86	\$50	\$8	\$0	\$0
12		\$1,545	\$1,336	\$1,168	\$1,036	\$916	\$806	\$714	\$626	\$546	\$468	\$396	\$332	\$270	\$208	\$148	\$96	\$54	\$10	\$0	\$0
13		\$1,569	\$1,358	\$1,188	\$1,056	\$932	\$818	\$728	\$638	\$556	\$476	\$402	\$338	\$276	\$214	\$150	\$100	\$54	\$12	\$0	\$0
14		\$1,593	\$1,380	\$1,208	\$1,074	\$948	\$834	\$742	\$650	\$566	\$484	\$408	\$344	\$282	\$220	\$158	\$104	\$62	\$14	\$0	\$0
15		\$1,617	\$1,402	\$1,228	\$1,090	\$964	\$848	\$756	\$662	\$576	\$492	\$414	\$348	\$286	\$224	\$162	\$108	\$68	\$16	\$0	\$0
16		\$1,641	\$1,424	\$1,250	\$1,110	\$980	\$862	\$768	\$674	\$586	\$500	\$420	\$354	\$292	\$230	\$168	\$114	\$74	\$18	\$0	\$0
17		\$1,665	\$1,446	\$1,272	\$1,128	\$1,000	\$878	\$786	\$688	\$596	\$506	\$426	\$360	\$298	\$236	\$174	\$114	\$78	\$20	\$0	\$0
18		\$1,689	\$1,468	\$1,294	\$1,140	\$1,010	\$890	\$798	\$700	\$608	\$518	\$438	\$372	\$310	\$248	\$186	\$126	\$80	\$22	\$0	\$0
19		\$1,713	\$1,490	\$1,316	\$1,158	\$1,026	\$906	\$814	\$716	\$624	\$534	\$454	\$388	\$326	\$264	\$202	\$142	\$86	\$24	\$0	\$0
20		\$1,737	\$1,512	\$1,338	\$1,174	\$1,042	\$922	\$830	\$732	\$640	\$550	\$470	\$404	\$342	\$280	\$218	\$158	\$102	\$26	\$0	\$0
21		\$1,761	\$1,534	\$1,360	\$1,192	\$1,060	\$938	\$846	\$748	\$656	\$566	\$486	\$420	\$358	\$296	\$234	\$174	\$116	\$28	\$0	\$0
22		\$1,785	\$1,556	\$1,382	\$1,210	\$1,078	\$954	\$862	\$764	\$672	\$582	\$502	\$436	\$374	\$312	\$250	\$190	\$122	\$30	\$0	\$0
23		\$1,809	\$1,578	\$1,404	\$1,232	\$1,096	\$970	\$878	\$780	\$688	\$598	\$518	\$452	\$390	\$328	\$266	\$206	\$126	\$32	\$0	\$0
24		\$1,833	\$1,600	\$1,426	\$1,254	\$1,114	\$986	\$894	\$796	\$704	\$614	\$534	\$468	\$406	\$344	\$282	\$220	\$130	\$34	\$0	\$0

ATTACHMENT A Benchmark Cable Rates

Satellite Channels y	PRICE PER CHANNEL for systems with 750 subscribers and 25 or more channels										Satellite Channels y			
	Weighted and Adjusted for Franchise Fees and Equipment													
Total channels on regulated tiers:	35	40	45	50	55	60	65	70	75	80	85	90	95	100
0	\$0.608	\$0.517	\$0.451	\$0.328	\$0.302	\$0.280	\$0.260	\$0.244	\$0.229	\$0.217	\$0.205	\$0.195	\$0.186	\$0.178
5	\$0.715	\$0.608	\$0.531	\$0.424	\$0.355	\$0.328	\$0.306	\$0.287	\$0.270	\$0.255	\$0.241	\$0.229	\$0.219	\$0.209
10	\$0.767	\$0.652	\$0.569	\$0.455	\$0.381	\$0.353	\$0.328	\$0.307	\$0.289	\$0.273	\$0.259	\$0.246	\$0.234	\$0.224
15	\$0.799	\$0.679	\$0.593	\$0.474	\$0.402	\$0.377	\$0.352	\$0.330	\$0.310	\$0.294	\$0.277	\$0.264	\$0.251	\$0.240
20	\$0.822	\$0.699	\$0.610	\$0.488	\$0.418	\$0.393	\$0.368	\$0.346	\$0.327	\$0.310	\$0.293	\$0.280	\$0.267	\$0.256
25	\$0.841	\$0.715	\$0.624	\$0.504	\$0.435	\$0.410	\$0.385	\$0.361	\$0.340	\$0.321	\$0.304	\$0.289	\$0.276	\$0.265
30	\$0.858	\$0.729	\$0.638	\$0.518	\$0.450	\$0.425	\$0.400	\$0.376	\$0.354	\$0.334	\$0.317	\$0.299	\$0.285	\$0.274
35		\$0.745	\$0.654	\$0.534	\$0.466	\$0.441	\$0.416	\$0.392	\$0.370	\$0.350	\$0.332	\$0.314	\$0.299	\$0.288
40			\$0.681	\$0.561	\$0.493	\$0.468	\$0.443	\$0.419	\$0.397	\$0.377	\$0.359	\$0.340	\$0.322	\$0.305
45				\$0.523	\$0.455	\$0.430	\$0.405	\$0.381	\$0.359	\$0.339	\$0.321	\$0.302	\$0.286	\$0.273
50				\$0.487	\$0.419	\$0.394	\$0.369	\$0.345	\$0.323	\$0.304	\$0.286	\$0.269	\$0.254	\$0.242
55				\$0.452	\$0.384	\$0.359	\$0.334	\$0.310	\$0.288	\$0.269	\$0.251	\$0.235	\$0.220	\$0.208
60				\$0.422	\$0.354	\$0.329	\$0.304	\$0.280	\$0.258	\$0.239	\$0.221	\$0.204	\$0.189	\$0.177
65						\$0.366	\$0.341	\$0.317	\$0.295	\$0.275	\$0.257	\$0.240	\$0.224	\$0.211
70						\$0.336	\$0.311	\$0.287	\$0.265	\$0.245	\$0.227	\$0.210	\$0.194	\$0.181
75						\$0.352	\$0.327	\$0.303	\$0.281	\$0.261	\$0.243	\$0.226	\$0.210	\$0.197
80						\$0.334	\$0.309	\$0.285	\$0.263	\$0.243	\$0.225	\$0.208	\$0.192	\$0.179
85						\$0.337	\$0.312	\$0.288	\$0.266	\$0.246	\$0.228	\$0.211	\$0.195	\$0.182
90														
95														
100														

Satellite Channels y	PRICE PER CHANNEL for systems with 1,000 subscribers and 25 or more channels										Satellite Channels y			
	Weighted and Adjusted for Franchise Fees and Equipment													
Total channels on regulated tiers:	35	40	45	50	55	60	65	70	75	80	85	90	95	100
0	\$0.607	\$0.516	\$0.450	\$0.328	\$0.301	\$0.279	\$0.260	\$0.243	\$0.229	\$0.216	\$0.205	\$0.195	\$0.186	\$0.177
5	\$0.714	\$0.607	\$0.531	\$0.423	\$0.354	\$0.328	\$0.306	\$0.286	\$0.270	\$0.254	\$0.241	\$0.229	\$0.218	\$0.208
10	\$0.765	\$0.651	\$0.567	\$0.454	\$0.380	\$0.352	\$0.328	\$0.307	\$0.288	\$0.272	\$0.258	\$0.245	\$0.234	\$0.223
15	\$0.797	\$0.678	\$0.591	\$0.473	\$0.406	\$0.377	\$0.352	\$0.331	\$0.310	\$0.294	\$0.277	\$0.264	\$0.251	\$0.240
20	\$0.820	\$0.698	\$0.608	\$0.487	\$0.417	\$0.392	\$0.367	\$0.344	\$0.323	\$0.304	\$0.286	\$0.269	\$0.255	\$0.244
25	\$0.838	\$0.714	\$0.622	\$0.503	\$0.434	\$0.409	\$0.384	\$0.361	\$0.339	\$0.319	\$0.299	\$0.282	\$0.268	\$0.256
30		\$0.722	\$0.634	\$0.514	\$0.445	\$0.420	\$0.395	\$0.372	\$0.350	\$0.330	\$0.311	\$0.291	\$0.274	\$0.261
35			\$0.644	\$0.524	\$0.455	\$0.430	\$0.405	\$0.381	\$0.359	\$0.339	\$0.321	\$0.302	\$0.285	\$0.272
40				\$0.481	\$0.412	\$0.387	\$0.362	\$0.338	\$0.316	\$0.296	\$0.277	\$0.259	\$0.242	\$0.226
45				\$0.446	\$0.377	\$0.352	\$0.327	\$0.303	\$0.281	\$0.261	\$0.243	\$0.226	\$0.210	\$0.197
50				\$0.411	\$0.342	\$0.317	\$0.292	\$0.268	\$0.246	\$0.226	\$0.208	\$0.191	\$0.174	\$0.161
55				\$0.451	\$0.382	\$0.357	\$0.332	\$0.308	\$0.286	\$0.266	\$0.248	\$0.231	\$0.214	\$0.200
60				\$0.421	\$0.352	\$0.327	\$0.302	\$0.278	\$0.256	\$0.236	\$0.218	\$0.201	\$0.184	\$0.170
65				\$0.392	\$0.323	\$0.298	\$0.273	\$0.249	\$0.227	\$0.207	\$0.189	\$0.172	\$0.155	\$0.141
70				\$0.370	\$0.301	\$0.276	\$0.251	\$0.227	\$0.205	\$0.185	\$0.167	\$0.150	\$0.133	\$0.119
75				\$0.351	\$0.282	\$0.257	\$0.232	\$0.208	\$0.186	\$0.166	\$0.148	\$0.131	\$0.114	\$0.100
80				\$0.334	\$0.265	\$0.240	\$0.215	\$0.191	\$0.169	\$0.149	\$0.131	\$0.114	\$0.097	\$0.083
85				\$0.337	\$0.268	\$0.243	\$0.218	\$0.194	\$0.172	\$0.152	\$0.134	\$0.117	\$0.100	\$0.086
90						\$0.320	\$0.295	\$0.271	\$0.249	\$0.229	\$0.211	\$0.194	\$0.177	\$0.161
95						\$0.306	\$0.281	\$0.257	\$0.235	\$0.215	\$0.197	\$0.180	\$0.163	\$0.147
100						\$0.320	\$0.295	\$0.271	\$0.249	\$0.229	\$0.211	\$0.194	\$0.177	\$0.161

ATTACHMENT A Benchmark Cable Rates

Satellite Channels	PRICE PER CHANNEL for systems with 1,000 subscribers										PRICE PER CHANNEL for systems with 10,000 subscribers										
	Weighted and Adjusted for Franchise Fees and Equipment										Weighted and Adjusted for Franchise Fees and Equipment										
	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Satellite Channels
0	\$2,527	\$2,149	\$1,874	\$1,665	\$1,492	\$1,366	\$1,265	\$1,181	\$1,062	\$1,013	\$0,963	\$0,913	\$0,863	\$0,810	\$0,772	\$0,738	\$0,707	\$0,678	\$0,652	\$0,628	0
1	\$2,527	\$2,149	\$1,874	\$1,665	\$1,492	\$1,366	\$1,265	\$1,181	\$1,062	\$1,013	\$0,963	\$0,913	\$0,863	\$0,810	\$0,772	\$0,738	\$0,707	\$0,678	\$0,652	\$0,628	1
2	\$2,709	\$2,304	\$2,010	\$1,795	\$1,608	\$1,464	\$1,345	\$1,245	\$1,160	\$1,086	\$1,022	\$0,965	\$0,914	\$0,869	\$0,826	\$0,791	\$0,759	\$0,729	\$0,702	\$0,676	2
3	\$2,822	\$2,400	\$2,093	\$1,875	\$1,675	\$1,525	\$1,401	\$1,297	\$1,208	\$1,131	\$1,064	\$1,005	\$0,952	\$0,905	\$0,863	\$0,824	\$0,790	\$0,761	\$0,735	\$0,709	3
4	\$2,905	\$2,471	\$2,156	\$1,935	\$1,724	\$1,570	\$1,443	\$1,335	\$1,244	\$1,165	\$1,095	\$1,034	\$0,980	\$0,932	\$0,888	\$0,848	\$0,812	\$0,783	\$0,757	\$0,731	4
5	\$2,971	\$2,527	\$2,204	\$1,977	\$1,765	\$1,608	\$1,475	\$1,366	\$1,272	\$1,191	\$1,120	\$1,058	\$1,002	\$0,953	\$0,908	\$0,868	\$0,831	\$0,799	\$0,772	\$0,745	5
6	\$2,971	\$2,527	\$2,204	\$1,994	\$1,795	\$1,635	\$1,503	\$1,391	\$1,295	\$1,213	\$1,141	\$1,077	\$1,021	\$0,970	\$0,925	\$0,884	\$0,846	\$0,812	\$0,784	\$0,757	6
7	\$2,971	\$2,527	\$2,204	\$2,026	\$1,824	\$1,661	\$1,526	\$1,413	\$1,316	\$1,232	\$1,159	\$1,094	\$1,037	\$0,986	\$0,939	\$0,898	\$0,860	\$0,825	\$0,795	\$0,767	7
8	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	8
9	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	9
10	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	10
11	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	11
12	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	12
13	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	13
14	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	14
15	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	15
16	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	16
17	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	17
18	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	18
19	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	19
20	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	20
21	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	21
22	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	22
23	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	23
24	\$2,971	\$2,527	\$2,204	\$2,052	\$1,848	\$1,683	\$1,547	\$1,432	\$1,334	\$1,249	\$1,174	\$1,109	\$1,051	\$0,999	\$0,952	\$0,910	\$0,871	\$0,836	\$0,804	\$0,776	24



\* \* \*SAMPLE FORM ONLY—NOT APPROVED BY OMB\* \* \*

*Instructions for Identifying the Appropriate Benchmark Rate From the Tables in Attachment A*

1. Each table is split between two pages. For example, the table for 50 subscribers has a first page showing the benchmark rate for 5–24 channels and 0–24 satellite channels. The second page for the table with 50 subscribers shows the benchmark rate for 25–100 channels and 0–100 satellite channels. Select the table with the number of subscribers closest to the number of subscribers on your system. Note that all systems with 10,000 or more subscribers will use the tables for systems with 10,000 subscribers.

2. If the total number of channels on the regulated tiers and the total number of satellite channels on those regulated tiers for your community unit equals the channels displayed in the selected table, use the indicated benchmark rate per channel.

3. If either the total number of channels on the regulated tiers or the total number of satellite channels on those regulated tiers for your community unit does not equal the channels displayed in the selected table, you may determine your benchmark rate per channel by using the Commission's formula, or you can perform one of the following calculations.

(a) If the total number of satellite channels on the regulated tiers equals the satellite channels (rows), but the total number of channels on the regulated tiers does not equal the total channels (columns), you must do the following calculation:

Go to the row with your number of satellite channels. Go across the row until you reach the rates for the next fewer and next greater total number of channels than on your community unit. Subtract the lower rate per channel from the higher rate per channel. Divide this difference by 5 to obtain the per channel rate increment. For each channel on your community unit that is greater than the number of channels displayed in the table, subtract the incremental per channel rate from the rate per channel in the box with the next fewer number of total channels to obtain the benchmark rate per channel.

For example, consider a community unit with 50 subscribers on the system, 10 satellite channels, and 27 channels in total. For 10 satellite channels and 25 total channels the benchmark rate per channel (from the table) is \$0.880. The benchmark rate per channel for 10 satellite channels and 30 total channels is \$0.748 (from the table). The difference

between these two benchmark rates is \$0.132. The per channel rate increment is \$0.026 ( $\$0.132/5 = \$0.026$  per channel). The benchmark rate per channel for this community unit is obtained by subtracting two times \$0.026 from \$0.880. Thus, the benchmark rate per channel for this community unit is  $\$0.828 = (\$0.880 - (2 \times \$0.026))$ .

(b) If the total number of channels on the regulated tiers equals the total channels (columns) but the total number of satellite channels on the regulated tiers does not equal the total satellite channels (rows), you must do the following calculation:

Go to the column with your number of total channels. Go down the column until you reach the rates for the next fewer and next greater total number of satellite channels than on your community unit. Subtract the lower rate per channel from the higher rate per channel. Divide this difference by 5 to obtain the per channel rate increment. For each satellite channel on your community unit that is greater than the number of channels displayed in the table, add the incremental per channel rate to the rate per channel in the box with the next fewer number of total channels to obtain the benchmark rate per channel.

For example, consider a community unit with 50 subscribers on the system, 12 satellite channels, and 30 channels in total. For 10 satellite channels and 30 total channels the benchmark rate per channel (from the table) is \$0.748. The benchmark rate per channel for 15 satellite channels and 30 total channels is \$0.779 (from the table). The difference between these two benchmark rates is \$0.031. The per channel rate increment is \$0.0062 ( $\$0.031/5 = \$0.0062$  per channel). The benchmark rate per channel for this community unit is obtained by adding two times \$0.0062 to \$0.748. Thus, the benchmark rate per channel for this community unit is  $\$0.760 = (\$0.748 + (2 \times \$0.0062))$ .

(c) If both the total number of satellite channels and the total number of channels on the regulated tiers fall between the channels on the table, you must do the following calculation:

Go to the two rows of satellite channels that are below and above, respectively, your number of satellite channels. Go across the rows until you reach the rates for the next fewer and next greater total number of channels than on your community unit. Compute rates per channel as per step (a) above separately for the exact number of total channels for the two rows of satellite channels. Repeat step (b) above using these two new rates per channel for the

total number of channels to obtain the benchmark rate per channel.

For example, consider a community unit with 50 subscribers on the system, 12 satellite channels, and 27 channels in total. Perform step (a) above for both 10 and 15 satellite channels. For 10 satellite channels and 25 total channels the benchmark rate per channel (from the table) is \$0.880. The benchmark rate per channel for 10 satellite channels and 30 total channels is \$0.748 (from the table). The difference between these two benchmark rates is \$0.132. The per channel rate increment is \$0.026 ( $\$0.132/5 = \$0.026$  per channel). Therefore, the 10 satellite and 25 total channel rate of \$0.880 is reduced by subtracting two times \$0.026 from \$0.880 to arrive at \$0.828 ( $\$0.880 - (2 \times \$0.026)$ ) for a 10 satellite channel, 27 total channel benchmark rate. The same exercise is performed for 15 satellite channels at 25 and 30 total channels to arrive at a 15 satellite channel benchmark at 27 total channels. At 15 satellite and 25 total channels the price per channel is \$0.916. At 15 satellite and 30 total channels the price per channel is \$0.779. The difference is \$0.137 (or  $\$0.137/5 = \$0.027$ /channel). So at 27 total channels, the rate for 15 satellite channels is \$0.916 minus \$0.054 (twice \$0.027) or \$0.862.

We now have a range of \$0.828/channel for 10 satellite channels and 27 total channels and \$0.862 for 15 satellite also at 27 total channels. We perform step (b) above using these new exact values for 27 total channels. The difference between \$0.828/channel and \$0.862/channel at 27 total channels is \$0.034 (or  $\$0.034/5 = \$0.007$ /channel). For 12 satellite channels we add \$0.014 (twice \$0.007) to \$0.828/channel to equal the benchmark rate of \$0.842.

**Benchmark Formula**

The benchmark formula is the following:

$$\text{LNP} = 2.3509 + 7.3452 (\text{RECIPSUB}) - 0.8878 (\text{LNCHAN}) + 0.1006 (\text{LNSAT})$$

where

LNP = natural logarithm of the benchmark rate per channel;  
 RECIPSUB = 1/number of households subscribing to the cable system;  
 LNCHAN = natural logarithm of the number of channels in use in all regulated tiers of service;  
 LNSAT = natural logarithm of the number of satellite-delivered channels in all regulated tiers of service.

To calculate your benchmark per-channel rate, insert the reciprocal of the number of subscribers to your system, the natural logarithm of the number of channels of basic and cable

programming service, and the natural logarithm of the number of satellite channels of basic and cable programming service into the equation

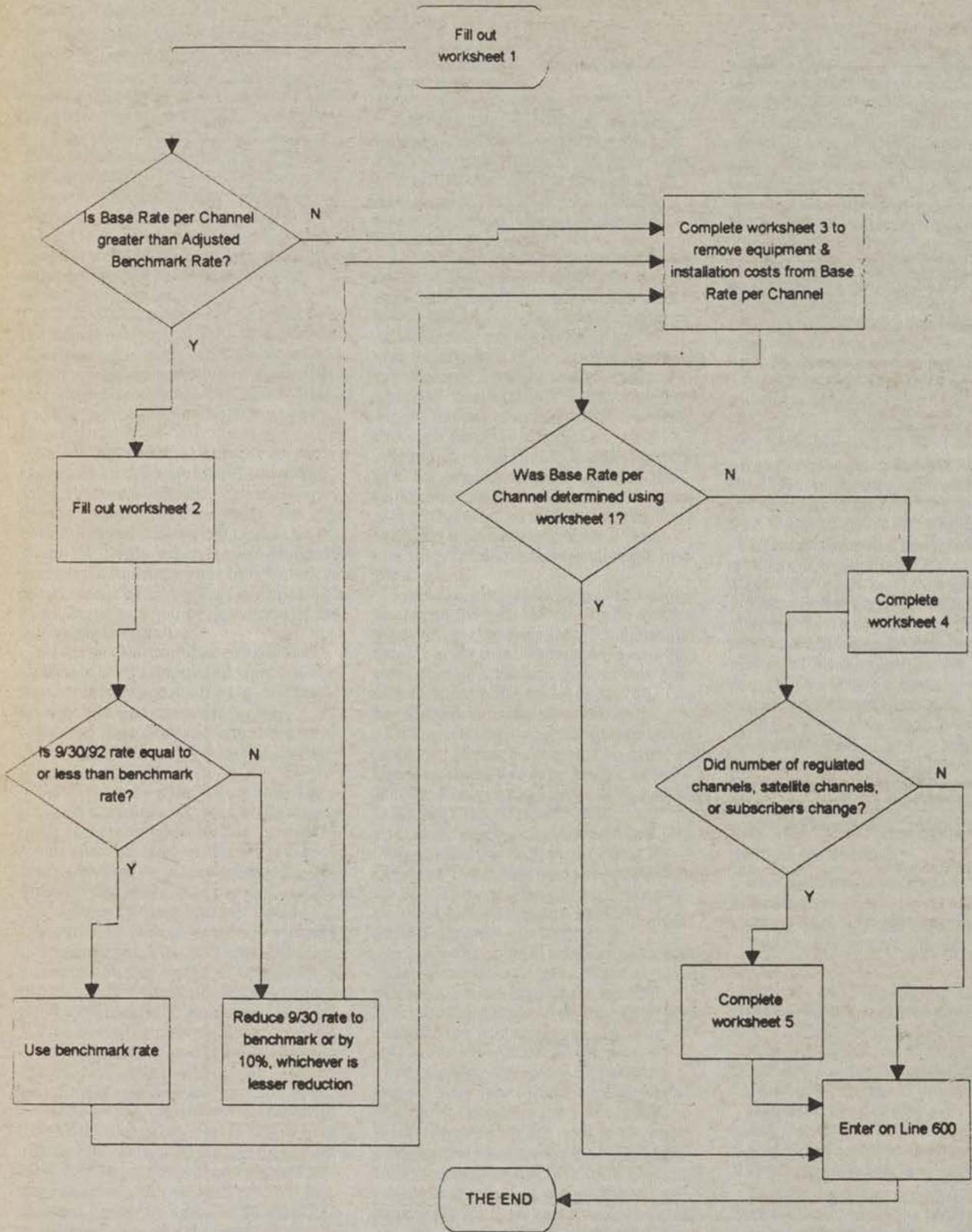
and take the antilogarithm of the result. Note that you should use the number of channels and satellite channels in the

franchise area but the number of subscribers to the whole system.

BILLING CODE 6712-01-M

Attachment B

**DETERMINATION OF MAXIMUM ALLOWABLE BENCHMARK RATE**



## FCC FORM 393 -- PART III

## WORKSHEET FOR CALCULATING EQUIPMENT AND INSTALLATION CHARGES

Cable Operator Name:  
Franchise Authority:Community Unit ID (CUID):  
Basic Tier Cable Programming (Circle One)

Date:

Page 1 of 3

## STEP A. Hourly Service Charge

Line

- |  |              |
|--|--------------|
| 1. Annual Cost of Maintenance and Installation of Cable Facilities and Services (Does not include Purchase Cost of Customer Equipment) ( Box 1 of Schedule A + Box 2 of Schedule B ) | \$ _____     |
| 2. Customer Equipment and Installation Percentage  | _____ %      |
| 3. Annual Customer Equipment Maintenance and Installation Costs, Excluding Cost of Leased Equipment ( Line 1 x Line 2 )  | \$ _____     |
| 4. Total Labor Hours for Maintenance and Installation of Customer Equipment and Service  | _____ hrs.   |
| 5. Hourly Service Charge (HSC) ( Line 3 / Line 4 )   | \$ _____/hr. |

## STEP B. Installation Charge

Line

- |  |          |
|--|----------|
| 6. Uniform HSC for All Installations (Insert amount from Line 5)   | \$ _____ |
| OR   |          |
| 7. Average Charge by Installation Type<br>(See schedule D for average installation charge calculations): |          |
| a. Unwired Home Installation (Schedule D, Line a.2.)   | \$ _____ |
| b. Prewired Home Installation (Schedule D, Line b.2.)  | \$ _____ |
| c. Additional Connection Installation at Time of Initial Installation (Schedule D, Line c.2.)            | \$ _____ |
| d. Additional Connection Installation Requiring Separate Installation (Schedule D, Line d.2.)            | \$ _____ |
| e. Other Installations (specify): (Schedule D, Line e.2.)  |          |
| Item 1.  | \$ _____ |
| Item 2.  | \$ _____ |
| Item 3.  | \$ _____ |
| Item 4.  | \$ _____ |

Cable Operator Name:  
Franchise Authority:

Community Unit ID (CUID):  
Basic Tier Cable Programming (Circle One)

Date:

Page 2 of 3

STEP C. Charges for Leased Remotes  
(Calculate Separately for Each Significantly Different Type)

Line		
8.	Annual Capital Costs (Col. J of Schedule C)	\$ _____
9.	Total Maintenance/Service Hours	_____ hrs.
10.	Total Maintenance/Service Cost ( Line 5 x Line 9 )	\$ _____
11.	Total Cost of Remote ( Line 8 + Line 10 )	\$ _____
12.	Number of Units in Service (Col. I of Schedule C)	_____
13.	Unit Cost ( Line 11 / Line 12 )	\$ _____
14.	Rate per Month ( Line 13 / 12 months )	\$ _____/mo

STEP D. Charges for Leased Converter Boxes  
(Calculate Separately for Each Significantly Different Type)

Line		
15.	Annual Capital Costs (Col. J of Schedule C)	\$ _____
16.	Total Maintenance/Service Hours	_____ hrs.
17.	Total Maintenance/Service Costs ( Line 5 x Line 16 )	\$ _____
18.	Total Cost of Converter Box ( Line 15 + Line 17 )	\$ _____
19.	Number of Units in Service (Col. I of Schedule C)	_____
20.	Unit Cost ( Line 18 / Line 19 )	\$ _____
21.	Rate per Month ( Line 20 / 12 months )	\$ _____/mo.

STEP E. Charges for Other Leased Equipment

Line		
22.	Annual Capital Costs (Col. J of Schedule C)	\$ _____
23.	Total Maintenance/Service Hours	_____ hrs.
24.	Total Maintenance/Service Costs ( Line 5 x Line 23 )	\$ _____
25.	Total Cost of Other Equipment Item ( Line 22 + Line 24 )	\$ _____
26.	Number of Units in Service or Number of Subscribers (Col. I of Schedule C)	_____
27.	Unit Cost ( Line 25 / Line 26 )	\$ _____
28.	Rate per Month ( Line 27 / 12 months )	\$ _____/mo.

Cable Operator Name:  
Franchise Authority:

Community Unit ID (CUID):  
Basic Tier Cable Programming (Circle One)

Date:

Page 3 of 3

## STEP F. Charges for Changing Service Tiers or Equipment

Line		
29.	Nominal Charge for Changing Service Tiers	\$ _____
	OR	
30.	Uniform MSC for Changing Service Tiers (Insert amount from Line 5)	\$ _____
	OR	
31.	Average Charge for Changing Service Tiers (Line 5 x Average Hours to Change Tiers)	\$ _____

## STEP G. Franchise Area Monthly Equipment and Installation Costs for Adjustment of Regulated Service Rates

Line		
32.	Annual Customer Equipment and Installation Costs (Line 3 + Box 3 of Schedule C)	\$ _____
33.	Adjustment of Line 32 to Franchise Area Level: See instructions. Attach explanation of adjustment method.	\$ _____
34.	Monthly Equipment and Installation Cost (Line 33/12 months). Enter on Worksheet 3, Line 301.	\$ _____

Example Form -- Not Approved by OMB -- Do Not Use for Official Submissions -- Ver. 5/3/93

\*\*\*SAMPLE FORM FORM ONLY—NOT APPROVED BY OMB\*\*\*

FCC Form 393, Part III, Instructions

*Instructions for Equipment and Installation Charges*

These instructions will take you step-by-step through the calculations needed to determine the maximum rates you may charge for regulated equipment and installation. You should submit this form to the local franchising authority to calculate charges for equipment and service installation used to receive basic tier service. Commission rules define this equipment as any customer equipment that is used to receive the basic service tier, even if that equipment is also used to receive other cable programming service tiers or unregulated services. This form will also be used by the Commission in reviewing complaints concerning charges for equipment and installation used to receive cable programming services.<sup>1</sup> Commission rules define equipment and installation used to receive cable programming services as all equipment and installation on a subscriber's premises that is used to receive either: (1) Exclusively cable programming services; or (2) both cable programming services and pay per channel or pay per view programming. The information generated in Part III will also be used to remove equipment and installation costs from rates for regulated service.

You should complete this form using financial data from the company's general ledger and subsidiary records maintained in accordance with generally accepted accounting principles (as required in FCC accounting instructions in 47 CFR 76.924). The data may be reported at the level of corporate organization at which the records are kept, but for purposes of adjusting service rates the data must be adjusted to the franchise area level.

**Step A: Calculate the Hourly Service Charge**

The Hourly Service Charge (HSC) is designed to recover the costs of service installation and maintenance of customer equipment. The HSC will be used as a factor in developing permitted charges for installation and monthly lease of individual pieces of equipment. To calculate the HSC, you will compute your annual capital costs plus expenses for the maintenance of customer

<sup>1</sup> For simplicity, the remainder of this form will refer to equipment and installation for basic tier service. When calculating charges for equipment and installation related to cable programming services, substitute the appropriate numbers relating to that equipment and installation.

equipment and the installation of basic tier service. The HSC excludes the purchase cost of customer equipment; these costs will be recovered in the charge for the specific categories of equipment in Steps C, D, and E below. You will divide the total by the total number of person-hours spent in those activities over the past year.

Line 1. Enter the annual capital costs for equipment necessary for the maintenance and installation of cable facilities and cable services, plus operating expenses for maintenance and installation. Line 1 includes maintenance and installation costs for all cable facilities, not only customer equipment, if separate records are not kept for costs for customer equipment maintenance and installation service. You should determine the total annual capital costs and expenses by adding Box 1 of Schedule A (total annual capital costs) and Box 2 of Schedule B (total annual expenses, excluding depreciation). Instructions for completing these schedules are attached to the schedules.

Line 2. Enter the percentage of the costs and expenses entered in line 1 that is used for maintenance of customer equipment and customer installations used to receive the basic service tier only and multi-tier equipment. Please attach an explanation of how you arrived at this percentage.

Line 3. Multiply line 1 by line 2. The result will be your total annual capital costs and expenses incurred for maintenance of customer equipment and service installation used to receive the basic service tier.

Line 4. Calculate the total number of person hours that were spent on maintenance of customer equipment and service installation in the 12 month period ending at the close of the most recent accounting period. For new equipment, use an estimate. Attach an explanation or study for your calculations.

Line 5. Divide line 3 by line 4. The result is the HSC.

**Step B. Calculate the Charge for Installation**

Step B allows an operator to elect whether to use a per hour rate for all installations or to use several average installation charges for different types of installations.

Line 6. If you elect to charge an hourly rate for installations, the rate shall be the HSC. Write the HSC of line 5 in line 6.

Line 7. If you choose to develop average installation charges, the charges shall be determined using Schedule D. Write the charges from Schedule D in

lines 7a-7e (add more lines if necessary).

**Step C. Calculate the Charge for Leased Remotes**

The rental charge for a remote control unit is designed to recover the costs of providing and maintaining that type of remote control unit leased by a subscriber and includes a reasonable profit. Commission rules require cable operators to calculate charges for each significantly different type of remote control unit. Therefore, you must repeat the calculations in lines 8-14 for each type of remote listed in Schedule C. Attach extra sheets as needed.

Line 8. List the total annual capital costs (depreciation, return on investment, and applicable taxes) of this type of remote. This amount is taken from the appropriate line of Column J on Schedule C (the line number will differ depending on the number of different types of remotes offered by the cable system). Instructions for completing Schedule C are attached to the schedule.

Line 9. List the number of hours you spend per year repairing and servicing this type of remote. Attach an explanation or study for your calculations.

Line 10. Multiply line 9 by the HSC listed in line 5. The result is the total annual cost for repairing and servicing this type of remote.

Line 11. Add line 8 and line 10. The sum is the total annual cost for this type of remote.

Line 12. List the total number of this type of remote that were in service on the last day you closed your books.

Line 13. Divide line 11 by line 12. The result is the annual unit cost of this type of remote.

Line 14. Divide line 13 by the number 12. The result will be the monthly cost of this type of remote. Line 14 will be the maximum monthly lease charge for this type of remote.

**Step D. Calculate the Charge for Leased Converter Boxes**

The rental charge for a converter box is designed to recover the costs of providing and maintaining that type of converter box leased by a subscriber and includes a reasonable profit.

Commission rules require an operator to calculate charges for each significantly different type of converter box. For example, an addressable converter box and a converter box that acts solely as a tuner would be considered significantly different. Therefore, you must repeat the calculations in lines 15-21 for each type of converter box listed

in Schedule C. Attach extra sheets as needed.

Line 15. List the total annual capital costs (depreciation, return on investment, and applicable taxes) of this type of converter box. This amount is taken from the appropriate line of Column J on Schedule C (the line number will differ depending on the number of different types of converter boxes offered by the cable system).

Line 16. List the number of hours you spend per year repairing and servicing this type of converter box. Attach an explanation or study for your calculations.

Line 17. Multiply line 16 by the HSC listed in line 5. The result is the total annual cost for repairing and servicing this type of converter box.

Line 18. Add line 15 and line 17. The sum is the total annual cost for this type of converter box.

Line 19. List the total number of this type of converter box that were in service on the last day you closed your books.

Line 20. Divide line 18 by line 19. The result is the annual unit cost of this type of converter box.

Line 21. Divide line 20 by the number 12. The result will be the monthly cost of this type of converter box. Line 21 will be the maximum monthly lease charge for this type of converter box.

#### Step E. Calculate the Charge for Other Leased Equipment

The rental charge for other equipment is designed to recover the costs of providing and maintaining that equipment leased by a subscriber and includes a reasonable profit. Other equipment would include, for example, cable home wiring. An operator is permitted, but not required, to calculate charges for each significantly different type of other equipment. An operator choosing to establish charges for different types of other equipment must repeat the calculations in lines 22-28 for each type of other equipment listed in Schedule C. Attach extra sheets as needed.

Line 22. List the total annual capital costs (depreciation, return on investment, and applicable taxes) of other leased equipment. This amount is taken from the appropriate line of Column J on Schedule C (the line number will differ depending on the number of different types of other equipment offered by the cable system).

Line 23. List the number of hours you spend per year repairing and servicing this other equipment. Attach an explanation or study for your calculations.

Line 24. Multiply line 23 by the HSC listed in line 5. The result is the total annual cost for repairing and servicing other equipment.

Line 25. Add line 22 and line 24. The sum is the total annual cost for other equipment.

Line 26. List either the total number of units for this type of other equipment or the number of subscribers using this equipment, whichever is applicable, that were in service or using this equipment on the last day you closed your books.

Line 27. Divide line 25 by line 26. The result is the annual unit cost of other equipment.

Line 28. Divide line 27 by the number 12. The result will be the monthly cost of other equipment. Line 28 will be the maximum monthly lease charge for other equipment.

#### Step F: Calculate the Charge for Changing Service Tiers or Equipment

Charges for changing service tiers effected solely by coded entry on a computer terminal or by other similarly simple method shall be nominal. Enter your nominal charge in line 29.

However, to prevent an uneconomic level of churn, an operator may propose an escalating scale of charges for customers changing service tiers more than two times in one year. If you choose to adopt such increased charges, please attach a list of the charges and an explanation of why these charges are reasonable. This list should also be attached to the cover sheet in part I of this form.

Charges for changes in service tiers or equipment that involve more than the simple methods described above shall be at actual cost. To calculate this charge, you may use one of the two alternatives below.

Line 30. If you elect to charge an hourly rate for changing service tiers, the rate shall be the HSC. Write the HSC of line 5 in line 30.

Line 31. If you choose to develop an average charge for changing service tiers, multiply the HSC by the average time such changes take. Enter the result in line 31.

#### Step G. Calculate the Franchise Area Monthly Equipment and Installation Costs for Adjustment of Regulated Service Rates

Equipment and service installation costs must be removed from charges for regulated service. To be consistent with the calculations of permitted rates, these costs must be presented at the franchise area level on a monthly basis.

Line 32. Add maintenance and installation costs for customer equipment from line 3 of Step A to capital costs for customer equipment from Box 3, Schedule C.

Line 33. Adjust line 32 to reflect equipment costs of the franchise area, if your accounting records are kept at a different level of organization. For example, if your accounting records cover franchise areas with similar subscriber equipment profiles, you may use a ratio of the number of subscribers in the franchise area to the total number of subscribers:

Line 33 = line 32 × franchise area subscribers/subscribers represented in line 32.

Attach an explanation of the allocation method that you use.

Line 34. Divide line 33 by the number 12. The result will be the monthly equipment and installation cost to be entered on Worksheet 3, line 301.

#### Notes

##### 1. Charge for Additional Connections

Section 76.923(h) of the Commission's rules states that an operator shall recover the costs of installation of and equipment used with additional connections through the related equipment and installation charges. Step B calculates installation charges for additional connections, and Steps C, D, and E are used to calculate customer equipment charges, regardless of whether the equipment is used in conjunction with primary or additional connections.

An operator may also recover additional programming costs imposed by a program supplier for service to additional outlets, as well as the costs of any necessary signal boosters located on a customer's premises that are associated with the additional connection. These may be recovered as a separate monthly charge for the additional connections. The charge for any signal boosters shall be calculated separately using the instructions for Step E for other customer equipment. Attach extra calculations to the Equipment and Installation Form and cover sheet as necessary.

BILLING CODE 6712-01-M

SCHEDULE A  
CAPITAL COSTS OF SERVICE INSTALLATION & MAINTENANCE OF EQUIPMENT

A Equipment	B Gross Book	C Accumulated Depreciation	D Deferred Taxes	E Net Book B-(C+D)	F Return on Investment	G Taxes		H Current Provision for Depreciation	I TOTAL (add F, G, H)
						Federal Income Tax	State Income Tax		
Vehicles									
Tools									
Maintenance Facility									
Other (specify)									
Other (specify)									
TOTAL									

Box 1

**SCHEDULE B****ANNUAL OPERATING EXPENSES  
FOR SERVICE INSTALLATION &  
MAINTENANCE OF EQUIPMENT  
(Excluding Depreciation)**

Annual Operating Expenses	
Salaries & Benefits	
Supplies	
Utilities	
Other Taxes	
Other (Specify)	
Other (Specify)	
<b>TOTAL</b>	

Box 2

**SCHEDULE C  
CAPITAL COSTS OF LEASED CUSTOMER EQUIPMENT**

A Equipment	B Gross Book	C Accumulated Depreciation	D Deferred Taxes	E Net Book B-(C+D)	F Return on Investment	G Taxes		H Annual Depreciation Expense Provision on Investment	I Total # of Units in Service	J Total Add F, G, H
						Federal Income Tax	State Income Tax			
Remote 1										
Remote 2										
Converter Box 1										
Converter Box 2										
Other Equipment										
<b>TOTAL</b>										

Box 3

## SCHEDULE D

## AVERAGE INSTALLATION CHARGES

Cable Operator Name:	Community Unit ID (CUID):	Date:
Franchise Authority:	Basic Tier	Cable Programming (Circle One)

## a. Unwired Home Installation:

1. Average Hours per Installation (attach explanation) \_\_\_\_\_
2. Unwired Home Installation Charge ( Line a1 x HSC ) \$ \_\_\_\_\_

## b. Prewired Home Installation:

1. Average Hours per Installation (attach explanation) \_\_\_\_\_
2. Prewired Home Installation Charge ( Line b1 x HSC ) \$ \_\_\_\_\_

## c. Additional Connection Installation at Time of Initial Installation:

1. Average Hours per Additional Connection (attach explanation) \_\_\_\_\_
2. Additional Connection - Initial Installation Charge ( Line c1 x HSC ) \$ \_\_\_\_\_

## d. Additional Connection Installation after Initial Installation:

1. Average Hours per Additional Connection (attach explanation) \_\_\_\_\_
2. Additional Connection - Separate Installation Charge ( Line d1 x HSC ) \$ \_\_\_\_\_

## e. Other Installations (by Item Type):

Item 1. (Specify) RELOCATE ADDITIONAL OUTLET

1. Average Hours per Installation (attach explanation) \_\_\_\_\_
2. Item 1 Installation Charge ( Line e1 x HSC ) \$ \_\_\_\_\_

Add additional items as needed.

NOTE: For HSC (Hourly Service Charge) use amount from Line 5 of the Equipment and Installation Charges Form.

Example Form -- Not Approved by OMB -- Do Not Use for Official Transmissions -- Ver. 5/3/93

\* \* \* SAMPLE FORM FORM ONLY—NOT APPROVED BY OMB \* \* \*

FCC Form 393, Part III

*Instructions for Schedule A (Annual Capital Costs Associated With Maintenance and Installation of Cable Facilities and Service)*

1. Schedule A computes the capital costs for equipment necessary for maintenance and installation of cable facilities and cable service. It does not include the annual capital costs of customer premises equipment such as remote and converter boxes included in Schedule C. (See instructions below.)

2. Column A lists the types of equipment for which capital cost information is required (including equipment owned and equipment held under capital or financing leases), such as vehicles and tools, and including other equipment used for installation and maintenance, which you may specify on the form. Maintenance facility refers to buildings, tools, and equipment necessary for the repair and maintenance of vehicles and equipment.

3. Column B requires you to state the gross book value for the categories listed in Column A as of the date you last closed your books.

4. Column C requires you to give the accumulated depreciation and amortization for each category of equipment on the gross book values listed in Column B as of the date used for Column B entries.

5. Column D requires you to give the deferred tax balance associated with the plant categories listed in Column A. (Generally, such amounts result from the use of faster depreciation write-offs for tax purposes than for financial reporting purposes.) Entities that do not pay income taxes (e.g., sole proprietorships, partnerships, and sub chapter S-corporations) may not include an amount in this column.

6. Column E requires you to give the net book values for each category in Column A (Column B minus the sum of Columns C and D).

7. Column F allows for a reasonable return to be calculated by multiplying the investment listed in Column E by a reasonable rate of return. The *Report and Order* states that the Commission will consider up to 11.25% as a not unreasonable rate of return. If you choose a rate of return that is higher than 11.25%, you must attach a justification for your choice.

8. Column G allows for federal and state income taxes payable by the cable entity. To allow for a reasonable after-tax rate of return, it may be based on the grossed-up federal and state tax rates in effect. (The grossed-up rate is calculated

as:  $\text{Tax Rate}/(1-\text{Tax Rate})$ ). Entities that do not pay income taxes (e.g., sole proprietorships, partnerships, and sub chapter S-corporations) may not include an amount in this column.

9. Column H requires you to list the annual depreciation expense for each category of equipment in Column A.

10. Column I requires you to add Columns F, G, and H.

11. Add the totals in Column I and enter in Box 1.

*Instructions for Schedule B*

*(Annual Operating Expenses Associated With Maintenance and Installation of Cable Facilities and Service, Excluding Depreciation)*

Schedule B includes all annual operating expenses, excluding depreciation and amortization on capital and financing leases, for installation and maintenance of facilities and service for 12 months ending as of the date you last closed your books. This schedule requires you to list your operating expenses, including salary and benefits, supplies, utilities, other taxes and any other applicable expenses. Other expenses included must be identified. The total is the sum of all operating expenses for installation and maintenance and should be entered in Box 2.

*Instructions for Schedule C*

*(Capital Costs of Customer Equipment)*

1. Schedule C includes the purchase cost of leased customer equipment, including acquisition price and incidental costs such as sales tax, financing and storage up to the time it is provided to the subscriber.

2. In Column A list all customer equipment for which there is a separate charge, including different models of remote control units, different types of converter boxes, and other equipment. List separately each type of other equipment for which you plan to develop a separate charge.

3. In Column B give the gross book value of the listed equipment. The gross book value includes the cost of spare customer equipment that the operator keeps on hand for new customers or as replacement for broken equipment.

4. List the accumulated depreciation and amortization in Column C for each equipment category in Column A.

5. Column D requires you to give the deferred tax balance associated with the plant categories listed in Column A. (Generally, such amounts result from the use of faster depreciation write-offs for tax purposes than for financial reporting purposes.) Entities that do not pay income taxes (e.g., sole

proprietorships, partnerships, and sub chapter S-corporations) may not include an amount in this column.

6. Column E requires you to give the net book values for each category in Column A (Column B minus the sum of Columns C plus D).

7. Column F multiplies a reasonable rate of return by the investment listed in Column E. The *Report and Order* states that the Commission will consider up to 11.25% as a not unreasonable rate of return. If you choose a rate of return that is higher than 11.25%, you must attach a justification for your choice.

8. Column G allows for federal and state income taxes payable by the cable entity. To allow for a reasonable after-tax rate of return, it may be based on the grossed-up federal and state tax rates in effect. (The grossed-up rate is calculated as:  $\text{Tax Rate}/(1-\text{Tax Rate})$ ). Entities that do not pay income taxes (e.g., sole proprietorships, partnerships, and sub chapter S-corporations) may not include an amount in this column.

9. Column H requires you to list the annual depreciation expense for each category of equipment in Column A.

10. Column I requires you to give the total number of units in service for leased remotes and converter boxes. For other leased equipment, list the total number of units in service or the total number of subscribers using this equipment, whichever is appropriate.

11. Column J requires you to add Columns F, G, and H.

12. Add the totals in Column J and enter in Box 3.

*Instructions for Schedule D*

Schedule D is used only if you choose to charge average rates for service installation. If choosing this option, you must calculate an average rate for several types of installations.

Schedule D calculates four separate average charges that the Commission requires for an operator choosing this option. These average charges are for: (a) installations of unwired homes; (b) installations of already wired homes; (c) installations of additional connections at the time of initial installation; and (d) installations of additional connections after initial service installation. An operator may calculate, using the same methodology, average charges for other specific types of installations such as those requiring extra long drops of the home. Add additional lines as needed.

To calculate an average installation charge, multiply the Hourly Service Charge (HSC) by the average number of hours it takes for that type of installation. Attach an explanation or study for how

you arrived at the average time for that type of installation.

[FR Doc. 93-13866 Filed 6-10-93; 8:45 am]  
BILLING CODE 6712-01-M

[DA 93-647]

### Comments Invited on Nevada Public Safety Plan Amendment

June 7, 1993.

On January 12, 1993, the Commission accepted the Public Safety Plan for Nevada (Region 27). On May 25, 1993, Region 27 submitted a proposed amendment to its plan that would revise the current channel allotments. Because the proposed amendment is a major change to the Region 27 plan, the Commission is soliciting comments from the public before taking action. (See Report and Order, General Docket No. 87-112, 3 FCC Rcd 905 (1987), at paragraph 57.)

Interested parties may file comments to the proposed amendment on or before July 14, 1993 and reply comments on or before July 29, 1993. Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to PR Docket 92-268 Nevada-Public Safety Region 27.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632-6497 or Ray LaForge, Office of Engineering and Technology, (202) 653-8112.

Federal Communications Commission.

Donna R. Searcy,  
Secretary.

[FR Doc. 93-13868 Filed 6-10-93; 8:45 am]  
BILLING CODE 6712-01-M

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### Public Information Collection Requirements Submitted to OMB for Review

**ACTION:** Notice.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

**DATES:** Comments on this information collection must be submitted on or before August 10, 1993.

**ADDRESSES:** Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: the FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395-7340, within 60 days of this notice.

**FOR FURTHER INFORMATION CONTACT:** Copies of the above information collection request and supporting documentation can be obtained by calling or writing Linda Borrer, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2624.

*Type:* Extension of 3067-0241.

*Title:* Evaluation Form for Fallen Firefighters Survivors Grief Seminar.

*Abstract:* The United States Fire Administration will sponsor the 12th Annual National Fallen Firefighters Memorial Service. In conjunction with this service, the USFA will conduct an educational grief seminar October 9, 1993, to assist families of fallen firefighters in dealing with loss of their loved ones in the line of duty. Participants of the seminar will be asked to evaluate the seminar. The USFA will use the evaluations to evaluate the effectiveness of the speakers, facilitators, materials, and program format to determine whether the seminar is helpful and should be continued in the future.

*Type of Respondents:* Individuals and households.

*Estimate of Total Annual Reporting and Recordkeeping Burden:* 38 hours.

*Number of Respondents:* 150.

*Estimated Average Burden Time per Response:* 15 Minutes.

*Frequency of Response:* One-Time.

Dated: June 4, 1993.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 93-13826 Filed 6-10-93; 8:45 am]  
BILLING CODE 6718-01-M

#### Public Information Collection Requirements Submitted to OMB for Review

**ACTION:** Notice.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

**DATES:** Comments on this information collection must be submitted on or before August 10, 1993.

**ADDRESSES:** Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: the FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395-7340, within 60 days of this notice.

**FOR FURTHER INFORMATION CONTACT:** Copies of the above information collection request and supporting documentation can be obtained by calling or writing Linda Borrer, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2624.

*Type:* Extensions of 3067-0004.

*Title:* Application, Verification, and Recertification for Temporary Mortgage or Rental Payment Assistance.

*Abstract:* Section 408(b) of the Disaster Relief Act of 1974, as amended by Public Law 100-707, Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes the President to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien cancellation of any contract of sale or termination of any lease, entered into prior to the disaster.

Three collection of information instruments are used by the Federal Emergency Management Agency to provide temporary mortgage and rental payment assistance to disaster victims. They are FEMA Form 90-57, Application for Mortgage or Rental Payment Assistance; FEMA Form 90-33, Recertification for Mortgage or Rental Payment Assistance; and a narrative format titled Mortgagor/Landlord Verification Statement. The instruments are used by disaster victims in Presidentially-declared disaster areas to request mortgage and rental payment assistance and to establish the continuing need for such assistance. Data obtained from applicants are verified by employers, lending institutions, and landlords.

*Type of Respondents:* Individuals and households.

*Estimate of Total Annual Reporting and Recordkeeping Burden:* 2,994 Hours.

Number of Respondents: 3,000.  
 Estimated Average Burden Time per Response: FEMA Form 90-57—.333 Hour; Verification Statement—.333 Hour; FEMA Form 90-33—.166 Hour.  
 Frequency of Response: On occasion.

Dated: June 3, 1993.

Wesley C. Moore,  
 Director, Office of Administrative Support.  
 [FR Doc. 93-13825 Filed 6-10-93; 8:45 am]  
 BILLING CODE 6718-01-M

**Public Information Collection Requirements Submitted to OMB for Review**

**ACTION: Notice.**

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

**DATES:** Comments on this information collection must be submitted on or before August 10, 1993.

**ADDRESSES:** Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: The FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395-7340, within 60 days of this notice.

**FOR FURTHER INFORMATION CONTACT:** Copies of the above information collection request and supporting documentation can be obtained by calling or writing Linda Borrer, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2624.

Type: Extension of 3067-0210.

Title: Emergency Broadcast System Data Base.

**Abstract:** The Federal Emergency Management Agency uses Emergency Broadcast System (EBS) data to effectively manage the distribution of Federal funds to selected critical radio stations in the EBS. The funds are used to purchase protection and backup equipment to ensure that the EBS will function when needed by the President or other authorized user to provide information concerning national, regional, or local emergencies, such as severe weather conditions or other national catastrophes.

Type of Respondents: Businesses or other for-profit.

**Estimate of Total Annual Reporting and Recordkeeping**

Burden: 62.5 hours.  
 Number of Respondents: Original submission—50; Updated submission—50.

Estimated Average Burden Time per Response: Original submission—1 hour; updated submission—.25 hour.

Frequency of Response: On occasion.

Dated: June 1, 1993.

Wesley C. Moore,  
 Director, Office of Administrative Support.  
 [FR Doc. 93-13824 Filed 6-10-93; 8:45 am]  
 BILLING CODE 6718-01-M

**[FEMA-979-DR]**

**California; Amendment to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of California, (FEMA-979-DR), dated February 3, and related determinations.

**EFFECTIVE DATE:** June 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of California dated February 3, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 3, 1993:

The Pit River Indian Tribe in Shasta County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93-13818 Filed 6-10-93; 8:45 am]

BILLING CODE 6718-02-M

**[FEMA-986-DR]**

**Iowa; Amendment to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Iowa, (FEMA-986-DR), dated April 26, 1993, and related determinations.

**EFFECTIVE DATE:** June 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Iowa dated April 26, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 26, 1993:

Tama County for Public Assistance. (Already designated for Individual Assistance)  
 (Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93-13820 Filed 6-10-93; 8:45 am]

BILLING CODE 6718-02-M

**[FEMA-989-DR]**

**Missouri; Amendment to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Missouri, (FEMA-989-DR), dated May 11, 1993, and related determinations.

**EFFECTIVE DATE:** May 26, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Missouri dated May 11, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 11, 1993:

Ralls County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93-13823 Filed 6-10-93; 8:45 am]

BILLING CODE 6718-02-M

**[FEMA-989-DR]****Missouri; Amendment to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Missouri, (FEMA-989-DR), dated May 11, 1993, and related determinations.

**EFFECTIVE DATE:** May 22, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Missouri dated May 11, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 11, 1993:

The counties of Marion and Ste. Genevieve for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Richard W. Krimm,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 93-13822 Filed 6-10-93; 8:45 am]

**BILLING CODE 6718-01-M**

**[FEMA-989-DR]****Missouri; Amendment to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Missouri (FEMA-989-DR), dated May 11, 1993, and related determinations.

**EFFECTIVE DATE:** May 29, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is amended from April 15, 1993 to May 29, 1993.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Richard W. Krimm,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 93-13821 Filed 6-10-93; 8:45 am]

**BILLING CODE 6718-02-M**

**[FEMA-991-DR]****Oklahoma; Amendment to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Oklahoma, (FEMA-991-DR), dated May 12, 1993, and related determinations.

**EFFECTIVE DATE:** June 3, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Oklahoma dated May 12, 1993, is hereby amended to include Public Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 12, 1993:

Grady, Kingfisher, Logan, Payne, and Pottawatomie for Public Assistance. (Already designated for Individual Assistance.)

Blain, Caddo, Lincoln, Nowata, and Sequoyah Counties for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Richard W. Krimm,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 93-13817 Filed 6-10-93; 8:45 am]

**BILLING CODE 6718-02-M**

**[FEMA-990-DR]****Vermont; Amendment to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Vermont (FEMA-990-DR), dated May 12, 1993, and related determinations.

**EFFECTIVE DATE:** June 1, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is closed effective May 26, 1993.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Richard W. Krimm,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 93-13819 Filed 6-10-93; 8:45 am]

**BILLING CODE 6718-02-M**

**FEDERAL MARITIME COMMISSION****Agreement(s) Filed; Port of Oakland/CMB Transport N.V./Norsul International S.A. Terminal Agreement**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 224-200164-006,  
*Title:* Port of Oakland/CMB Transport N.V./Norsul International S.A. Terminal Agreement.

**Parties:**

City of Oakland  
CMB Transport N.V.  
Norsul International S.A.

*Synopsis:* The amendment deletes CMB Transport N.V. as a joint user to the Agreement.

Dated: June 7, 1993.

By Order of the Federal Maritime Commission.

**Ronald D. Murphy,**  
*Assistant Secretary.*

[FR Doc. 93-13742 Filed 6-10-93; 8:45 am]

**BILLING CODE 6730-01-M**

**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: Princess Cruises, Inc., Princess Cruises Liberia, Inc., Birka Cruises Limited and Birka Line A B, 10100 Santa Monica Blvd., Los Angeles, CA 90067-4189.

Vessel: GOLDEN PRINCESS.

Dated: June 7, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93-13815 Filed 6-10-93; 8:45 am]

BILLING CODE 6730-01-M

#### 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: Regal Cruises, Inc. (d/b/a Regal Cruisers) and Regal Cruises Limited, 69 Spring Street, Ramsey, NJ 07446-0507.

Vessel: REGAL EMPRESS.

Dated: June 7, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93-13816 Filed 6-10-93; 8:45 am]

BILLING CODE 6730-01-M

#### FEDERAL RESERVE SYSTEM

##### AmSouth Bancorporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for

inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 6, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Keiley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *AmSouth Bancorporation*, Birmingham, Alabama; to acquire up to 19.9 percent of Mid-State Federal Savings Bank, Ocala, Florida, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. These activities will be conducted in the State of Florida.

Board of Governors of the Federal Reserve System, June 7, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-13800 Filed 6-10-93; 8:45 am]

BILLING CODE 6210-01-F

##### Credit Suisse, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage de novo, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 1, 1993.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Credit Suisse*, Zurich, Switzerland, and *CS Holdings*, Zurich, Switzerland; to engage de novo through their subsidiary, *BEA Associates*, New York, New York, in offering invest advice on certain futures contracts and futures options on instruments in which a bank may not invest for its own account pursuant to § 225.25(b)(18) of the Board's Regulation Y.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Georgia A. Baker*, Granbury, Texas, Trustee; to acquire an additional 3.21 percent of the voting shares of *Community Bankers, Inc.*, Granbury, Texas, for a total of 22.77 percent, and thereby indirectly acquire *Community Bank*, Cleburne, Texas; *Community Bank*, Granbury, Texas; and *Community Bank*, Rockwall, Texas.

Board of Governors of the Federal Reserve System, June 7, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-13801 Filed 6-10-93; 8:45 am]

BILLING CODE 6210-01-F

**East Dubuque Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 6, 1993.

**A. Federal Reserve Bank of Chicago** (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *East Dubuque Bancshares, Inc.*, East Dubuque, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of East Dubuque Investment Corporation, East Dubuque, Illinois, and thereby indirectly acquire East Dubuque Savings Bank, East Dubuque, Illinois.

**B. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Union Planters Corporation*, Memphis, Tennessee; to acquire 100 percent of the voting shares of Central State Bancorp, Inc., Lexington, Tennessee, and thereby indirectly acquire Central State Bank, Lexington, Tennessee.

**C. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Little River Bankshares, Inc.*, Little River, Kansas; to become a bank holding company by acquiring 91.8 percent of the voting shares of The Home National Bank, Little River, Kansas.

Board of Governors of the Federal Reserve System, June 7, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-13802 Filed 6-10-93; 8:45 am]

BILLING CODE 6210-01-F

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention****Advisory Committee to the Director, Centers for Disease Control and 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 committee meeting.

*Name:* Advisory Committee to the Director, CDC.

*Time and Date:* 8:30 a.m.-4 p.m., June 30, 1993.

*Place:* CDC, Auditorium A, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

*Status:* Open to the public, limited only by the space available.

*Purpose:* This committee advises the Director, CDC, on policy issues and broad strategies that will enable CDC, the Nation's prevention agency, to fulfill its mission of preventing unnecessary disease, disability, and premature death, and promoting health. The committee recommends ways to incorporate prevention activities more fully into health care. It also provides guidance to help CDC work more effectively with its various constituents, in both the private and public sectors, to make prevention a practical reality.

*Matters to be Discussed:* The agenda will include four major discussion areas: Underserved populations, serving a diverse population with a diverse work force, processes for policy development, and prevention and health reform. Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Martha F. Katz, Executive Secretary, Advisory Committee to the Director, CDC, 1600 Clifton Road, NE., Mailstop D-23, Atlanta, Georgia 30333, telephone 404/639-3243.

Dated: June 7, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-13787 Filed 6-10-93; 8:45 am]

BILLING CODE 4160-18-M

**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 Dates:* 8 a.m.-5 p.m., July 12-13, 1993.

*Place:* Radisson Hotel Memphis, 185 Union Avenue, Memphis, Tennessee 38103.

*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: June 7, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-13785 Filed 6-10-93; 8:45 am]

BILLING CODE 4160-18-M

**CDC Advisory Committee on the Prevention of HIV Infection (CDC ACPHI): Subcommittee on Preventing Risk Behaviors Among School Students; Meetings**

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 meetings.

*Name:* CDC ACPHI Subcommittee on Preventing Risk Behaviors Among School Students.

*Time:* 8:30 a.m.-5 p.m.

*Dates:* June 28-29, 1993.

*Place:* Embassy Suites Hotel—Atlanta Airport, 4700 Southport Road, College Park, Georgia 30349.

*Time:* 8:30 a.m.-5 p.m.

*Dates:* July 22-23, 1993.

*Place:* Embassy Suites Hotel—Atlanta Airport, 4700 Southport Road, College Park, Georgia 30349.

*Status:* Open to the public, limited only by the space available.

*Purpose:* The subcommittee will review CDC's HIV prevention activities focusing on school-aged populations with special emphasis on programs delivered through the Nation's schools, but also including programs addressing youth in high-risk situations and college/university students.

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: June 7, 1993.

**Elvin Hilyer,**

*Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 93-13786 Filed 6-10-93; 8:45 am]

BILLING CODE 4160-18-M

## Health Resources and Services Administration

### Final Review Criteria and Final Funding Priority for Advanced Nurse Education Grants for Fiscal Year 1993

The Health Resources and Services Administration (HRSA) announces the final review criteria and final funding priority for fiscal year (FY) 1993 Advanced Nurse Education Grants under the authority of section 821, title VIII of the Public Health Service Act, as amended by the Nurse Education and Practice Improvement Amendments of 1992, title II of the Health Professions Education Extension Amendments of 1992, Public Law 102-408, dated October 13, 1992.

This program was announced in the Federal Register at 58 FR 19262 on April 13, 1993. The announcement included proposed review criteria and a proposed funding priority. A comment period of 30 days was established to allow public comment concerning the proposed review criteria and the proposed funding priority. No comments were received. This notice includes the final review criteria and final funding priority for Advanced Nurse Education Grants for Fiscal Year 1993, which remain as proposed.

#### Purpose

Section 821 of the Public Health Service Act, as implemented by 42 CFR part 57, subpart Z, authorizes assistance

to meet the costs of projects to: (1) Plan, develop and operate new programs, or (2) significantly expand existing programs leading to advanced degrees that prepare nurses to serve as nurse educators or public health nurses, or in other clinical nurse specialties determined by the Secretary to require advanced education. The period of Federal support should not exceed 3 years.

#### Eligibility

To be eligible to receive a grant, a school must be a public or nonprofit private collegiate school of nursing and be located in a state.

#### Final Review Criteria

The review of applications will take into consideration the following criteria:

- (1) The need for the proposed project including, with respect to projects to provide education in professional nursing specialties determined by the Secretary to require advanced education:
  - (a) The current or anticipated national and/or regional need for professional nurses educated in the specialty; and
  - (b) The relative number of programs offering advanced education in the specialty;
- (2) The need for nurses in the specialty in which education is to be provided in the State in which the education program is located.
- (3) The potential effectiveness of the proposed project in carrying out the educational purposes of section 821 of the Act and 42 CFR part 57, subpart Z;
- (4) The capability of the applicant to carry out the proposed project;
- (5) The soundness of the fiscal plan for assuring effective utilization of grant funds;
- (6) The potential of the project to continue on a self-sustaining basis after the period of grant support; and
- (7) The degree to which the applicant proposes to attract, retain and graduate minority and financially needy students.

#### Other Considerations

In addition, the following funding factors may be applied in determining funding of approved applications.

A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications.

A funding priority is defined as the favorable adjustment of aggregate review scores of individual approved applications when applications meet specified criteria.

It is not required that applicants request consideration for a funding

factor. Applications which do not request consideration for funding factors will be reviewed and given full consideration for funding.

#### Statutory Funding Preference

Preference will be given to any qualified applicant that (a) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (b) has achieved a significant increase in the rate of placing graduates in such settings during the 2-year period preceding the fiscal year for which an award is sought. Preference will be given only to applications ranked above the 20th percentile of applications that have been recommended for approval by the peer review group.

Additional information concerning the implementation of this preference has been published in the Federal Register at 58 FR 9570, dated February 22, 1993. The burden for collection of information to request this preference is under review by the Office of Management and Budget in accordance with the Paperwork Reduction Act.

#### Established Funding Priority

The following funding priority was established in FY 1989 after public comment (54 FR 11570, dated March 21, 1989) and the Secretary is extending this priority in FY 1993.

A funding priority will be given to applications which develop, expand or implement courses concerning ambulatory, home health care and/or inpatient case management of those with HIV infection-related diseases including AIDS patients.

#### Final Funding Priority

A funding priority be given to applicant institutions which demonstrate either substantial progress over the last three years or a significant experience of ten or more years in enrolling and graduating trainees from those minority or low-income populations identified as at risk of poor health outcomes. This priority is consistent with a HRSA strategy to increase the number of minority health professionals, to assure equal access to health professions education for all population groups, and ultimately, to provide a greater volume of health care in underserved areas.

#### Additional Information

If additional programmatic information is needed, please contact: Dr. Tom Phillips, Chief, Advanced Nursing Education Branch, Division of Nursing, Bureau of Health Professions,

Health Resources and Services Administration, Parklawn Building, Room 9-36, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6333 FAX: (301) 443-8586.

The standard application form PHS 6025-1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB Clearance Number is 0915-0060.

This program, Advanced Nurse Education Grants, is listed at 93.299 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: June 4, 1993.

William A. Robinson,  
Acting Administrator.

[FR Doc. 93-13737 Filed 6-10-93; 8:45 am]  
BILLING CODE 4160-15-P

#### Final Review Criteria for Grants for the Health Administration Traineeships and Special Projects Program for Fiscal Year 1993

The Health Resources and Services Administration (HRSA) announces the final review criteria for fiscal year (FY) 1993 Grants for the Health Administration Traineeships and Special Project Program under the authority of section 771, title VII of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Public Law 102-408, dated October 13, 1992.

This program was announced in the Federal Register at 58 FR 19269 on April 13, 1993. The announcement included proposed review criteria. A comment period of 30 days was established to allow public comment concerning the proposed review criteria. No comments were received. This notice includes the final review criteria for the Health Administration Traineeships and Special Projects Program for FY 1993, which remain as proposed.

#### Purpose

Section 771 of the Public Health Service Act authorizes the Secretary to:

(1) Award grants which provide traineeships for students enrolled in an accredited program of health administration, hospital administration, or health policy analysis and planning programs; and

(2) Assist programs of health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

#### Eligible Applicants

Eligible applicants are public or nonprofit private educational entities (including graduate schools of social work but excluding accredited schools of public health) that offer a graduate program in health administration, hospital administration, or health policy analysis and planning which is accredited by the Accrediting Commission on Education in Health Services Administration. Applicants must assure that, in providing traineeships, priority will be given to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

#### Final Review Criteria

The review of applications will take into consideration the following criteria:

1. The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner;
2. The adequacy of the staff and faculty;
3. The adequacy of institutional resources available to conduct graduate level education, to include the adequacy of teaching facilities;
4. The adequacy of recruitment and placement assistance for students in accord with the legislative purpose and intent; and
5. The extent to which the application justifies the purpose, scope, and need for the traineeship and/or special project grant.

#### Statutory Funding Preference

A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications.

It is not required that applicants request consideration for a funding factor. Applications which do not request consideration for funding factors will be reviewed and given full consideration for funding.

Preference will be given to qualified applicants that meet the following conditions:

- (1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.
- (2) The applicant recruits and admits students from medically underserved communities.

(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

(Catalog of Federal Domestic Assistance Number: 84.999B National Assessment of Educational Progress Data Reporting Program.)

(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

The term "medically underserved community" is defined in the Federal Register at 58 FR 9570 dated February 22, 1993.

#### Additional Information

If additional programmatic information is needed, please contact: Public Health Branch, Division of Associated, Dental, and Public Health Professions, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-09, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6757 FAX: (301) 443-1164.

The standard application form PHS 6025-1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB Clearance Number is 0915-0060.

This program, Grants for Health Administration Traineeships and Special Projects Program, is listed at 93.962 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: June 4, 1993.

William A. Robinson,  
Acting Administrator.

[FR Doc. 93-13736 Filed 6-10-93; 8:45 am]  
BILLING CODE 4160-15-P

#### Final Review Criteria for Public Health Traineeships to Schools of Public Health and Other Public and Nonprofit Private Institutions for Fiscal Year 1993

The Health Resources and Services Administration (HRSA) announces the final review criteria for fiscal year (FY) 1993 Grants for Public Health Traineeships to Schools of Public Health and other Public and Nonprofit Private Institutions under the authority of section 761, title VII of the Public Health Service Act as amended by the

Health Professions Education Extension Amendments of 1992, Public Law 102-408, dated October 13, 1992.

This program was announced in the *Federal Register* at 58 FR 19272 on April 13, 1993. The announcement included proposed review criteria. A comment period of 30 days was established to allow public comment concerning the proposed review criteria. No comments were received. This notice includes the final review criteria for the Public Health Traineeships to Schools of Public Health and Other Public and Nonprofit Private Institutions for FY 1993, which remain as proposed.

In addition, an amended notice was published in the *Federal Register* at 58 FR 26792 on May 5, 1993 to clarify purpose and eligibility issues. This notice includes purpose and eligibility information for this program.

#### Purpose

Section 761 of the Public Health Service Act authorizes the Secretary to award Public Health Traineeship grants to accredited schools of Public Health and to other public or nonprofit private institutions accredited for the purpose of providing traineeships to individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals. Section 761 identifies some health professions fields in which there is a severe shortage including epidemiology, environmental health, biostatistics, toxicology and public health nutrition.

In fiscal year 1993, for new public health trainees, support will be for students pursuing a graduate degree in:

1. Educational fields cited in section 761(b)(3) of the PHS Act as having a severe shortage of health professionals, including epidemiology, environmental health, toxicology, nutrition and biostatistics; or

2. Other educational fields/professions for which the applicant can (a) justify a severe shortage in the geographic/service area of the applicant to the satisfaction of peer reviewers, and (b) justify that such severe shortage would be lessened by having a trainee in the cited educational field/profession.

Ongoing traineeship commitments, i.e., reappointments, will be continued.

#### Eligible Applicants

Eligible applicants include (1) Schools of Public Health that have been accredited by the Council on Education for Public Health and (2) other public or nonprofit private institutions accredited by a body recognized for this purpose by

the Secretary of the Department of Education. The recognized accrediting body for this grant program is the Council on Education for Public Health (CEPH). The accredited school or program must be located in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands (the Republic of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia.

#### Final Review Criteria

The review of applications will take into consideration the following criteria:

- (1) The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner;
- (2) The adequacy of the staff and faculty;
- (3) Adequacy of the institutional resources available to conduct graduate level education, for example, faculty, teaching facilities, library resources, and laboratories;
- (4) Adequacy of recruitment and placement assistance for students in the severe shortage occupations; and
- (5) The extent to which the applicant justifies the purpose, scope and need for the traineeship.

#### Additional Information

If additional programmatic information is needed, please contact: Public Health Branch, Division of Associated, Dental and Public Health Professions, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-09, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6757. FAX: (301) 443-1164.

The standard application form PHS 6025-1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB Clearance Number is 0915-0060.

This program, Grants for Public Health Traineeships, is listed at 93.964 in the *Catalog of Federal Domestic Assistance*. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: June 4, 1993.

William A. Robinson,  
Acting Administrator.

[FR Doc. 93-13735 Filed 6-10-93; 8:45 am]  
BILLING CODE 4160-15-M

#### Final Review Criteria and Final Funding Priority for Grants for Professional Nurse Traineeships for Fiscal Year 1993

The Health Resources and Services Administration (HRSA) announces the final review criteria and final funding priority for fiscal year (FY) 1993 Grants for Professional Nurse Traineeships under the authority of section 830, title VIII of the Public Health Service (PHS) Act, as amended by the Nurse Education and Practice Improvement Amendments of 1992, title II of the Health Professions Education Extension Amendments of 1992, Public Law 102-408, dated October 13, 1992.

This program was announced in the *Federal Register* at 58 FR 19134 on April 12, 1993. The announcement included proposed review criteria and a proposed funding priority. A comment period of 30 days was established to allow public comment concerning the proposed review criteria and the proposed funding priority. No comments were received. This notice includes the final review criteria and final funding priority for Grants for Professional Nurse Traineeships for Fiscal Year 1993, which remain as proposed. Also, legislation currently pending in the Congress, if passed, will remove the requirement for peer review of applications for this program.

#### Purpose

Section 830 of the Public Health Service Act authorizes the Secretary to award grants to meet the cost of traineeships for individuals in advanced-degree programs in order to educate the individuals to serve in and prepare for practice as nurse practitioners, nurse midwives, nurse educators; public health nurses, or in other clinical nursing specialties determined by the Secretary to require advanced education.

#### Eligibility

Eligible applicants for Grants for Professional Traineeships include public and nonprofit private entities. Applicants must agree that, in providing traineeships, the applicant will give preference to individuals who are residents of health professional shortage areas designated under section 332. The applicant must agree that a traineeship will not be provided to an individual

enrolled in a masters of nursing program unless the individual has completed basic nursing preparation, as determined by the applicant. Finally, the applicant must agree that traineeships provided with the grant will pay all or part of the costs of (A) the tuition, books, and fees of the program of nursing with respect to which the traineeships is provided; and (B) reasonable living expenses of the individual during the period for which the traineeship is provided.

#### Final Review Criteria

The review of applications will take into consideration the following criteria:

1. Program information including the level and category of program(s) offered, full-time enrollment, and the number of graduate students completing degree requirements, and information on other financial aid available to students.
2. The extent to which the applicant offers courses which include a clinical focus on providing health care to medically underserved communities.
3. The extent to which the applicant offers didactic and/or clinical courses which address issues of cultural diversity, special needs of minority populations, and/or promote the development of cultural competence.
4. Qualifications of the Program Director.

#### Other Considerations

The following funding factors may be applied in determining funding of approved applications.

A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications.

A funding priority is defined as the favorable adjustment of aggregate review scores of individual approved applications when applications meet specified criteria.

Special consideration is defined as the enhancement of priority scores by merit reviewers based on the extent to which applications address special areas of concern.

It is not required that applicants request consideration for a funding factor. Applications which do not request consideration for funding factors will be reviewed and given full consideration for funding.

#### Statutory Preference

In making awards of grants under this section, preference will be given to any qualified applicant that—(A) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically

underserved communities; or (B) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. Preference will be given only for applications ranked above the 20th percentile of applications that have been recommended for approval by the appropriate peer review group.

Additional information concerning the implementation of this preference has been published in the *Federal Register* at 58 FR 9570, dated February 22, 1993. The burden for collection of information to request this preference is under review by the Office of Management and Budget in accordance with the Paperwork Reduction Act.

#### Statutory Special Consideration

Special consideration will be given to applicants for nurse practitioner and nurse midwife programs which conform to guidelines established by the Secretary under section 822(b)(2) of the PHS Act.

#### Final Funding Priority

A funding priority will be given to programs which demonstrate either substantial progress over the last three years or a significant experience of ten or more years in enrolling and graduating students from those minority or low-income populations identified as at-risk of poor health outcomes. This priority is consistent with a HRSA strategy to increase the number of health professionals from minority and other at risk populations, to assure equal access to health professions education for all population groups, and ultimately, to provide a greater volume of health care in underserved areas.

#### Additional Information

If additional programmatic information is needed, please contact: Ms. Anastasia Buchanan, Chief, Nursing Practice Resources Section, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 9-36, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-5763. FAX: (301) 443-8586.

This program, Grants for Professional Nurse Traineeships, is listed at 93.358 in the *Catalog of Federal Domestic Assistance*. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: June 7, 1993.

William A. Robinson, M.D., M.P.H.

Acting Administrator.

[FR Doc. 93-13738 Filed 6-10-93; 8:45 am]

BILLING CODE 4180-15-P

#### National Institutes of Health

#### Genome Research Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Genome Research Review Committee, National Center for Human Genome Research, June 29, 1993, at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD. This meeting will be open to the public on June 29 from 8:30 a.m. to 9 a.m. to discuss administrative details or other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on June 29 from 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Linda Engel, Chief, Office of Scientific Review, National Center for Human Genome Research, National Institutes of Health, Building 38A, room 604, Bethesda, Maryland 20892, (301) 402-0838, will furnish the meeting agenda, roster of committee members and consultants, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Elsa Weinstein, (301) 402-0838, two weeks in advance of the meeting.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Dated: June 7, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-13778 Filed 6-10-93; 8:45 am]

BILLING CODE 4140-01-M

**National Institute of Arthritis and Musculoskeletal and Skin Diseases; Meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee (AMS) of the National Institute of Arthritis and Musculoskeletal and Skin Diseases on June 28, 1993, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland.

The meeting will be open to the public on June 28, from 8:30 a.m. to 9 a.m. to discuss administrative details or other issues relating to the committee activities. Attendance by the public will be limited to space available.

The meeting will be closed to the public on June 28 from 9 a.m. to adjournment in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Theresa Lo, Scientific Review Administrator, Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee, NIAMS, Westwood Building, room 406, Bethesda, Maryland 20892, (301) 594-9979.

Ms. Suzanne Sangalan, Committee Management Officer, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, Building 31, room 4C32,

Bethesda, Maryland 20892, 301-496-0803, will provide summaries of the meeting and roster of the committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.846, project grants in arthritis, musculoskeletal and skin diseases research, National Institutes of Health)

Dated: June 7, 1993.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 93-13780 Filed 6-10-93; 8:45 am]

BILLING CODE 4140-01-M

**Division of Research Grants; Meetings**

Pursuant to Public Law 92-463, notice is hereby given of meetings of the Division of Research Grants Behavioral and Neurosciences Special Emphasis Panel.

The meetings will be closed in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications and Small Business Innovation Research Program Applications in the various areas and disciplines related to behavior and neuroscience. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301-594-7265, will furnish summaries of the meetings and rosters of panel members.

**Meetings To Review Individual Grant Applications**

Scientific Review Administrator: Dr. Teresa Levitin, (301) 594-7141.

Date of Meeting: June 29, 1993.

Place of Meeting: Westwood Bldg., room 303, NIH, Bethesda, MD (Telephone Conference).

Time of Meeting: 4 p.m.

Scientific Review Administrator: Dr. Andrew Mariani, (301) 594-7206.

Date of Meeting: June 28, 1993.

Place of Meeting: Westwood Bldg., room 319, NIH, Bethesda, MD (Telephone Conference).

Time of Meeting: 1 p.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 7, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-13779 Filed 6-10-93; 8:45 am]

BILLING CODE 4140-01-M

**Public Health Service**

**Agency Forms Submitted to the Office of Management and Budget for Clearance**

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, June 4, 1993.

Copies of the information collection requests may be obtained by calling the PHS Reports Clearance Officer on (202)-690-7100.

1. Organ Procurement and Transplantation Network (OPTN) Data System—0915-0157—Information is to be collected for the purposes of matching donor organs with the data system rules, conducting statistical analyses, and developing policies relating to organ procurement and transplantation. Respondents: Businesses or other for-profit; Non-profit institutions, Small businesses or organizations.

Title	Number of respondents	Number of responses per respondent	Average burden per response (hour)
Registration of Donors, Potential Recipients, and Transplant Candidates .....	67	1,110	.12
Histocompatibility Data .....	49	492	.1
Transplant Registration .....	605	28	.25
Follow-up Data .....	605	228	.14

Estimated Total Annual Burden—35,070 hours.

2. Consumer Survey of Cosmetic Usage Patterns for Risk Assessment—

0910-0262—The Food and Drug Administration needs information on

cosmetic usage patterns among consumers to improve its risk

management process for cosmetics by basing this process as much as possible on scientifically sound risk assessments. Respondents: Individuals or households; Number of Respondents: 1,650; Number of Responses per Respondent: 1; Average Burden per Response: .25 hour; Estimated Annual Burden: 413 hours.

3. National Drug and Alcoholism Treatment Unit Survey (NDATUS)—FY 94—0930-0106—Information collected by NDATUS on the location, scope, and characteristics of all known drug abuse and alcoholism treatment and prevention programs in the United States is needed to assess the nature and extent of these resources, identify gaps

in service, and provide a data base for treatment referrals. Respondents: State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, and Small businesses or organizations.

Title	Number of respondents	Number of responses per respondent	Average burden per response (hours)
States .....	56	1	15
Providers .....	14,581	1	.60

Estimated Total Annual Burden—9,621 hours.

4. Prospective Evaluation of Health-care Workers Exposed to Blood from Patients Infected with HIV—0920-0131—This project evaluates surveillance of health-care workers with potential exposure to blood or body fluids from patients with AIDS or AIDS-related illnesses in an attempt to define the risk to health-care workers of contracting HIV infection. Respondents: Businesses or other for-profit, Non-profit institutions; Number of Respondents: 250; Number of Responses per Respondent: 5; Average Burden per Response: 34 hours; Estimated Annual Burden: 421 hours.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated below at the following address: Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: June 7, 1993.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 93-13781 Filed 6-10-93; 8:45 am]

BILLING CODE 4160-17-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-93-1917; FR-3350-N-35]

### Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**ADDRESSES:** For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1998 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or

(3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to July Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers

interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *U.S. Navy*: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332-2300; (703) 325-0474; *Dept. of Transportation*: Ronald D. Koefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW., room 10319, Washington, DC 20590; (202) 366-4246; *Dept. of Energy*: Tom Knox, Realty Specialist, AD223.1, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586-1191; (These are not toll-free numbers).

Dated: June 4, 1993.

Jacque M. Lawing,  
Deputy Assistant Secretary for Economic  
Development.

Title V. Federal Surplus Property Program  
Federal Register Report for 6/11/93

#### Suitable/Available Properties

##### Land (by State)

##### Texas

H.A.L.F. Goliad  
Hwy. 59, 6 miles NE of Berclair  
Berclair Co: Goliad TX 78107-  
Landholding Agency: Navy  
Property Number: 779320013  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 1,136.32 acres, most recent use—  
auxiliary landing field, contains 8 bldgs.—  
maintenance sheds, control tower, paint  
locker, electrical distribution, etc.

#### Suitable/Unavailable Properties

##### Buildings (by State)

##### Washington

Naval Station Puget Sound  
7500 Sand Point Way, NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 77912002  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 144 sq. Ft. ammunition bunker,  
most recent use-storage, secured area with  
the alternate access, scheduled to be  
vacated 9/95.

Bldg. 330  
Naval Air Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310050  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 8,233 sq. ft., 2 story, most recent  
use—single family residence, scheduled to  
be vacated 9/95.

Bldg. 331  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310051  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 6,233 sq. ft., 2 story, most recent  
use—single family residence, scheduled to  
be vacated 9/95.

Bldg. 332  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310052  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 6,233 sq. ft., 2 story, most recent—  
single family residence, scheduled to be  
vacated 9/95.

Bldg. 333  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310053  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 1,990 sq. ft., 1 story, most recent  
use—single family residence, presence of  
asbestos in crawl space, scheduled to be  
vacated 9/95.

Bldg. 334  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King MA 98115-  
Landholding Agency: Navy  
Property Number: 779310054  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 2,113 sq. ft., 1 story, most recent  
use—single family residence, presence of  
asbestos in crawl space; scheduled to be  
vacated 9/95.

Bldg. 9  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King MA 98115-  
Landholding Agency: Navy  
Property Number: 779310055  
Status: Excess  
Base Closure Number of Units: 1  
Comment: 223,516 sq. ft., 2 story, most recent  
use—barracks, need repairs, presence of  
asbestos, scheduled to be vacated 9/95.

Bldg. 224  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King MA 98115-  
Landholding Agency: Navy  
Property Number: 779310056  
Status: Excess

Base Closure Number of Units: 1  
Comment: 38,264 sq. ft., 2 story, most recent  
use—bachelor's quarters/administration,  
need repairs, possible asbestos, scheduled  
to be vacated 9/95.

Bldg. 11  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310057  
Status: Excess  
Base closure Number of Units: 1  
Comment: 59,206 sq. ft., 2 story, most recent  
use—administration/shops/storage, need  
repairs, possible soil/ground water  
contamination, asbestos, scheduled to be  
vacated 9/95.

Bldg. 30  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310058  
Status: Excess  
Base closure Number of Units: 1  
Comment: 80,068 sq. ft., 3 story, most recent  
use—administration/indoor play courts/  
photo lab, need repairs, asbestos,  
scheduled to be vacated 9/95.

Bldg. 67  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310059  
Status: Excess  
Base closure Number of Units: 1  
Comment: 33,720 sq. ft., 3 story, most recent  
use—administration/vehicle maintenance/  
storage, need repairs, near above ground  
diesel storage tank, scheduled to be  
vacated 9/95.

Bldg. 192  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310060  
Status: Excess  
Base closure Number of Units: 1  
Comment: 6,078 sq. ft., 2 story, most recent  
use—administration, need repairs,  
presence of asbestos in attic, scheduled to  
be vacated 9/95.

Bldg. 222  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310061  
Status: Excess  
Base closure Number of Units: 1  
Comment: 15,000 sq. ft., 2 story, most recent  
use—administration, needs rehab,  
scheduled to be vacated 9/95.

Bldg. 223  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115-  
Landholding Agency: Navy  
Property Number: 779310062  
Status: Excess  
Base closure Number of Units: 1

Comment: 9,080 sq. ft., 1 story, most recent use—administration, scheduled to be vacated 9/95.

**Bldg. 25**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310063

Status: Excess  
Base closure Number of Units: 1  
Comment: 27,892 sq. ft., 3 story, most recent use—administration/communication center, need repairs, asbestos scheduled to be vacated 9/95.

**Bldg. 195**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310064

Status: Excess  
Base closure Number of Units: 1  
Comment: 819 sq. ft., 1 story, most recent use—travel agency, scheduled to be vacated 9/95.

**Bldg. 138**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310065

Status: Excess  
Base closure Number of Units: 1  
Comment: 12,808 sq. ft., 2 story, most recent use—administration/police station, need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 41**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310066

Status: Excess  
Base closure Number of Units: 1  
Comment: 2,030 sq. ft., 1 story, most recent use—police station, need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 18**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310067

Status: Excess  
Base closure Number of Units: 1  
Comment: 7,000 sq. ft., 2 story, most recent use—fire station, need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 2**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310068

Status: Excess  
Base closure Number of Units: 1  
Comment: 144,233 sq. ft., 2 story, most recent use—reserve training bldg., need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 27**  
Naval Station Puget Sound  
7500 Sand Point Way NE

Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310069

Status: Excess  
Base closure Number of Units: 1  
Comment: 114,617 sq. ft., 4 story, most recent use—reserve training bldg., need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 38**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310070

Status: Excess  
Base closure Number of Units: 1  
Comment: 58 sq. ft., 1 story, most recent use—sentry house, limited utilities, scheduled to be vacated 9/95.

**Bldg. 401**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310071

Status: Excess  
Base closure Number of Units: 1  
Comment: 60 sq. ft., 1 story, most recent use—sentry house, limited utilities, scheduled to be vacated 9/95.

**Bldg. 6**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310072

Status: Excess  
Base closure Number of Units: 1  
Comment: 10,793 sq. ft., 2 story, most recent use—bowling alley, need repairs, presence of asbestos scheduled to be vacated 9/95.

**Bldg. 15**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310073

Status: Excess  
Base closure Number of Units: 1  
Comment: 3268 sq. ft., 1 story, most recent use—hobby shop—arts & crafts, roof needs replacing, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 31**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310074

Status: Excess  
Base closure Number of Units: 1  
Comment: 3141 sq. ft., 2 story, most recent use—boat house w/4 boat slips, need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 275**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310075

Status: Excess  
Base closure Number of Units: 1

Comment: 288 sq. ft., 1 story, most recent use—boat house (marina office), needs paint, scheduled to be vacated 9/95.

**Bldg. 47**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310076

Status: Excess  
Base closure Number of Units: 1  
Comment: 50,060 sq. ft., 2 story, most recent use—recreation, need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 40**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310077

Status: Excess  
Base closure Number of Units: 1  
Comment: 924 sq. ft., 1 story, most recent use—storage, no utilities, need repairs, scheduled to be vacated 9/95.

**Bldg. 115**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310078

Status: Excess  
Base closure Number of Units: 1  
Comment: 1500 sq. ft., 1 story, most recent use—storage, needs rehab, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 299**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310079

Status: Excess  
Base closure Number of Units: 1  
Comment: 1, 20 sq. ft., 1 story, most recent use—storage, needs repairs, scheduled to be vacated 9/95.

**Bldg. 29**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 98115—  
Landholding Agency: Navy  
Property Number: 779310080

Status: Excess  
Base closure Number of Units: 1  
Comment: 33,745 sq. ft., 3 story, most recent use—medical/dental clinic, need repairs, scheduled to be vacated 9/95, presence of asbestos.

**Bldg. 5**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 59.8115—  
Landholding Agency: Navy  
Property Number: 7759.310081

Status: Excess  
Base closure Number of Units: 1  
Comment: 417,467 sq. ft., 4 story, most recent use—warehouse, need repairs, presence of asbestos, scheduled to be vacated 9/95.

**Bldg. 12**  
Naval Station Puget Sound  
7500 Sand Point Way NE  
Seattle Co: King WA 59.8115—  
Landholding Agency: Navy

Property Number: 7759.310082  
 Status: Excess  
 Base closure Number of Units: 1  
 Comment: 5,653 sq. ft., 1 story, most recent use—boiler plant, need exterior repairs, presence of asbestos, scheduled to be vacated 9/95.

Bldg. 206  
 Naval Station Puget Sound  
 7500 Sand Point Way NE  
 Seattle Co: King WA 59.8115—  
 Landholding Agency: Navy  
 Property Number: 7759.310083  
 Status: Excess  
 Base closure Number of Units: 1  
 Comment: 315 sq. ft., 1 story, most recent use—equipment (pesticide) shed, need repairs, presence of asbestos, scheduled to be vacated 9/95.

Bldg. 406  
 Naval Station Puget Sound  
 7500 Sand Point Way NE  
 Seattle Co: King WA 59.8115—  
 Landholding Agency: Navy  
 Property Number: 7759.310084  
 Status: Excess  
 Base closure Number of Units: 1  
 Comment: 29,270 sq. ft., 1 story, most recent use—confinement facility, scheduled to be vacated 9/95.

#### Unsuitable Properties

##### Buildings (By State)

##### California

Bldg. 37, Naval Hospital  
 Pool Road  
 Oakland Co: Alameda CA 59.4627—  
 Landholding Agency: Navy  
 Property Number: 7759.320014  
 Status: Excess  
 Reason: Secured Area Other  
 Comment: Extensive Deterioration

Bldg. 85, Naval Hospital  
 Pool Road  
 Oakland Co: Alameda CA 59.4627—  
 Landholding Agency: Navy  
 Property Number: 7759.320015  
 Status: Excess  
 Reason: Secured Area Other  
 Comment: Extensive Deterioration

Bldg. 88, Naval Hospital  
 Pool Road  
 Oakland Co: Alameda CA 59.4627—  
 Landholding Agency: Navy  
 Property Number: 7759.320016  
 Status: Excess  
 Reason: Secured Area Other  
 Comment: Extensive Deterioration

Bldg. 107, Naval Hospital  
 Pool Road  
 Oakland Co: Alameda CA 59.4627—  
 Landholding Agency: Navy  
 Property Number: 7759.320017  
 Status: Excess  
 Reason: Secured Area Other  
 Comment: Extensive Deterioration

Bldg. 99  
 Mare Island Naval Shipyard  
 Vallejo Co: Solano CA 94592—  
 Landholding Agency: Navy  
 Property Number: 779320018  
 Status: Unutilized  
 Reason: Secured Area

Bldg. 99A

Mare Island Naval Shipyard  
 Vallejo Co: Solano CA 94592—  
 Landholding Agency: Navy  
 Property Number: 779320019  
 Status: Unutilized  
 Reason: Secured Area

Bldg. 115  
 Mare Island Naval Shipyard  
 Vallejo Co: Solano CA 94592—  
 Landholding Agency: Navy  
 Property Number: 779320020  
 Status: Unutilized  
 Reason: Secured Area

Bldg. 335  
 Naval Air Station  
 Alameda Co: Alameda, CA 94501—  
 Landholding Agency: Navy  
 Property Number: 779320021  
 Status: Excess  
 Reason: Secured Area, Other  
 Comment: Extensive Deterioration

New York  
 Knolls Atomic Power Lab  
 Niskayuna Co: Schenectady NY 12303—  
 Landholding Agency: Energy  
 Property Number: 419320008  
 Status: Unutilized  
 Reason: Other  
 Comment: Extensive deterioration

North Carolina  
 Bldg. 67, USCG Support Center  
 Elizabeth City Co: Pasquotank NC 27909—  
 5006  
 Landholding Agency: DOT  
 Property Number: 879320016  
 Status: Unutilized  
 Reason: Secured Area

Bldg. 69, USCG Support Center  
 Elizabeth City Co: Pasquotank NC 27909—  
 5006  
 Landholding Agency: DOT  
 Property Number: 879320017  
 Status: Unutilized  
 Reason: Secured Area

Bldg. 71, USCG Support Center  
 Elizabeth City Co: Pasquotank NC 27909—  
 5006  
 Landholding Agency: DOT  
 Property Number: 879320018  
 Status: Unutilized  
 Reason: Secured Area

Bldg. 73, USCG Support Center  
 Elizabeth City Co: Pasquotank NC 27909—  
 5006  
 Landholding Agency: DOT  
 Property Number: 879320019  
 Status: Unutilized  
 Reason: Secured Area

West Virginia  
 Bldg. 10  
 Morgantown Energy Tech. Center  
 3610 Collins Ferry Road  
 Morgantown Co: Monongalia WV 26505—  
 Landholding Agency: Energy  
 Property Number: 419320009  
 Status: Unutilized  
 Reason: Other  
 Comment: Extensive Deterioration

[FR Doc. 93-13544 Filed 6-10-93; 8:45 am]

BILLING CODE 4210-29-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-087-01-6210-05: GP3-229]

#### Closure of Public Lands; Oregon

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Closure of certain public lands to camping in Yamhill County, Oregon.

SUMMARY: Notice is hereby given that certain public lands in Yamhill County, Oregon, are permanently closed to public camping beginning on June 22, 1993. The closure is made under the authority of 43 CFR 8364.1.

The public lands affected by this closure are specifically identified as those portions of the following described lands that are within 100 feet of standing or running water:

#### Willamette Meridian, Oregon,

E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 Section 15;  
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 Section 16;  
 S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
 Section 22;  
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 Section 25;  
 E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 Section 27;  
 N $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
 Section 31  
 T. 03 S., R. 06 W.,

Containing approximately 63 acres in Yamhill County.

These lands are immediately adjacent to Walker Flat wetlands, Walker Creek and tributaries, and the Nestucca River above McGuire Reservoir (City of McMinnville).

There are no persons exempt from the provisions of this closure order.

Any person who fails to comply with the provisions of this closure may be subject to the penalties provided in 43 CFR 8360.0-7 which includes a fine not to exceed \$1,000.00 and/or imprisonment not to exceed 12 months.

The public lands closed to certain public use under this order will be posted with signs at points of public access.

The purpose of this closure is to stop water quality degradation being caused by dispersed public camping near water courses in a municipal watershed.

EFFECTIVE DATE: June 22, 1993.

ADDRESSES: Copies of the closure order and maps showing the location of the closed lands are available from the Salem District Office, 1717 Fabry Road, SE., Salem, Oregon 97306.

FOR FURTHER INFORMATION PLEASE CONTACT: Richard C. Prather, Yamhill

Area Manager, Salem District Office, at (503) 375-5668.

Dated: June 3, 1993.

Richard C. Prather,  
Yamhill Area Manager.

[FR Doc. 93-13795 Filed 6-10-93; 8:45 am]

BILLING CODE 4310-33-M

[NM-920-4210-06; NMNM 2466]

**Notice of Proposed Modification of Public Land Order No. 4325, and Transfer of Jurisdiction; New Mexico**

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

**SUMMARY:** The Bureau of Reclamation proposes to modify Public Land Order No. 4325, which withdrew 161.60 acres of public land for the Navajo Indian Irrigation Project, by transferring the jurisdiction of the land from the Bureau of Reclamation to the Bureau of Indian Affairs. It also proposes to establish a 100-year term for the life of the Navajo Indian Irrigation Project, subject to periodic reviews at 20-year intervals to determine whether or not to continue the withdrawal.

**DATES:** Comments and requests for a public meeting must be received by September 9, 1993.

**ADDRESSES:** Comments and meeting requests should be sent to the New Mexico State Director, BLM, P.O. Box 27115, Santa Fe, New Mexico 87502-0115.

**FOR FURTHER INFORMATION CONTACT:** Georgiana E. Armijo, BLM New Mexico State Office, 505-438-7594.

**SUPPLEMENTARY INFORMATION:** By memorandum dated May 7, 1993, the Bureau of Reclamation has requested a transfer of jurisdiction of 161.60 acres in the Navajo Indian Irrigation Project from the Bureau of Reclamation to the Bureau of Indian Affairs. The improvements on the Navajo Indian Irrigation Project were constructed under Bureau of Reclamation jurisdiction. The facilities are a necessary part of the Navajo Indian Irrigation Project that encompasses approximately 110,000 acres. This transfer is necessary because operations and maintenance of the facilities are being performed under the administration of the Bureau of Indian Affairs. The land is described as follows:

New Mexico Principal Meridian

T. 27 N., R. 11 W.,

Sec. 3, lots 1 and 2.

T. 28 N., R. 11 W.,

Sec. 34, S½SE¼

The area described contains 161.60 acres in San Juan County.

The purpose of the withdrawal is to protect, operate, and maintain the improvements on the Navajo Indian Irrigation Project. The land is still needed for the Navajo Indian Irrigation Project.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed modification of Public Land Order No. 4325 may present their objections in writing to the New Mexico State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the New Mexico State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The land will remain closed to surface entry and mining, but has been and will remain open to mineral leasing.

Dated: June 3, 1993.

Kathy Eaton,

Acting State Director.

[FR Doc. 93-13734 Filed 6-10-93; 8:45 am]

BILLING CODE 4310-FB-M

**Fish and Wildlife Service**

**Extension of Time for Public Comment on a Draft Environmental Impact Statement for the Black-footed Ferret Reintroduction in Conata Basin/Badlands Area of South Dakota**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of time.

**SUMMARY:** Notice is hereby given that the public comment period for the draft Environmental Impact Statement (Statement) on Black-footed Ferret Reintroduction in Conata Basin/Badlands Area of South Dakota has been extended to July 19, 1993. Proposed is the reintroduction of black-footed ferrets (*Mustela nigripes*) in the Conata Basin/Badlands area of southwestern South Dakota as a nonessential experimental population. The U.S. Fish and Wildlife Service, the National Park Service, and the U.S. Forest Service are evaluating

alternatives, including a preferred alternative, for this proposal. Five alternatives were examined in detail. The alternatives focus on reintroduction of black-footed ferrets on public land with no change in present prairie dog management plans. The alternatives range from a "no action" (no reintroduction) to a reintroduction area consisting of the entire north unit of the Badlands National Park and the Buffalo Gap National Grassland in Conata Basin. The preferred alternative proposes releasing captive reared black-footed ferrets in a reintroduction area of approximately 17,000 hectares (42,000 acres) on the Badlands National Park and the Buffalo National Grassland with initial releases to be only on the Badlands National Park.

**DATES:** Written comments are requested by July 19, 1993.

**ADDRESSES:** Comments on the Statement can be addressed to Mr. Larry Shanks, Chief Division of Endangered Species and Environmental Contaminants, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** Mr. Douglas A. Searls, Assistant State Supervisor, Ecological Services, U.S. Fish and Wildlife Service, 420 South Garfield Avenue, Suite 400, Pierre, South Dakota 57501, (605) 224-8693.

**SUPPLEMENTARY INFORMATION:** The Fish and Wildlife Service in cooperation with the U.S. Forest Service and the National Park Service has prepared a draft Statement to reintroduce black-footed ferrets (*Mustela nigripes*) as a nonessential experimental population into the Conata Basin/Badlands Area—specifically the Badlands National Park and the Buffalo Gap National Grassland—in South Dakota. The proposed reintroduction will require the changing of the legal status of the black-footed ferret from endangered to an experimental designation within the defined experimental population area. The action is designed to use experimental techniques to reintroduce and establish a free ranging, cooperatively managed wild population of black-footed ferrets in the Conata Basin/Badlands experimental population area near Wall, South Dakota, as part of the National recovery effort.

Other government agencies and members of the public contributed to the planning and evaluation of this proposal and the preparation of a Statement. A notice of intent to prepare a Statement was published on February 14, 1992 (57 FR 5415), and an amended notice of intent was published on

January 22, 1993 (58 FR 5707). A State working group, which included various parties from agricultural, environmental, and governmental interests, was formed in 1988 to identify and nominate potential black-footed ferret restoration sites in South Dakota. In 1989, South Dakota Governor Mickelson requested that black-footed ferret restoration be addressed through a coordinated resource management process. As a result, a local level committee of interested parties representing ranching, agriculture, environmental, and governmental interests met six times. This committee did not reach consensus on a reintroduction plan but was instrumental in identifying issues that needed to be addressed. Two public scoping meetings also were held, one on February 26, 1992, in Wall, South Dakota; the other on February 27, 1992, in Sioux Falls, South Dakota. The Service sent more than 300 notices of these scoping meetings to interested individuals, organizations, and agencies.

#### Author

The primary author of this notice is Douglas Searls, U.S. Fish and Wildlife Service (see ADDRESSES above).

Dated: June 4, 1993.

John L. Spinks Jr.,

Deputy Regional Director.

[FR Doc. 93-13783 Filed 6-10-93; 8:45 am]

BILLING CODE 4310-55-M

#### Availability of an Environmental Assessment and Receipt of an Application for a Permit to Allow Incidental Take of the Threatened Northern Spotted Owl, by Murray Pacific Corporation, Lewis County, WA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

**SUMMARY:** This notice advises the public that the Murray Pacific Corporation of Tacoma, Washington (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number PRT-777837. The requested permit would authorize the incidental take of the threatened northern spotted owl (*Strix occidentalis caurina*) on the Applicant's land in eastern Lewis County, Washington, for a period of 100 years. The proposed incidental take would occur as a result of timber harvest

operations in suitable northern spotted owl habitat.

The Service also announces the availability of an environmental assessment (EA) for the incidental take permit application. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application and EA should be received on or before July 12, 1993.

**ADDRESSES:** Comments regarding the application or adequacy of the EA should be addressed to Mr. David Frederick, State Supervisor, U.S. Fish and Wildlife Service, Olympia Field Office, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501-2192. Please refer to permit number PRT-777837 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Michaels, U.S. Fish and Wildlife Service, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501-2192 (206-753-9440). Individuals wishing copies of the application or EA for review should immediately contact the above individual.

**SUPPLEMENTARY INFORMATION:** Under section 9 of the Act, "taking" of the northern spotted owl, a threatened species, is prohibited. However, the Service, under limited circumstances, may issue permits to take threatened wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are in 50 CFR 17.32.

The Applicant proposes to implement a Habitat Conservation Plan (HCP) for the northern spotted owl that will allow timber harvest on portions of the approximately 55,000 acres of the Applicant's land in Lewis County, Washington. The HCP and permit will operate for a period of 100 years. The application includes an HCP and Implementation Agreement.

During the first 10 years of the HCP, the Applicant proposes to harvest 1,943 acres of timber that is currently suitable spotted owl habitat located within owl median annual home range circles which are known to be centered on the Applicant's property. An additional total of 45 acres of suitable owl habitat will be harvested during the same 10-year time period within the known home range circles of spotted owls which are centered off the Applicant's property. The Applicant also proposes to harvest timber, throughout the 100 year life of the HCP and permit, that may occur within future owl territories in areas that are not presently known to support owls. The Applicant estimates

that this proposed harvest of suitable spotted owl habitat will result in a maximum incidental take of 10 pairs of owls and their offspring for the first 10 years of the permit, and up to 5 owl pairs and their offspring per decade for the remaining 90 years of the permit.

To minimize and mitigate this incidental take, the Applicant proposes: (1) Seasonal protection of future active spotted owl nest sites; (2) maintenance of current habitat reserves for owls (1,222 acres); (3) management of the Applicant's 55,000 acres of commercial timberland to increase, maintain, and evenly distribute spotted owl dispersal habitat over the landscape; and (4) pre-commercial thinning and experimentation with fertilization and pruning of second growth forest to accelerate timber growth and development of owl dispersal habitat. Under the HCP, the amount of owl dispersal habitat is projected to increase from the current level of approximately 11,500 acres, to approximately 23,000 acres during the first 30 years of the HCP, and maintained from 20,000-23,000 acres (38-42% of the Applicant's land) for the remaining 70 years. The dispersal habitat will provide connectivity between three Spotted Owl Designated Conservation Areas (DCA), as described in the Draft Northern Spotted Owl Recovery Plan, located on U.S. Forest Service land (W-10 and W-2N, W-3). Dispersal habitat in this area is identified as important for the northern spotted owl in the Draft Recovery Plan.

The proposed 100 year permit time period would allow the Applicant approximately two timber harvest rotations, and would create a sustainable supply of harvestable timber. The proposed spotted owl dispersal habitat created under this HCP would assist in maintaining viable owl populations in the area for at least 100 years. The concept of maintaining viable spotted owl populations for 100 years has been discussed in the *Conservation Strategy for the Northern Spotted Owl*, written by the Interagency Scientific Committee.

The EA considers the environmental consequences of four alternatives, including the proposed action and the no-action alternatives. The proposed action would allow the harvest of 1,943 acres of suitable spotted owl habitat located within owl circles centered on the Applicant's land and an additional 45 acres of suitable spotted owl habitat for resident owls whose activity centers are located off the Applicant's property. The proposed action would provide an increasing amount of owl dispersal habitat for the first 30 years of the HCP

and a stable level of dispersal habitat, from 20,000-23,000 acres, for the remaining 70 years of the HCP. The no-action alternative would retain the suitable habitat on the Applicant's property; however, it would remain aggregated in the western and central portions of the Applicant's property. This timber could be subject to future harvest should the owls abandon their territories. The net effect of the no-action alternative would be that little foraging and roosting habitat would be provided for dispersing owls over the landscape of the Applicant's land. The third alternative would protect 500 acres of suitable owl habitat within 0.5 mile around each owl activity center. This alternative would result in the loss of about 2,197 acres of suitable habitat, with little foraging and roosting habitat provided for dispersing owls over the 100 year life of the permit. Alternative four provides for the protection and maintenance of suitable spotted owl habitat within DCA W-10. The Applicant owns approximately 4,575 acres of land within DCA W-10, of which 296 acres are currently in suitable owl habitat. All other areas of suitable habitat on the Applicant's land would be subject to harvest and little dispersal habitat would be provided over the life of the permit.

Dated: June 7, 1993.

Marvin L. Plenert,

Regional Director, U.S. Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 93-13784 Filed 6-10-93; 8:45 am]

BILLING CODE 4310-55-M

## INTERSTATE COMMERCE COMMISSION

### Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

June 8, 1993.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name

and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Land O'Lakes, Inc.,

(2) 4001 Lexington Avenue North, Arden Hills, MN 55126.

(3) 4001 Lexington Avenue North, Arden Hills, MN 55126.

(4) Herb Sorvik, P.O. Box 116, Minneapolis, MN 55440.

Sidney L. Strickland, Jr.,  
Secretary.

[FR Doc. 93-13810 Filed 6-10-93; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167; Sub-No. 1116]

### Consolidated Rail Corp.— Abandonment—Between Upper Sandusky and Dunkirk, in Hardin and Wyandot Counties, OH; Findings

The Commission has issued a certificate authorizing Consolidated Rail Corporation (Conrail) to abandon its line of railroad known as a portion of the Fort Wayne Line, between milepost 219.5 at a point west of Upper Sandusky, OH and milepost 236.4 near Dunkirk, OH a distance of approximately 16.9 miles, located in the Counties of Hardin and Wyandot, OH. The abandonment certificate will become effective July 11, 1993, unless the Commission finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and Conrail no later than 10 days after publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Section of Legal Counsel, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedure regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: June 7, 1993.

By the Commission, David M. Konschnik,  
Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-13809 Filed 6-10-93; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32303]

### Peninsula Corridor Joint Powers Board; Trackage Rights Exemption; Southern Pacific Transportation Co.

Southern Pacific Transportation Company (SPT) has agreed to extend for an additional 120 days its grant of 4.7 miles of overhead trackage rights to Peninsula Corridor Joint Powers Board (JPB) between Santa Clara Junction (milepost 44.0) and Tamien, CA (milepost 48.7).<sup>1</sup> The extension of the trackage rights was to become effective on or after June 1, 1993.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: David J. Miller, Hanson, Bridgett, Marcus, Vlahos & Rudy, 333 Market Street, Suite 2300 San Francisco, CA 94105.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978)*, as modified in *Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980)*.

Dated: June 3, 1993.

By the Commission, David M. Konschnik,  
Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-13811 Filed 6-10-93; 8:45 am]

BILLING CODE 7035-01-M

<sup>1</sup> SPT and JPB own parallel lines between these points. They agreed to grant limited term trackage rights to each other while they studied the feasibility of coordinated use of the lines to achieve more efficient freight, intercity passenger, and commuter rail operations in this area. See previous notices of exemption in Finance Docket Nos. 32091 and 32094 and extensions of these exemptions in Finance Docket Nos. 32159, 32161, 32200, and 32202. This further extension is necessary because the parties have been unable to reach a final agreement. JPB has agreed to grant SPT a similar trackage rights extension in Finance Docket No. 32300.

## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

Importer of Controlled Substances;  
Registration

By Notice dated April 27, 1993, and published in the *Federal Register* on May 4, 1993, (58 FR 26559), Radian Corporation, 8501 Mopac Blvd., P.O. Box 201088, Austin, Texas 78720, made application to the Drug Enforcement Administration to be registered as an importer of Dextropropoxyphene, bulk (non-dosage forms) (9273), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: June 4, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-13831 Filed 6-10-93; 8:45 am]

BILLING CODE 4410-09-M

Importer of Controlled Substances;  
Registration

By Notice dated February 19, 1993, and published in the *Federal Register* on March 1, 1993 (58 FR 11870), Sanofi Winthrop L.P., DBA Sterling Organics, 33 Riverside Avenue, Rensselaer, New York 12144, made application to the Drug Enforcement Administration to be registered as an importer of Meperidine (9230), a basic class of controlled substance listed in schedule II.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: June 4, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-13832 Filed 6-10-93; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

## Employment Standards Administration

Wage and Hour Division; Minimum  
Wages for Federal and Federally  
Assisted Construction; General Wage  
Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the *Federal Register*, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29

CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

New General Wage Determination  
Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State.

## Volume II

## Nebraska:

NE930015 (June 11, 1993)  
NE930016 (June 11, 1993)  
NE930017 (June 11, 1993)  
NE930018 (June 11, 1993)  
NE930019 (June 11, 1993)  
NE930020 (June 11, 1993)  
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NE930028 (June 11, 1993)  
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NE930031 (June 11, 1993)  
NE930032 (June 11, 1993)  
NE930033 (June 11, 1993)  
NE930034 (June 11, 1993)  
NE930035 (June 11, 1993)  
NE930036 (June 11, 1993)  
NE930037 (June 11, 1993)  
NE930038 (June 11, 1993)  
NE930039 (June 11, 1993)  
NE930040 (June 11, 1993)  
NE930041 (June 11, 1993)  
NE930042 (June 11, 1993)

NE930043 (June 11, 1993)  
 NE930044 (June 11, 1993)  
 NE930045 (June 11, 1993)  
 NE930046 (June 11, 1993)  
 NE930047 (June 11, 1993)  
 NE930048 (June 11, 1993)  
 NE930049 (June 11, 1993)  
 NE930050 (June 11, 1993)  
 NE930051 (June 11, 1993)  
 NE930052 (June 11, 1993)  
 NE930053 (June 11, 1993)  
 NE930054 (June 11, 1993)  
 NE930055 (June 11, 1993)  
 NE930056 (June 11, 1993)  
 NE930057 (June 11, 1993)

**Volume III****California:**

CA30008 (June 11, 1993)  
 CA30009 (June 11, 1993)  
 CA30010 (June 11, 1993)  
 CA30011 (June 11, 1993)  
 CA30012 (June 11, 1993)  
 CA30013 (June 11, 1993)  
 CA30014 (June 11, 1993)  
 CA30015 (June 11, 1993)  
 CA30016 (June 11, 1993)  
 CA30017 (June 11, 1993)  
 CA30018 (June 11, 1993)  
 CA30019 (June 11, 1993)  
 CA30020 (June 11, 1993)  
 CA30021 (June 11, 1993)  
 CA30022 (June 11, 1993)  
 CA30023 (June 11, 1993)  
 CA30024 (June 11, 1993)  
 CA30025 (June 11, 1993)

**Modification to General Wage Determination Decisions**

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the *Federal Register* are in parentheses following the decisions being modified.

**Volume I****Massachusetts:**

MA930001 (Feb. 19, 1993)

**New York:**

NY930004 (Feb. 19, 1993)

**Pennsylvania:**

PA930007 (Feb. 19, 1993)  
 PA930009 (Feb. 19, 1993)  
 PA930012 (Feb. 19, 1993)  
 PA930019 (Feb. 19, 1993)  
 PA930021 (Feb. 19, 1993)  
 PA930023 (Feb. 19, 1993)  
 PA930024 (Feb. 19, 1993)  
 PA930028 (Feb. 19, 1993)  
 PA930029 (Feb. 19, 1993)

**Tennessee:**

TN930001 (Feb. 19, 1993)  
 TN930041 (Feb. 19, 1993)

**Virginia:**

VA930018 (Feb. 19, 1993)  
 VA930036 (Feb. 19, 1993)

**Volume II****Illinois:**

IL930007 (Feb. 19, 1993)  
 IL930016 (Feb. 19, 1993)

**Kansas:**

KS930006 (Feb. 19, 1993)  
 KS930007 (Feb. 19, 1993)  
 KS930010 (Feb. 19, 1993)  
 KS930011 (Feb. 19, 1993)  
 KS930012 (Feb. 19, 1993)  
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 KS930014 (Feb. 19, 1993)  
 KS930015 (Feb. 19, 1993)  
 KS930016 (Feb. 19, 1993)  
 KS930018 (Feb. 19, 1993)  
 KS930019 (Feb. 19, 1993)  
 KS930020 (Feb. 19, 1993)  
 KS930021 (Feb. 19, 1993)  
 KS930022 (Feb. 19, 1993)

**Michigan:**

MI930001 (Feb. 19, 1993)  
 MI930002 (Feb. 19, 1993)  
 MI930003 (Feb. 19, 1993)  
 MI930004 (Feb. 19, 1993)  
 MI930005 (Feb. 19, 1993)  
 MI930007 (Feb. 19, 1993)  
 MI930008 (Feb. 19, 1993)  
 MI930012 (Feb. 19, 1993)  
 MI930017 (Feb. 19, 1993)  
 MI930018 (Feb. 19, 1993)

**Missouri:**

MO930003 (Feb. 19, 1993)  
 MO930015 (Feb. 19, 1993)

**Nebraska:**

NE930001 (Feb. 19, 1993)

**Texas:**

TX930001 (Feb. 19, 1993)  
 TX930003 (Feb. 19, 1993)  
 TX930004 (Feb. 19, 1993)  
 TX930005 (Feb. 19, 1993)  
 TX930007 (Feb. 19, 1993)  
 TX930010 (Feb. 19, 1993)  
 TX930015 (Feb. 19, 1993)  
 TX930055 (Feb. 19, 1993)  
 TX930060 (Feb. 19, 1993)  
 TX930061 (Feb. 19, 1993)  
 TX930069 (Feb. 19, 1993)

**Volume III****California:**

CA930001 (Feb. 19, 1993)  
 CA930002 (Feb. 19, 1993)  
 CA930004 (Feb. 19, 1993)

**Colorado:**

CO930002 (Feb. 19, 1992)  
 CO930003 (Feb. 19, 1992)  
 CO930005 (Feb. 19, 1992)  
 CO930006 (Feb. 19, 1992)  
 CO930008 (Feb. 19, 1992)  
 CO930009 (Feb. 19, 1992)  
 CO930010 (Feb. 19, 1992)  
 CO930011 (Feb. 19, 1992)

**General Wage Determination Publication**

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing

Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 4th day of June 1993.

Alan L. Moss,

Director, Division of Wage Determination.

[FR Doc. 93-13526 Filed 6-10-93; 8:45 am]

BILLING CODE 4510-27-M

**Employment and Training Administration****Attestations Filed by Facilities Using Nonimmigrant Aliens as Registered Nurses**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

**SUMMARY:** The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

**ADDRESSES:** Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:**

**Regarding the Attestation Process:**  
Chief, Division of Foreign Labor  
Certifications, U.S. Employment  
Service. Telephone: 202-219-5263 (this  
is not a toll-free number).

**Regarding the Complaint Process:**  
Questions regarding the complaint  
process for the H-1A nurse attestation  
program shall be made to the Chief,  
Farm Labor Programs, Wage and Hours  
Division. Telephone: 202-219-7605 (this  
is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The  
Immigration and Nationality Act  
requires that a health care facility  
seeking to use nonimmigrant aliens as  
registered nurses first attest to the  
Department of Labor (DOL) that it is  
taking significant steps to develop,  
recruit and retain United States (U.S.)  
workers in the nursing profession. The  
law also requires that these foreign  
nurses will not adversely affect U.S.  
nurses and that the foreign nurses will  
be treated fairly. The facility's

attestation must be on file with DOL  
before the Immigration and  
Naturalization Service will consider the  
facility's H-1A visa petitions for  
bringing nonimmigrant registered  
nurses to the United States. 26 U.S.C.  
1101(a)(15)(H)(i)(a) and 1181(m). The  
regulations implementing the nursing  
attestation program are at 20 CFR part  
655 and 29 CFR part 504, 55 FR 50500  
(December 6, 1990). The Employment  
and Training Administration, pursuant  
to 20 CFR 655.310(c), is publishing the  
following list of facilities which have  
submitted attestations which have been  
accepted for filing.

The list of facilities is published so  
that U.S. registered nurses, and other  
persons and organizations can be aware  
of health care facilities that have  
requested foreign nurses for their staffs.  
If U.S. registered nurses or other persons  
wish to examine the attestation (on  
Form ETA 9029) and the supporting  
documentation, the facility is required

to make the attestation and  
documentation available. Telephone  
numbers of the facilities' chief executive  
officers also are listed, to aid public  
inquiries. In addition, attestations and  
supporting short explanatory statements  
(but not the full supporting  
documentation) are available for  
inspection at the address for the  
Employment and Training  
Administration set forth in the  
ADDRESSES section of this notice.

If a person wishes to file a complaint  
regarding a particular attestation or a  
facility's activities under that  
attestation, such complaint must be  
filed at the address for the Wage and  
Hour Division of the Employment  
Standards Administration set forth in  
the ADDRESSES section of this notice.

Signed at Washington, DC, this 4 day of  
June 1993.

**Robert A. Schaeffl,**  
Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS 05/01/93 TO 05/31/93

CEO-name/facility name/address	State	Approval date
Mr. Willis Bultje, Helena Regional Medical Ctr., P.O. Box 788, Helena 72342, 501-338-5882	AR	05/04/93
Mr. Charles R. Shuffield, Sparks Regional Medical Ctr., 1311 So. I. Street, Fort Smith 72917, 501-441-4000	AR	05/27/93
Mr. Hugh Means, Springdale Memorial Hospital, 607 Maple Street, Springdale 72765, 501-751-5711	AR	05/27/93
Ms. Kaylor E. Shemberger, Chandler Regional Hospital, 475 S. Dobson Road, Chandler 85224, 602-821-3424	AZ	05/20/93
Mr. Fred Friedman, Royal Convalescent Hosp., Inc., 320 Cattacali Drive, Brawley 92227, 619-344-5431	CA	05/04/93
Mr. William A. Mathies, Hy-Lond Convalescent Hosp., Beverly California Corp., Modesto 95350, 209-526-1776	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Conval. Hosp., Beverly California Corp., West Covina 91790, 818-962-3368	CA	05/14/93
Mr. William A. Mathies, San Luis Convalescent Hosp., Beverly Enterprises, CA., Inc., Newman 95360, 209-862-2862	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Conval. Hosp., Beverly California Corporation, Los Angeles 90039, 213-666-1544	CA	05/14/93
Mr. William A. Mathies, Huntington Dr. Conval. Hosp., Beverly Enterprises—Ca., Inc., Arcadia 91106, 818-445-2421	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Westminster, Beverly California Corporation, Westminster 92683, 714-892-6886	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Conval. Hosp., Beverly Enterprises—Ca., Inc., Canoga Park 91304, 818-347-3800	CA	05/14/93
Mr. William A. Mathies, Hy-Pana House Conval. Hosp., Beverly California Corp., Stockton 95207, 209-477-0271	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Conval. Hosp., Beverly California Corporation, Monrovia 91016, 818-358-4547	CA	05/14/93
Mr. William A. Mathies, Reedley Convalescent Hosp., Beverly California Corp., Reedley 93654, 209-638-3578	CA	05/14/93
Mr. William A. Mathies, Modesto Convalescent Hosp., Beverly California Corp., Modesto 95350, 209-529-0516	CA	05/14/93
Mr. William A. Mathies, Fairmont Rehabilitation Hosp., Beverly Enterprises—Ca., Inc., Lodi 95240, 209-368-0693	CA	05/14/93
Mr. Frank D. Alvarez, Foundation Hospital, San Francisco & French Campus, San Francisco 94115, 415-202-2000	CA	05/14/93
Mr. William A. Mathies, Chateau Convalescent Hosp., Beverly California Corp., Stockton 95207, 209-477-2664	CA	05/14/93
Mr. William A. Mathies, Raintree Convalescent Hosp., Beverly California Corp., Fresno 93727, 209-251-8244	CA	05/14/93
W.A. Buckendorf, RADM, MC, USN, Naval Hospital Oakland, 8750 Mountain Blvd., Oakland 94627, 510-633-5001	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Conval. Hosp., Beverly California Corporation, Burbank 91506, 818-843-2330	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Nursing & Rehabilitation, Beverly California Corporation, Van Nuys 91401, 818-988-2501	CA	05/14/93
Mr. William A. Mathies, Beverly La Cumbre Conval. Hosp., Beverly California Corporation, Santa Barbara 93110, 805-687-6651	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Conval. Hosp., Beverly Enterprises—Ca., Inc., La Mesa 92041, 619-960-7871	CA	05/14/93
Mr. William A. Mathies, Community Convalescent Hosp., Beverly Enterprises—Ca., Inc., Lynwood 90262, 213-537-2500	CA	05/14/93
Mr. William A. Mathies, Catered Manor, Beverly Enterprise—CA., Inc., Long Beach 90807, 213-426-0394	CA	05/14/93
Mr. William A. Mathies, Montrose Conval. Hosp., Beverly Enterprises—Ca., Inc., Montrose 91020, 818-249-3925	CA	05/14/93
Mr. William A. Mathies, Sherman Oaks Conval. Hosp., Beverly Enterprises—Ca., Inc., Sherman Oaks 91423, 818-986-7242	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Conval. Hosp., Beverly Enterprises—Ca., Inc., Escondido 92025, 619-747-0430	CA	05/14/93
Mr. William A. Mathies, Stockton Convalescent Hosp., Beverly California Corp., Stockton 95204, 209-466-3522	CA	05/14/93
Mr. William A. Mathies, Royal Oaks Convalescent Hosp., Beverly California Corp., Galt 95632, 209-745-1537	CA	05/14/93

## DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS 05/01/93 TO 05/31/93—Continued

CEO-name/facility name/address	State	Approval date
Mr. William A. Mathies, Beverly Manor Conv. Hosp., Beverly California Corporation, Laguna Hills 92653, 714-837-8000.	CA	05/14/93
Mr. William A. Mathies, Fowler Convalescent Hosp., Beverly California Corp., Fowler 93625, 209-834-2542	CA	05/14/93
Ms. Ellen L. Kuykendall, Sierra Health Care Mgmt., Inc., 715 Pole Line Road, Davis 95616, 916-756-4900	CA	05/14/93
Mr. William A. Mathies, Hillcrest Convalescent Hosp., Beverly California Corp., Fresno 93726, 209-227-5383	CA	05/14/93
Mr. William A. Mathies, Sanger Convalescent Hosp., Beverly California Corp., Sanger 93657, 209-875-6501	CA	05/14/93
Mr. William A. Mathies, Selma Convalescent Hospital, Beverly California Corp., Selma 93662, 209-896-4990	CA	05/14/93
Mr. William A. Mathies, Broadway Care Center, Beverly Enterprises—Ca., Inc., San Gabriel 91776, 818-285-2165	CA	05/14/93
Mr. William A. Mathies, Hy-Lond Convalescent Hosp., Beverly California Corp., Fresno 93726, 209-227-4063	CA	05/14/93
Mr. William A. Mathies, Westgate Manor Conv. Hosp., Beverly Enterprises—Ca., Inc., Madera 93637, 209-673-9278.	CA	05/14/93
Mr. William A. Mathies, Franciscan Conv. Hosp., Beverly Enterprises—Ca., Inc., Merced 95340, 209-722-6231	CA	05/14/93
Mr. William A. Mathies, Hy-Lond Convalescent Hosp., Beverly California Corp., Merced 95340, 209-723-1056	CA	05/14/93
Mr. William A. Mathies, Chowchilla Convalescent Ctr., Hospital Facilities Corp., Chowchilla 93610, 209-665-4826	CA	05/14/93
Mr. William A. Mathies, Shafter Convalescent Hosp., Beverly California Corp., Shafter 93263, 805-746-3912	CA	05/14/93
Mr. William A. Mathies, Beverly Manor Convalescent Hosp., Beverly Enterprises—Ca., Inc., Fresno 93721, 209-486-4433.	CA	05/14/93
Mr. William A. Mathies, Country View Convalescent Hosp., 925 North Cornelia, Fresno 93706, 209-275-4785	CA	05/14/93
Mr. William A. Mathies, Clovis Convalescent Hosp., Beverly California Corp., Clovis 93612, 209-299-2591	CA	05/14/93
Mr. William A. Mathies, London House Conv. Hosp., Beverly California Corp., Santa Rosa 95405, 707-546-0471	CA	05/20/93
Mr. William A. Mathies, Julia Conv. Hosp., Beverly Enterprises, Ca., Inc., Mountain View 94043, 415-967-5714	CA	05/20/93
Mr. William A. Mathies, Beverly Manor Conv. Hosp., Beverly Enterprises, Ca., Inc., Chico 95926, 916-343-6084	CA	05/20/93
Mr. William A. Mathies, Terreno Gardens Conv. Ctr., Hospital Facilities Corp., Los Gatos 95030, 408-356-8136	CA	05/20/93
Mr. William A. Mathies, Beverly Manor Conv. Hosp., Beverly California Corp., Yreka 96097, 916-842-4361	CA	05/20/93
Mr. William A. Mathies, Hy-Lond Conv. Hosp., Beverly California Corp., Sunnyvale 94087, 408-738-4880	CA	05/20/93
Mr. William A. Mathies, Oak Meadows Conv. Center, Hospital Facilities Corp., Los Gatos 95030, 408-356-9151	CA	05/20/93
Mr. William A. Mathies, Hy-Lond Conv. Hosp., Beverly California Corp., Sacramento 95841, 916-481-7434	CA	05/20/93
Mr. Michael Skaggs, Morgan Hill Healthcare Investors, Inc., Morgan Hill 95037, 408-779-7346	CA	05/20/93
Mr. Solomon Goldner, Golden State Health Ctrs., In, 13347 Ventura Boulevard, Sherman Oaks 91423, 213-872-2618.	CA	05/20/93
Ms. Sandra Rodiles, Desert Valley Dialysis Ctr., 110 South Fifth Street, El Centro 92243, 619-353-0353	CA	05/20/93
Mr. William A. Mathies, Beverly Manor Conv. Hosp., Beverly Enterprises—Ca., Inc., Redding 96001, 916-241-6756	CA	05/20/93
Mr. William A. Mathies, London House Conv. Hosp., Beverly California Corp., Sonoma 95476, 707-938-1096	CA	05/20/93
Mr. William A. Mathies, Sierra Vista Nursing & Rehab., Beverly California Corp., Napa 94558, 707-255-6060	CA	05/20/93
Mr. William A. Mathies, Westgate Conv. Ctr., Beverly California Corp., San Jose 95129, 408-253-7502	CA	05/21/93
Mr. William A. Mathies, Beverly Manor of Petaluma, Beverly California Corp., Petaluma 94952, 707-763-4109	CA	05/21/93
Mr. William A. Mathies, Beverly Manor Conv. Hosp., Beverly Enterprises—Ca., Inc., San Francisco 94117, 415-563-0565.	CA	05/21/93
Mr. William A. Mathies, Beverly Manor, Beverly California Corp., Santa Clara 95050, 408-988-7666	CA	05/21/93
Mr. William A. Mathies, San Jose Care and Guidance Ct., Beverly California Corp., San Jose 95127, 408-923-7232	CA	05/21/93
Bernard Salick, M.D., Salick Health Care, Inc., 8201 Beverly Boulevard, Los Angeles 90048, 310-966-3500	CA	05/27/93
Joe T. Fisher, FACHE, HCA Medical Ctr. Hosp., Largo, 201 14th Street, S.W., Largo 34649, 813-586-1411	FL	05/04/93
Mr. Michael Covert, Sarasota Memorial Hospital, 1700 South Tamiami Trail, Sarasota 34239, 813-955-1111	FL	05/04/93
Mr. John Gregg, University Medical Ctr., Inc., 655 West 8th Street, Jacksonville 32209, 904-350-6694	FL	05/04/93
Ms. Carolina Calderin, Pan American Hospital, 5959 N.W. 7th Street, Miami 33126, 305-264-1000	FL	05/14/93
St. Patricia C. Friel, OSF, St. Mary's Hospital, 901 45th Street, West Palm Beach 33407, 407-881-2771	FL	05/14/93
Mr. William A. Sanger, JFK Medical Center, 5301 S. Congress Avenue, Atlantis 33462, 407-965-7300	FL	05/19/93
William Zubkoff, M.D., South Shore Medical Ctr., 630 Alton Road, Miami Beach Fl. 33139, 305-672-2100	FL	05/20/93
Mr. John H. Geaves, South Miami Hospital, 6200 S.W. 73rd Street, Miami 33143, 305-662-8122	FL	05/21/93
Kanti K. Daya, M.D., Therapeutics, Inc., 1951 S.E. 19th St., Pompano Beach 33062, 305-783-9243	FL	05/27/93
Mr. James S. Wilson, Oak Manor Nursing Home, Omni Healthcare, Inc., Columbus 31998, 706-324-0387	GA	05/04/93
Mr. Robert T. Bale, Montgomery Place, 5550 South Shore Drive, Chicago 60637, 312-753-4100	IL	05/04/93
Sister Elizabeth Van Straten, Saint Bernard Hospital, 64th & Dan Ryan Expressway, Chicago 60621, 312-962-4100	IL	05/04/93
Mr. William Dimas, Lee Manor Health Care Residen, 1301 Lee Street, Des Plaines 60018, 708-835-4000	IL	05/14/93
Ms. Lucia Larosa, Skokie Meadows Nursing Ctrs., 9615 N. Knox Avenue, Skokie 60076, 708-679-4161	IL	05/14/93
Ms. Margaret Stern, Buckingham Pavilion, Inc., 2625 W. Touhy Avenue, Chicago 60645, 312-973-5333	IL	05/14/93
Mr. Noah Wolff, Fairhaven of Chicago Ridge, I, 10602 Southwest Highway, Chicago 60415, 708-448-1540	IL	05/20/93
Mr. Dov Solomon, Lincoln Park Terrace, Inc., 2732 North Hampden Court, Chicago 60614, 312-248-6000	IL	05/20/93
Mr. Ikehukwu (Ike) Iwu, Nightingales, Inc., 1060 West Hollywood Avenue, Chicago 60660, 312-334-3303	IL	05/27/93
Ms. Kathleen C. Yosko, Schwab Rehabilitation Hospital, 1401 S. California, Chicago 60608, 312-522-2010	IL	05/27/93
Rev. Stephen A. Dahl, Methodist Hospital of Chicago, 5025 N. Paulina Street, Chicago 60640, 312-271-9040	IL	05/27/93
Ms. Joyce Grove Hein, Lakewood Hospital, 1125 Marquette Street, Morgan City 70381, 504-384-2200	LA	05/20/93
Mr. Raymond C. McAfoose, New England Hospital, 125 Parker Hill Avenue, Boston 02120, 617-738-5800	MA	05/20/93
Mr. Richard Blinn, Star of David Nursing & Rehab, The Hillhaven Corporation, West Roxbury 02132, 617-325-8100	MA	05/21/93
Mr. Edward S. Thomas, Detroit Receiving Hospital and University Health Ctr., Detroit 48201, 313-745-3400	MI	05/04/93
Ms. A. Boon-Harris, St. Louis Regional Med. Ctr., 5535 Delmar Blvd., St. Louis 63112, 314-361-1212	MO	05/14/93
Mr. G. Thomas Usher, Vicksburg Medical Ctr., 1111 I-29 Frontage Road, Vicksburg 39180, 601-636-2611	MS	05/03/93
Mr. Robert L. Lingle, Singing River Hospital, 2809 Denny Avenue, Pascagoula 39581, 601-938-5360	MS	05/21/93
Mr. Paul Shogren, Brithaven of Smithfield, 411 Barbour Road, Smithfield 27577, 919-934-6017	NC	05/14/93
Ms. Frances L. Messer, Northwood Manor Nursing Ctr., 303 E. Carver Street, Durham 27704, 919-471-4558	NC	05/20/93
Mr. Richard Blinn, Hillhave LaSale Nursing Ctr., First Healthcare Corp., Durham 27705, 919-383-5521	NC	05/27/93

## DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS 05/01/93 TO 05/31/93—Continued

CEO-name/facility name/address	State	Approval date
Ms. Patricia F. Woody, Brian Ctr. Health & Retirement, Brevard, Inc., P.O. Box 1096, Brevard 28712, 704-884-2031	NC	05/27/93
Ms. Jeanne V. Sanders, Golden View Health Ctr. Corp., 19 NH Route 104, Meredith 03253, 603-279-8111	NH	05/14/93
Mr. William R. Friedman, Palisades General Hospital, 7600 River Road, North Bergen 07047, 201-854-5107	NJ	05/04/93
Mr. George Lynn, Atlantic City Medical Ctr., 1925 Pacific Avenue, Atlantic City 08401, 609-344-4081	NJ	05/14/93
Mr. Victor R. Kattak, The Preakness Hospital, P.O. Box V, Passaic County 07509, 201-904-5000	NJ	05/14/93
Ms. Lori Gabriel, King James Care Ctr. of Merce, Health Care Properties T/A, Hamilton 08890, 609-586-1114	NJ	05/20/93
Mr. Bernard Koval, Mountainside Hospital, Bay and Highland Avenues, Montclair 07042, 201-429-6000	NJ	05/21/93
Mr. Harvey Holzberg, Robert Wood Johnson University Hospital, New Brunswick 08901, 201-828-3000	NJ	05/27/93
Mr. John K. Pawlowski, Riverview Medical Ctr., One Riverview Plaza, Red Bank 07701, 900-741-2700	NJ	05/27/93
Mr. Arthur T. Dunn, The Hospital Center at Orange, 188 South Essex Avenue, Orange 07050, 201-266-2269	NJ	05/27/93
Mr. Dominic M. Ursino, Cerebral Palsy Association of Middlesex County, Edison 08837, 908-549-5580	NJ	05/27/93
Mr. David Conejo, Rehoboth McKinley Christian Healthcare Services, Gallop 87301, 505-863-7057	NM	05/04/93
Mr. Alan A. England, Hacienda de Salud, R.C. Development d.b.a., Silver City 88061, 505-388-4061	NM	05/27/93
Mr. Alan A. England, Sunshine Haven NSG Home, Lordsburg Partners, Lordsburg 88045, 505-542-3539	NM	05/27/93
Mr. Mack L. Carter, Jr., Westchester County Med. Ctr., Personnel Office—Eastview Hall, Valhalla 10595, 914-285-7842	NY	05/04/93
Mr. James A. Reynolds, Villa Mary Immaculate Nursing Home, Albany 12208, 518-482-3363	NY	05/14/93
Mr. George Adams, Lutheran Medical Center, 150 55th Street, Brooklyn 11220, 718-630-7000	NY	05/14/93
Ms. Adele Wasser, Lifecare Dialysis Ctr., 221 West 61st Street, New York 10023, 212-977-6100	NY	05/14/93
Ms. Marilyn Lichtman, DeWitt Nursing Home, 211 East 79th Street, New York 10021, 212-879-1600	NY	05/14/93
Mr. Gene Rose, Queens Artificial Kidney Ctr., 34-35 70th Street, Jackson Heights 11372, 718-651-9700	NY	05/14/93
Mr. George H. McCoy, Erie County Medical Ctr., 462 Grider Street, Buffalo, 716-898-3134	NY	05/17/93
Michael H. Ford, M.D., Manhattan Psychiatric Ctr., Ward's Island, New York 10035, 212-369-0500	NY	05/20/93
Ms. Joan Tomczyk, Beach Terrace Care Ctr., Inc., 640 West Broadway, Long Beach 11561, 516-431-4400	NY	05/21/93
Mr. John C. Federspiel, Hudson Valley Hospital Ctr., 1980 Crompond Road, Peekskill 10566, 914-737-9000	NY	05/27/93
Mr. Miguel Fuentes, Jr., Bronx Lebanon Hospital Ctr., 1276 Fulton Avenue, Bronx 10456, 718-590-1800	NY	05/28/93
Mr. Kenneth W. Randall, Enid Regional Hospital, 401 S. 3rd, Enid 73701, 405-234-3371	OK	05/10/93
Leon S. Maimud, M.D., Temple University Hospital, 3333 N. Broad Street, Philadelphia 19140, 215-221-2000	PA	05/14/93
Ms. Diane McGerr, Briarleaf Nursing & Conv., 252 Belmont Avenue, Doylestown 18901, 215-348-2983	PA	05/20/93
Mr. Randall Hoover, Holston Valley Hospital and Medical Ctr., Kingsport 37662, 615-229-7711	TN	05/14/93
Ms. Linda L. Karling, The Windsor House, 3425 Knight Drive, Whites Creek 37189, 615-876-2754	TN	05/14/93
Mr. Stephen Corbell, John W. Harton Reg'l Med. Ctr., 1801 North Jackson Street, Tullahoma, Coffee County 37388, 615-455-0601	TN	05/14/93
Ms. Dixie G. Taylor, Gallatin Health Care Associat., 438 North Water Street, Gallatin 37066, 615-452-2322	TN	05/20/93
Ms. Dixie G. Taylor, Quality Care Health Center, 932 Baddour Parkway, Lebanon 37087, 615-444-1836	TN	05/20/93
Mr. Elijah D. Nacionales, Good Samaritan Health & Rehab, 500 Hickory Hollow Terrace, Antioch 37013, 615-731-7130	TN	05/27/93
Ms. Helen J. Dichoso, Allied Health Services, Assurance Health Services, Houston 77081, 713-664-1084	TX	05/04/93
Mr. David M. Collins, Abilene Regional Medical Ctr., 6250 Hwy. 83/84 at Antilley Rd., Abilene 79606, 915-691-2430	TX	05/14/93
Mr. Robert M. Bryant, Memorial City Med. Ctr. Hosp., 920 Frostwood, Houston 77024, 713-932-3470	TX	05/14/93
Mr. Tom Alexander, Shannon Medical Center, 120 East Harris, San Angelo 76902, 915-657-5243	TX	05/14/93
Mr. Ernest Flores, Jr., Dimmit County Mem. Hosp., 704 Hospital Drive, Carrizo Springs 78834, 210-876-2424	TX	05/14/93
Mr. Bryant H. Krenak, AMI Nacogdoches Med. Ctr. Hos., 4920 NE Stallings, Nacogdoches 75961, 409-569-9481	TX	05/14/93
Arlene Reynolds, Park Plaza Hospital, 1313 Hermann Drive, Houston 77004, 713-527-5166	TX	05/14/93
Mr. Walter Mischer, Hermann Hospital, 6411 Fannin, Houston 77030, 713-797-3000	TX	05/14/93
Mr. Jack Barto, St. Mary Hospital, 3600 Gates Boulevard, Port Arthur 77642, 409-989-5140	TX	05/20/93
Mr. Charley Trimble, St. Mary of the Plains Hosp., 4000 24th Street, Lubbock 79410, 806-796-6000	TX	05/20/93
Mr. E.J. Pederson, The U. of Texas Med. Branch, Jennifer Inda, International Ofc., Galveston 77555, 409-772-3733	TX	05/27/93
Mr. Raymond Khoury, St. Joseph Hospital, Attn: Patricia Cimino, Human Resources, Houston 77002, 713-756-5346	TX	05/27/93
Mr. Mel Bishop, Parkway Hospital, NOTAMI Hospitals of Texas, Inc., Houston 77076, 713-697-2831	TX	05/27/93
Mr. Glenn Marshall, Doctors Hospital Ltd., 1984, 5815 Airline Dr., Houston 77076, 713-695-6041	TX	05/27/93
Mr. J. Barry Shevchuk, Houston Northwest Med. Ctr., 710 FM 1960 West, Houston 77090, 713-440-2288	TX	05/27/93
Mr. Treuman Katz, Children's Hospital & Med. Ctr., 4800 Sand Point Way NE, Seattle 98105, 206-526-2111	WA	05/20/93
Ms. Tracy Beal, North Big Horn Hospital, 1115 Lane 12, Lovell 82431, 307-548-2771	WY	05/20/93
Total attestations		154

[FR Doc. 93-13843 Filed 6-10-93; 8:45 am]

BILLING CODE 4510-30-M

### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this

notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the

determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 21, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment

Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 24th day of May 1993.

Violet Thompson,

Deputy Director, Office of Trade Adjustment Assistance.

## APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Western Gas Resources, Inc (Co) .....	Fairfield, ND .....	05/24/93	05/12/93	28,680	Natural gas products.
Simpson Paper Co (CMPC) .....	Pamona, CA .....	05/24/93	05/12/93	28,681	Hardwood and softwood pulp.
Northwest Aluminum Co (workers) .....	The Dalles, OR .....	05/24/93	05/10/93	28,682	Aluminum ingot.
Pictsweet Frozen Foods (workers) .....	Fairmont, MN .....	05/24/93	05/11/93	28,683	Frozen food (vegetables).
Silgan Plastics Corp (workers) .....	Stonington, CT .....	05/24/93	05/07/93	28,684	Molds.
Ringier America, Inc (GCIU) .....	Brookfield, WI .....	05/24/93	05/10/93	28,685	Hard cover books.
Smarte Carte, Inc (workers) .....	White Bear Lake, MN .....	05/24/93	05/24/93	28,686	Baggage carts.
Optek Technology, Inc (Co) .....	Mineral Wells, TX .....	05/24/93	04/13/93	28,687	Optoelectronic components.
McKay Welding Products (workers) ...	York, PA .....	05/24/93	04/01/93	28,688	Welding electrodes & components.
Massey-Ferguson, Inc (UAW) .....	Racine, WI .....	05/24/93	05/11/93	28,689	Agricultural machinery & parts.
Kollmorgen Corp, Industrial Drives (Co) .....	Radford, VA .....	05/24/93	04/16/93	28,690	Industrial drives.
Exxon Co. USA Bayway Refinery (IBT) .....	Linden, NJ .....	05/24/93	04/30/93	28,691	Refined petroleum products.
Continental Electric Co., Inc (workers) .....	Newark, NJ .....	05/24/93	05/14/93	28,692	Electric motors & generators.
CMI Cronstroms, Inc (SMWU) .....	Minneapolis, MN .....	05/24/93	05/07/93	28,693	Meals and beverage carts.
CMI Cronstroms, Inc (SMWU) .....	Eagan, MN .....	05/24/93	05/07/93	28,694	Meals and beverage carts.
Ambar, Inc (workers) .....	Lafayette, LA .....	05/24/93	04/20/93	28,695	Oil and gas drilling.
Allied Signal, Inc (Co) .....	Rumford, RI .....	05/24/93	05/14/93	28,696	Vehicle filters.
Agrico Chemical Co (Co) .....	Mulberry, FL .....	05/24/93	05/12/93	28,697	Phosphate fertilizer.
Brae Loch Holding, Inc (Co) .....	Covington, LA .....	05/24/93	05/17/93	28,698	Production & sales of oil and gas.
Graham Energy Services, Inc (Co) ...	Covington, LA .....	05/24/93	05/17/93	28,699	Production & sales of oil and gas.
Pontchartrain Services (Co) .....	Covington, LA .....	05/24/93	05/17/93	28,700	Production & sales of oil and gas.
GRL Production Services (Co) .....	Houston, TX .....	05/24/93	05/17/93	28,701	Production & sales of oil and gas.
MASX Energy Services Group (Co) ...	New Orleans, LA .....	05/24/93	05/17/93	28,702	Oil services.
MASX Energy Services Group (Co) ...	Evanston, WY .....	05/24/93	05/17/93	28,703	Oil services.
MASX Energy Services Group (Co) ...	Houston, TX .....	05/24/93	05/17/93	28,704	Oil services.
Mecon Manufacturing (workers) .....	Oxford, ME .....	05/24/93	05/06/93	28,705	Thermostat controls units.
Leslie Fay, Castlebrook Div (workers) .....	New York, NY .....	05/24/93	04/20/93	28,706	Ladies dresses and knitwear.
Leslie Fay, Andrea Gale Div (workers) .....	New York, NY .....	05/24/93	04/20/93	28,707	Ladies dresses and knitwear.
MASX Energy Services Group (Co) ...	Okahoma City, OK .....	05/24/93	05/17/93	28,708	Oil services.
U.S. Agri-Chemicals Corp (Co) .....	Ft Meade, FL .....	05/24/93	05/13/93	28,709	Fertilizer.
MASX Energy Services Group (Co) ...	Hobbs, NM .....	05/24/93	05/17/93	28,710	Oil services.
MASX Energy Services Group (Co) ...	Denver, CO .....	05/24/93	05/17/93	28,711	Oil services.

[FR Doc. 93-13840 Filed 6-10-93; 8:45 am]  
BILLING CODE 4510-30-M

### Mine Safety and Health Administration Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

#### 1. Costain Coal, Inc.

[Docket No. M-93-66-C]

Costain Coal, Inc., P.O. Box 289, Sturgis, Kentucky 42459-0289 has filed a petition to modify the application of 30 CFR 75.360(b) (preshift examination)

to its Baker Mine (I.D. No. 15-14492) located in Webster County, Kentucky. Due to the deteriorated conditions and roof falls in the intake entry in the 2nd Submain East immediately adjacent to the room necks, travel in this entry would be unsafe. The petitioner proposes to establish two continuous monitoring stations with both audible and visual alarm signals to monitor the air passing through the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard. In addition, the petitioner states that application of the standard would result in a diminution of safety to the miners.

#### 2. Consolidation Coal Company

[Docket No. M-93-67-C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Loveridge No. 22 Mine (I.D. No. 46-01433) located in Marion County, West Virginia. Due to deteriorating roof conditions, certain areas of the return aircourse cannot be safely traveled. The petitioner proposes to establish evaluation check points to monitor the methane and quantity of air in the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of

protection as would the mandatory standard.

### 3. Genwal Coal Company

[Docket No. M-93-68-C]

Genwal Coal Company, P.O. Box 1201, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Crandall Canyon Mine (I.D. No. 42-01715) located in Emery County, Utah. The petitioner proposes to use belt air to ventilate the face and to install a low-level carbon monoxide detection system in all belt entries used as intake air courses as an early warning fire detection system. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

### 4. The Pittsburgh and Midway Coal Mining Company

[Docket No. M-93-69-C]

The Pittsburgh and Midway Coal Mining Company, P.O. Box 950, Kemmerer, Wyoming 83101 has filed a petition to modify the application of 30 CFR 77.1605(k) to its Kemmerer Mine (I.D. No. 48-00086) located in Lincoln County, Wyoming. The petitioner proposes to eliminate berms or guardrails and to install and maintain reflectors near the outer edge of the roadway in areas where there is a recovery zone between the outer edge of the traveled roadway and the tangent of the embankment slope. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

### 5. Jim Walter Resources, Inc.

[Docket No. M-93-70-C]

Jim Walter Resources, Inc., Route 2, Box 282, Adger, Alabama 35006 has filed a petition to modify the application of 30 CFR 75.364(b)(4) (weekly examination) to its No. 3 Mine (I.D. No. 01-00758) located in Jefferson County, Alabama. Due to deteriorating roof conditions, the petitioner proposes to have a certified person check for hazardous conditions weekly at each seal along the return and bleeder aircourses, to monitor air and gas near the roof fall where seals cannot be visually examined, and to examine the south seals and monitor the pressure differential indication device to determine that the seals are intact. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard. In addition, the petitioner states that

application of the standard would result in a diminution of safety to the miners.

### 6. New Warwick Mining Company

[Docket No. M-93-71-C]

New Warwick Mining Company, R.D. 1, Box 167A, Mount Morris, Pennsylvania 15349 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Warwick Mine (I.D. No. 36-02374) located in Greene County, Pennsylvania. Due to deteriorating roof conditions in certain areas of the intake aircourse, the petitioner proposes to establish check points to monitor the affected area weekly. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

### 7. Philippi Development, Inc.

[Docket No. M-93-72-C]

Philippi Development, Inc., Route 12, Box 245, Morgantown, West Virginia 26505 has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mines) to its Sentinel Mine (I.D. No. 46-04168) located in Barbour County, West Virginia. The petitioner proposes to keep the escapeway around the coal storage bin and along the slope belt conveyor to the surface free from loose rocks, supplies and other material that would cause stumbling hazards; to maintain handrail around the bin in good repair; and to maintain and periodically check man doors to assure that they are opening properly as an alternate to the 4-foot wide clearance. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

### 8. Philippi Development, Inc.

[Docket No. M-93-73-C]

Philippi Development, Inc., Route 12, Box 245, Morgantown, West Virginia 26505 has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeway; bituminous and lignite mines) to its Sentinel Mine (I.D. No. 46-04168) located in Barbour County, West Virginia. The petitioner proposes to post signs along the relevant portion of the escapeway where there is an indication of a tight clearance, and to install two switches that would allow for immediate deenergization of the belt lines in an emergency or when the belt needs to be stopped immediately. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

### 9. Philippi Development, Inc.

[Docket No. M-93-74-C]

Philippi Development, Inc., Route 12, Box 245, Morgantown, West Virginia 26505 has filed a petition to modify the application of 30 CFR 75.380(i)(2) (escapeways; bituminous and lignite mines) to its Sentinel Mine (I.D. No. 46-04168) located in Barbour County, West Virginia. The petitioner proposes to keep the escapeway around the coal storage bin and along the slope belt conveyor to the surface free from loose rock, supplies, and other material that would cause stumbling hazards; to maintain handrail around the bin in good repair; and to maintain and periodically check man doors to assure that they are opening properly as an alternate to the 4-foot wide clearance. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

### 10. K & L Coal Company

[Docket No. M-93-75-C]

K & L Coal Company, R.D. 1, Box 266, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its No. 1 Slope (I.D. No. 36-06649) located in Northumberland County, Pennsylvania. The petitioner proposes to construct an overlapping 1-inch hardwood board to a minimum of 2 inches thick and coat with a flame retardant coating as a seal for its anthracite coal mine, to make daily visual inspections of the stopping, and to take air measurements before and after a series of stoppings. The petitioner states that application of the standard would expose the miners to unsafe situations. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

### 11. Target Industries, Inc.

[Docket No. M-93-76-C]

Target Industries, Inc., P.O. Box 376, Carmichaels, Pennsylvania 15320 has filed a petition to modify the application of 30 CFR 75.364(b)(2) and (c)(2) (weekly examination) to its Target Mine (I.D. No. 36-06873) located in Greene County, Pennsylvania. Due to deteriorating roof conditions, certain areas of the mine cannot be safely traveled. The petitioner proposes to establish air monitoring stations to monitor quantity and quality of air in the affected area. The petitioner asserts that the proposed alternate method would provide at least the same

measure of protection as would the mandatory standard

#### 12. Franklin Construction, Inc.

[Docket No. M-93-03-M]

Franklin Construction, Inc., 4405 Airport Road, Paradise, California 95969 has filed a petition to modify the application of 30 CFR 56.14107 (moving machine parts) to its Franklin Sand Plant (I.D. No. 04-05084) located in Butte County, California. The petitioner proposes to use substantial 1-inch screencloth guards on a small underhopper feeder with warning signs permanently installed adjacent to the guards instead of using the two 18-inch wide access slots, and to keep the guards in place when the electrical disconnect switch for the machine is not locked out. The petitioner states that the guards would completely block access and would provide more reliable and effective safety than would the mandatory standard.

#### Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 12, 1993. Copies of these petitions are available for inspection at that address.

Dated: June 7, 1993.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 93-13842 Filed 6-10-93; 8:45 am]

BILLING CODE 4510-43-P

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cooperative Agreements for Three Projects: Arts and Education Meetings, Presidential Design Awards, and Literature Forum

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of three separate Cooperative Agreements for the administration of three different activities. One Cooperative Agreement will be for the coordination of meetings in the southeast region of the country concerning arts and education. Another Cooperative Agreement will be to assist in implementing round four of the

Presidential Design Awards, the recipient will organize and announce the event, receive and catalog entries, conduct the jury process, and plan and implement awards ceremonies. The third Cooperative Agreement will be to develop, implement, and administer a Literary Forum in Charleston, South Carolina, prior to the National Assembly of State Arts Agencies annual conference on November 18-21, 1993.

Those interested in receiving any of these Solicitation packages should submit a written request and include two (2) self-addressed labels, referencing either Program Solicitation: PS 93-14 for "Arts and Education Meetings"; PS 93-15 for "Presidential Design Awards"; and PS 93-16 for "Literary Forum". Verbal requests for the Solicitations will not be honored.

DATES: All three Program Solicitations are scheduled for release approximately June 28, 1993 with proposals due on July 28, 1993.

ADDRESSES: Requests for the Solicitations should be addressed to National Endowment for the Arts, Contracts Division, room 217, 1100 Pennsylvania Ave., NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: William I. Hummel, Contracts Division, National Endowment for the Arts, 1100 Pennsylvania Ave., NW., Washington, DC 20506 (202/682-5482).

William I. Hummel,

Director, Contracts and Procurement Division.

[FR Doc. 93-13796 Filed 6-10-93; 8:45 am]

BILLING CODE 7537-01-M

#### NATIONAL SCIENCE FOUNDATION

[Addendum to NSF 92-135]

Directorate for Education and Human Resources; Systemic Changes in the Undergraduate Chemistry Curriculum

The Division of Undergraduate Education (DUE) of the National Science Foundation supports programs focused on improving the scientific literacy and attitudes toward science and technology of students and on developing superior scientists, mathematicians, engineers, and teachers. In working towards these goals within the discipline of chemistry, the Course and Curriculum Development (CCD) Program has supported a number of highly successful projects that have led to changes in the course content, teaching methods and laboratory experiences in introductory-level chemistry courses.

An increasing number of scientists and engineers now recognize that even broader changes in the chemistry

curriculum are needed. These changes should be "global" in that they should impact not only the large numbers of students involved in the lower-division chemistry courses but also should lead to modifications in the advanced offerings, both for majors and for nonmajors. In addition, as most students in the lower-division courses are not chemistry majors, there is increasing recognition that the overall curriculum should be more interdisciplinary in nature. Consequently, further changes in the chemistry curriculum will require cooperation between the faculty in the chemistry department and faculty in other departments at an institution. Finally, to achieve change at the national level, several institutions that emphasize different aspects of education may need to cooperate in making changes.

Specifically, redesigned chemistry curricula should better meet the needs of:

- The large number of students who will use their backgrounds in science to serve them in their roles as literate citizens;
- Future science teachers;
- Future technologists for whom a two-year degree in science would serve as their professional credential;
- Future health professionals; as well as
- Future chemists and other scientists and engineers.

To catalyze significant change in the undergraduate chemistry curriculum, proposals are encouraged through the Course and Curriculum Development Program for initial planning. Projects will be supported that are designed to make fundamental changes in the:

- Role of the chemistry curriculum within the institution;
- Organization and content of the entire chemistry curriculum, including better integration with the curricula in related disciplines such as biology, physics, geology, materials science, engineering, computer science, and mathematics;
- Content of the lower-division courses intended for science and engineering majors, including future technicians and science teachers, and for non-science majors, including future elementary school teachers;
- Teaching methods and laboratory experiences employed in these lower-division courses;
- Content and organization of upper-division courses; and
- Role of the faculty, teaching assistants, and support staff in relation to the chemistry curriculum. Anticipated outcomes will include:

- Curricula, including content and pedagogy, that will be useful and attractive to students beyond those planning to major in chemistry or related sciences;
- Introductory and advanced courses that reflect current knowledge and areas of importance in chemistry;
- Materials such as textbooks, laboratory manuals, software, videos, and interactive CD's;
- Students able to appreciate the significance and possible consequences of new information and results arising from basic and applied research in chemistry;
- Students confident that they can understand and use the concepts and technical skills that are important in chemistry today;
- Chemistry majors as diverse in their backgrounds and abilities as the student population at the institution;
- Chemistry departments that better meet the educational needs of students majoring in other disciplines, and the needs of students who choose to integrate the study of chemistry with the study of other disciplines; and
- New flexibility within chemistry departments, which allows and encourages faculty, teaching assistants, and support staff to modify the ways that they contribute to undergraduate education as their own interests and concerns evolve.

#### Proposal Submission

Initially, NSF expects to award 10–20 planning grants. It is anticipated that these planning grants will provide a basis for the preparation of comprehensive curriculum development proposals that will lead to a few awards of up to \$1 million per year for 3–5 years.

Proposals for planning grants requesting up to \$50,000 for up to 1 year should follow the general guidelines for the Course and Curriculum Development Program (see the DUE Program Announcement, NSF 92–135). Specifically, these proposals should include a cover page (NSF–1207), the Project Data and Summary Form (NSF–1295), an estimated budget including a budget justification, a list of faculty, departments, and institutions that will be involved, vitae for the key faculty involved, and a narrative of five double-spaced pages or less. The narrative should describe the broad vision and the essential features of the ultimate project. The budget justification should describe the key features of the planning process for which funds are being requested. It is expected that the majority of the costs in the planning

proposals will be for personnel. Five copies of the proposal should be submitted, postmarked no later than October 1, 1993, to: National Science Foundation, Attn: EHR/DUE—CCD—CHEM, Dept. N—BioS, Announcement No. 92–135, Box 11200 Rockville Pike, Suite 300, Rockville, MD 20852.

Review of proposals for planning grants will be completed in November of 1993. Although it is anticipated that the most competitive comprehensive proposals will come from institutions holding planning grants, an institution is not required to have received a planning grant in order to submit a full proposal. The full proposals will be due at the CCD deadline in June of 1994.

This new emphasis for undergraduate chemistry education is an extension of the Course and Curriculum Development Program. Proposals emphasizing smaller, more focused changes in the undergraduate chemistry curriculum should continue to be submitted to the extant CCD Program.

Key individuals in DUE coordinating this new emphasis are Robert F. Watson, Division Director; Susan H. Hixson and Stanley H. Pine, Program Directors; and Herbert Levitan, Section Head (202–357–7292; TDD 202–357–7492).

Dated: June 8, 1993.

**Robert F. Watson,**  
Director, Division of Undergraduate Education.

[FR Doc. 93–13837 Filed 6–10–93; 8:45 am]  
BILLING CODE 7555–01–M

#### Meeting

The National Science Foundation announces the following meeting:

*Name:* Interagency Arctic Research Policy Committee (IARPC).

*Date and Time:* Thursday, July 1, 1993, 3–4:30 p.m.

*Place:* National Science Foundation, room 540, 1800 G Street, NW., Washington, DC.

*Type of Meeting:* Open. The meeting is open to the public.

*Contact Person:* Charles E. Myers, Office of Polar Programs, room 620, National Science Foundation, Washington, DC 20550, Telephone (202) 357–7818.

*Purpose of Committee:* The Interagency Arctic Research Policy Committee was established by Public Law 98–373, the Arctic Research and Policy Act, to survey arctic research, help set priorities for future arctic research, assist in the development of a national arctic research policy, prepare a multi-agency budget for arctic research, develop a plan to implement national arctic research policy, and simplify cooperation in and coordination of arctic research.

*Proposed Agenda Items:*

1. Comments from Arctic Research Commission
2. Report on Review of U.S. Arctic Policy

3. Report on Arctic Monitoring and Assessment Program

4. Reports on Arctic Contamination Programs

A. IARPC Workshop—Anchorage  
B. Department of Defense fiscal year 1993 Arctic Contamination Program

C. Research Needs for Arctic Contamination Studies

5. Biennial Revision to U.S. Arctic Research Plan

*Public Participation:* Committee meetings are not public hearings and will not normally receive verbal comments from the public unless specifically invited by the Committee. Persons invited to address the Committee will be limited to 5 minutes each. To address the Committee, submit a proposed statement. If the statement is relevant and appropriate to the agenda at that particular meeting, the Committee will invite you to present your statement. The texts of statements shall not exceed 5 double spaced typed pages each.

**Charles E. Myers,**

Head, Arctic Staff, Office of Polar Programs.

[FR Doc. 93–13761 Filed 6–10–93; 8:45 am]  
BILLING CODE 7555–01–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 (44 U.S.C. chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR Parts 30, 32, and 35—Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* On occasion.
5. *Who will be required or asked to report:* Manufacturers of radioactive drugs, independent nuclear pharmacies, and medical use licensees.
6. *An estimate of the total number of responses:* 11 additional responses (302 responses required and 291 responses eliminated).
7. *An estimate of the total number of hours needed to complete the*

requirement or request: A reduction of 418 hours (an increase of 43 hours for recordkeeping and a reduction of 461 hours for reporting). The estimated 302 responses average 0.6 hour per response versus the 291 responses eliminated that average 2.2 hours per response.

8. An indication whether section 3504(h), Public Law 96-511 applies: Applicable.

9. Abstract: In response to a petition for rulemaking submitted by the American College of Nuclear Physicians and the Society of Nuclear Medicine, the NRC is proposing to amend its regulations for the medical use of byproduct material. The proposed rule is necessary to provide greater flexibility by eliminating current regulatory restrictions and allowing properly qualified nuclear pharmacists and authorized users who are physicians greater discretion in preparing radioactive drugs containing byproduct material for medical use. The proposed rule would also allow the use of byproduct material in both research involving human subjects and the medical use of radiolabeled biologics. In addition, the proposed rule also contains other miscellaneous and conforming amendments necessary to clarify or update the current regulations.

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 can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs, (3150-0001, -0010, and -0120), NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084. The NRC Clearance Officer is Brenda J. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 28th day of May 1993.

For the Nuclear Regulatory Commission,  
Gerald F. Cranford,  
Designated Senior Official for Information Resources Management.

[FR Doc. 93-13806 Filed 6-10-93; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 030-14950 License No. 29-18376-01 EA 92-230]

### Order Imposing Civil Monetary Penalties

#### I

In the Matter of Rhoda H. Cobin, M.D., 44 Goodwin Avenue, Midland Park, New Jersey 07432

Rhoda H. Cobin, M.D. (Licensee) is the holder of License No. 29-18376-01 issued by the Nuclear Regulatory Commission (NRC or Commission) on March 26, 1979. The license authorizes the Licensee to use iodine-131 as sodium iodide for thyroid uptake and imaging studies, treatment of hyperthyroidism, cardiac dysfunction, and thyroid carcinoma in accordance with the conditions specified therein.

#### II

An inspection of the Licensee's activities was conducted on February 7, 1992. In addition, an investigation was conducted by the NRC Office of Investigations (OI). The results of the inspection and investigation indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was served upon the Licensee by letter dated March 10, 1993. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalties proposed for the violations.

The Licensee responded to the Notice on March 11, 1993 and March 16, 1993. In its responses, the Licensee did not deny any of the violations, but requested mitigation of the civil penalties.

#### III

After consideration of the Licensee's responses and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalties proposed for the violations designated in the Notice should be imposed.

#### IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that:

The Licensee pay civil penalties in the amount of \$3,800 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

#### V

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly

marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, DC 20555, with a copy to the Commission's Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- Whether the Licensee was in violation of the Commission's requirements as set forth in the Notice referenced in Section II above, and
- Whether, on the basis of such violations, this Order should be sustained.

Dated at Rockville, Maryland this 4th day of June 1993.

For the Nuclear Regulatory Commission,  
James Lieberman,  
Director, Office of Enforcement.

### Appendix—Evaluations and Conclusion

On March 10, 1993, a Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was issued for three violations identified during an NRC inspection on February 7, 1992, and a subsequent investigation conducted by the NRC Office of Investigations (OI). The licensee responded to the Notice on March 11 and 16, 1993. In its response, the licensee did not deny the violations, but requested mitigation of the civil penalties. The NRC's evaluations and conclusions regarding the licensee's requests are as follows:

#### 1. Restatement of Violations Assessed Civil Penalties

I. 10 CFR 35.320 requires that a licensee authorized to use byproduct material for radiopharmaceutical therapy shall have in its possession a portable radiation detection survey instrument capable of detecting dose rates over the range 0.1 millirem per hour to 100 millirem per hour, and a

portable radiation measurement survey instrument capable of measuring dose rates over the range 1 millirem per hour to 1000 millirem per hour.

Contrary to the above, on a number of days between 1987 and February 1992, the licensee administered iodine-131 to patients and did not have on hand, on the date of the use of the licensed material, a portable radiation measurement survey instrument capable of measuring dose rates over the range 1 millirem per hour to 1000 millirem per hour.

This is a Severity Level III violation (Supplement VI).

Civil Penalty—\$1,000.

I.A. 10 CFR 35.50(d) requires, in part, that a licensee repair or replace the dose calibrator if the accuracy or constancy error exceeds 10 percent.

Contrary to the above:

1. On a number of days between February 12, 1990 and February 7, 1992, the results of the licensee's dose calibrator constancy tests indicated that the constancy error exceeded 10 percent; however, the licensee did not repair or replace the dose calibrator and continued to use it to assay patient doses of iodine-131. For example, the licensee's constancy check result differed from the calculated value by 137 percent on February 12, 1990; 14 percent on June 2, 1990; 27 percent on August 3, 1990; and 49 percent on February 8, 1991.

2. On September 20, 1989, the result of an accuracy test performed on the licensee's dose calibrator differed from the calculated value by 10.7 percent; however, the licensee did not repair or replace the dose calibrator and continued to use it to assay patient doses of iodine-131.

I.B. 10 CFR 35.21(a) requires that the licensee, through the Radiation Safety Officer, ensure that radiation safety activities are being performed in accordance with approved procedures. The licensee's Procedures for Safe Use of Radio-pharmaceuticals are described in Item 10.4 of the license application dated July 3, 1989, and were approved by License Condition No. 13, Amendment No. 4, dated September 13, 1990.

Item 10.4 of the license application dated July 3, 1989, states that the licensee will follow the model procedures listed in Appendix I of NRC Regulatory Guide 10.8, Rev. 2, August 1987.

Model Rule 14 of Appendix I requires that each patient dose be assayed in the dose calibrator before it is administered and that the dose not be used if it is more than 10 percent off from the prescribed dose.

Contrary to the above, on numerous occasions between May 6, 1988 and February 7, 1992, the licensee administered doses of iodine-131 to patients even though the dose as determined by the reading on the licensee's dose calibrator exceeded the prescribed dose by more than 10 percent. For example, the following doses of iodine-131 were administered to patients:

Date	Prescribed dose (millicuries)	Dose calibrator reading (millicuries)
05/06/88 ...	30	40.92-42.80
08/17/88 ...	20	27.96-28.11
09/29/88 ...	20	23.96-27.71
01/13/89 ...	20	26.04-26.52
08/03/90 ...	05	06.12-06.23
02/08/91 ...	10	11.17-11.35
03/12/91 ...	30	34.25-41.63

Violations I.A and B constitute a Severity Level II problem (Supplement VI).

Civil Penalty—\$2,800.

#### 2. Summary of Licensee Responses

In the written responses, the licensee does not deny any of the three violations. However, the licensee protests characterization of the violations as willful, noting reliance upon the judgment of a consultant physicist.

With respect to Violation I, the licensee concedes that the instrument was not in the office on all occasions; however, the licensee protests the characterization of this violation as being willful and its impact on the assigned penalties.

With respect to Violation I.A, the licensee maintains that the fact that she did keep records and did not try in any way to deny or avoid the fact that the dose calibrator reading was off by more than 10%, should make it quite clear to anyone investigating this matter that it was not the licensee's intent to willfully disregard the regulations or hide any information. The licensee further states that review of the log book reveals that although there was more than one dose administered when the dose calibrator did not seem to be working properly, there were many doses administered in between when the dose calibrator was working very well. The licensee claims that it was because of the intermittent nature of this problem that she was assured by her consultant physicist that the equipment did not need to be sent out for repair.

With respect to Violation I.B, the licensee states again that through the advice of her physicist, she believed that the machine did not need repair.

The licensee also states that she intends to fully comply with the regulations and if there is a variance of more than 10% in the future, she will immediately notify the NRC at the moment when the reading is taken and ask for further guidance on whether or not the material can be administered to the patient. The licensee explains that at the time when doses were administered where the variation was more than 10%, she did not intend to willfully violate any regulations, but simply felt that she was administering an appropriate dose to a patient and gave that dose. The licensee contends that since the dose was not off by an order of magnitude, it was safe and a medically indicated dose to be given to her patient.

The licensee also contests the NRC taking into account her previous problems in assessing the severity of the penalties, and believes she should not be labelled as a repeat offender, noting that no violation was identified in 1988 and that the problems in the past were not directly related to this problem.

The licensee also requests mitigation of the penalties on the basis that the "multiple examples" factor should not have been used to escalate the penalties because the problems were intermittent, and with regard to the "corrective action" factor, she has been honest and cooperative with the NRC and she believes that she is penalized unfairly for pointing out inconsistencies between regulations and the need for prompt, carefully timed, medical treatment. Furthermore, the licensee notes that she has agreed to corrective actions.

The licensee also states that the penalties represent an economic hardship for her and her family, and requests that they be reduced and that any remaining fine be divided into installments for payment over the next one to two years.

#### 3. NRC Evaluation of Licensee's Responses

The three violations are appropriately characterized as willful because, in each case, the licensee knew the specific requirement but did not adhere to it. While the licensee indicates that she relied on the judgment of the consulting physicist, it is the licensee who is responsible for fulfilling all NRC requirements associated with licensed activities.

With respect to Violation I, the licensee admitted to the NRC investigators, in a signed and sworn statement dated June 16, 1992, that there have been occasions when she administered iodine-131 treatments to patients without the second survey instrument being physically present in

the office as needed, and the licensee also stated that she knew that she was supposed to have both instruments on the premises and did not do so at all times.

With respect to Violation II.A, the licensee also admitted to the NRC investigator, during a telephone interview in July 1992, that she was aware of the requirement to repair or replace the dose calibrator when the accuracy or constancy error exceeds 10%; however, the licensee continued to use this instrument to assay patient doses even though the results of the accuracy and constancy tests indicated that the instrument should be repaired or replaced. While the NRC agrees that the licensee kept records and did not try in any way to deny or avoid the fact that the dose calibrator reading was off by more than 10%, that fact does not diminish the finding that the licensee knew the requirement at the time, yet chose not to adhere to it. Further, although there were many doses administered when the dose calibrator appeared to be working well, the licensee had, on a number of occasions, indications that the dose calibrator was not functioning properly, yet the licensee did not repair or replace the dose calibrator as required. Finally, the licensee claims that it was because of the intermittent nature of this problem that she was assured by the consultant physicist that the equipment did not need to be sent out for repair. However, during the enforcement conference, which was transcribed, the consultant stated that the licensee should allow the dose calibrator to warm up for a longer period of time. When the licensee tried this proposed solution and the problem continued to recur on intermittent days, the licensee should have repaired or replaced the dose calibrator in accordance with the regulatory requirement.

With respect to Violation II.B, the licensee stated during the enforcement conference that she was aware of the requirement to assay each patient dose in the dose calibrator and to not use the dose if it varies from the prescribed dose by more than 10 percent. Although the patient dose as measured in the dose calibrator differed from the prescribed dose by more than 10% on numerous occasions, the licensee used the dose (i.e., administered the dose to a patient) anyway. Thus the licensee knew the requirement at the time, yet chose not to adhere to it.

At the enforcement conference, the licensee explained that her actions were based on her belief that: (1) The dose calibration performed by the supplier was correct, (2) the health status of the

patients necessitated timely treatment, and (3) the difference between the prescribed activity and the activity indicated by the dose calibrator reading was not biologically significant. In her response to the Notice, the licensee simply states that she believes that she was administering an "appropriate" dose to the patients. These explanations do not change the fact that the licensee knew the requirement at the time, yet chose not to adhere to it on at least eight separate occasions.

Additionally, in two of the eight cases, the prescribed dose was 30 millicuries and the dose as measured in the licensee's dose calibrator exceeded the prescribed dose by more than 10%. The NRC license does not allow the licensee to administer more than 30 millicuries of iodine-131 to a patient at the licensee's office on an outpatient basis. Further, the administration of iodine-131 in quantities greater than 30 millicuries requires that the patient be hospitalized in accordance with 10 CFR 35.75. Therefore, from a regulatory standpoint, it is clear that a dose in excess of 30 millicuries would not be an "appropriate" dose. The licensee indicated at the enforcement conference that she was well aware that outpatients were limited to a dose of 30 millicuries or less.

With respect to the licensee's contention that her past record is not relevant to this matter because she believes the issues were not similar in 1983, and no violations were identified in 1988, the licensee is referring to the escalation of the base civil penalty for Violations II.A and B based on: (1) Prior opportunity to identify and (2) licensee performance. The application of these factors is discussed below.

The NRC Enforcement Policy provides, in Section VI.B.2(d), that the base civil penalty may be escalated by as much as 100% for cases where the licensee should have identified the violation sooner, such as through specific NRC notification. The licensee received specific notice, by NRC letter dated April 2, 1988, that the licensee should not administer iodine-131 in the absence of a properly functioning dose calibrator. With respect to Violation II.A, the base civil penalty was escalated by 50% because the licensee administered iodine-131 on numerous occasions when the licensee did not have a properly functioning dose calibrator.

The Policy also provides, in Section VI.B.2(c), that the base civil penalty may be escalated by as much as 100% if the current violation is reflective of the licensee's poor performance over the last two inspections, with consideration

given to the effectiveness of previous corrective action for similar problems, including escalated and non-escalated enforcement actions. The licensee was cited on August 18, 1983 for failure to assay patient doses in the dose calibrator prior to administration (a non-escalated enforcement action). With respect to Violation II.B, the base civil penalty was escalated by 50% because the licensee violated the same requirement. (i.e., Since the licensee believed that the dose calibrator was malfunctioning, disregarded the dose calibrator readings, and administered the doses to patients anyway, she did not fulfill the requirement to assay patient doses in the dose calibrator prior to administration.)

The licensee further contends that the "multiple examples" factor should not have been used to escalate the penalties because the problems were intermittent. The NRC Enforcement Policy, Section VI.B.2(e), provides that the base civil penalty may be escalated by as much as 100% where multiple examples of a particular problem are identified during the inspection period. The Policy grants no special relief for intermittent problems. As noted above, the problem continued to recur on intermittent days and the licensee was well aware of each occurrence; therefore, the licensee should have repaired or replaced the dose calibrator as required.

The licensee believes that she was being penalized unfairly for pointing out inconsistencies between regulations and the need for prompt, carefully timed, medical treatment. As noted in the Commission's Policy Statement on Medical Uses (44 FR 8242, Feb. 9, 1979), the NRC seeks to minimize intrusion into medical judgments affecting patients. However, the NRC must ensure that its requirements are adhered to and that activities involving licensed material are conducted safely. The licensee's desire to provide prompt medical treatment does not provide an excuse for repeated violations of the requirements that the licensee has agreed to adhere to as a condition of the NRC license. Violation II.B involved at least eight patient doses administered between May 5, 1988, and March 12, 1991, and during that time, the licensee did not seek assistance or relief by notifying NRC that the violation was occurring, did not have the machine repaired or replaced, and did not make backup arrangements to assure the performance of an independent calibration of the patient dose elsewhere, or to treat the patient elsewhere, at a facility equipped with properly functioning instrumentation. Clearly, considering the recurring nature

of the violation and the licensee's knowledge of the requirement, arrangements should have been made to assure compliance, even in the face of the need for prompt, carefully timed medical treatment. Moreover, if the licensee believed such arrangements could not be made, she should have sought an exemption from the requirement through the license amendment process.

The licensee also notes that she has taken corrective actions. Full 50% mitigation of the base civil penalty was allowed for the licensee's corrective action in response to Violation I. Mitigation based on corrective action was not allowed with respect to Violations II.A and B because, at the time of the March 10, 1993 Notice, the licensee's corrective actions did not address how the licensee will resolve future conflicts between the need for timely patient care and the need for compliance with NRC regulations.

With respect to the licensee's claim that the penalties created an economic hardship for her and her family, the licensee was contacted by NRC Region I personnel on April 2, 1993 and was told that she must submit income tax returns to justify her contention and to establish a payment schedule. The licensee stated that she would like the NRC to consider the information provided thus far and submit a "counterproposal" before she gathers the additional information to support her claim of financial hardship. Since the licensee has not provided any specific financial information to demonstrate that the payment of the civil penalties would create a financial hardship, the licensee's claim of financial hardship has not been considered.<sup>1</sup>

#### 4. NRC Conclusion

The NRC concludes that the licensee has not provided an adequate basis for mitigating the civil penalties. Accordingly, the NRC has determined that proposed civil penalties in the amount of \$3,800 should be imposed.

[FR Doc. 93-13808 Filed 6-10-93; 8:45 am]

BILLING CODE 7590-01-M

<sup>1</sup> In addition, since the claim was not supported, the NRC staff has not sought the licensee's basis for concluding that she has sufficient resources to safely conduct licensed activities and pay required licensing and inspection fees. See, 10 CFR part 2, appendix C, section VI.B.1.

[Docket No. 50-247]

#### Consolidated Edison Co. of New York, Inc., Indian Point Nuclear Generating Unit No. 2; Partial Withdrawal of Application for Amendment To Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request by the Consolidated Edison Company of New York, Inc. (Con Edison) to withdraw a portion of their November 12, 1993, application, for a proposed amendment to Facility Operating License DPR-26 for the Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The proposed amendment involved a change to the Technical Specifications to eliminate the need for testing of the alternate train of a safety system when one train is inoperable and, in the case of the emergency diesel generators, to eliminate the need for alternate train testing only when an emergency diesel generator is out of service for planned maintenance or testing requirements. The proposed amendment would also change Section 1.3, definition of Operable-Operability, to include a discussion of the determination of Operability. This change was in support of the elimination of alternate train testing requirements.

On April 23, 1993, the licensee submitted a letter to the NRC requesting withdrawal of a proposed change. It was determined that the expansion of the definition of Operable-Operability was not necessary with regard to the elimination of the alternate train testing requirements and it was therefore requested that the definition not be changed.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing which was published in the Federal Register on December 23, 1992 (57 FR 61109).

For further details with respect to this action, see the application for amendment dated November 12, 1992, as supplemented on February 8, 1993, and the licensee's letter dated April 23, 1993, which withdrew this portion of the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at White Plains Public Library, 100

Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 7th day of June 1993.

For the Nuclear Regulatory Commission,  
Francis J. Williams,

Project Manager, Project Directorate I-1,  
Division of Reactor Projects-I/II, Office of  
Nuclear Reactor Regulation.

[FR Doc. 93-13807 Filed 6-10-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8903]

#### Final Finding of No Significant Impact Regarding the Issuance of an Amendment to Source Material License SUA-1471 for Homestake Mining Co.'s Grants Mill to Incorporate a Mill Decommissioning Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of final finding of no significant impact.

#### 1. Proposed Action

The administrative action to be taken is to amend the license for the Grants Mill to incorporate a mill decommissioning plan.

#### 2. Reasons for Final Finding of No Significant Impact (FONSI)

An environmental assessment was prepared by the staff of the U.S. Nuclear Regulatory Commission's Uranium Recovery Field Office. The environmental assessment performed by the staff evaluated alternatives for reclamation of the tailings and decommissioning of the mill at the Grants, New Mexico, site. The assessment included an evaluation of the licensee's environmental report dated April 1982, and supplements dated December 8, 1992, and January 11 and March 16, 1993.

The licensee's preferred alternative for tailings reclamation and mill decommissioning consisted of disposal in place in accordance with a design which meets all technical criteria of appendix A to 10 CFR part 40. A Technical Evaluation Report which recommended conditional approval of a proposed plan for reclamation of the tailings in place was prepared by the staff on March 28, 1992. A Notice of Intent to amend the license to incorporate the conditional approval of the plan was published in the Federal Register on June 9, 1992, allowing a 30-day comment period. No comments were received during the comment period; however, the staff postponed issuance of the amendment until the conditional issues were resolved.

The staff has concurred with the licensee's conclusion that reclamation and decommissioning in place was the preferred alternative following a review of the environmental report and supplements. Based on these reviews and the lack of any comments during the 30-day comment period, the staff proposes to amend the license upon publication of this final FONSI to incorporate a plan for decommissioning of the mill as proposed in licensee submittals dated December 31, 1990; August 28 and November 21, 1991; and April 3, 1992.

The Environmental Assessment providing the basis for the finding of no significant impact was completed on May 12, 1993. This document is available for public inspection and copying at the Commission's Uranium Recovery Field Office, 730 Simms Street, Golden, Colorado, and at the Commission's Public Document Room, 2120 L Street NW., Washington, DC.

Dated at Denver, Colorado, this 4th day of June 1993.

For the Nuclear Regulatory Commission,  
Edward F. Hawkins,  
Deputy Director, Uranium Recovery Field Office.

[FR Doc. 93-13804 Filed 6-10-93; 8:45 am]  
BILLING CODE 7590-01-M

#### [Docket No. 50-331]

#### Exemption

In the Matter of Iowa Electric Light and Power Company (Duane Arnold Energy Center).

#### I

The Iowa Electric Light and Power Company (the licensee), is the holder of Facility Operating License No. DPR-49 (the license) which authorizes operation of the Duane Arnold Energy Center. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

The facility consists of a boiling water reactor located at the licensee's site in Linn County, Iowa.

#### II

By letter dated April 29, 1993, the licensee requested a one-time, temporary exemption from certain requirements of appendix J to 10 CFR part 50 regarding Type B (local leak rate) testing of the containment air lock.

In part, appendix J requires the air lock to be leak rate tested within 3 days after being opened, if it is opened during periods when containment

integrity is required by the plant's Technical Specifications (TS). This requirement is repeated in TS Section 4.7.A.2.d.2.

During the most recent plant startup at Duane Arnold, the air lock was leak rate tested on January 28, 1993; however, the air lock was used to make a drywell inspection entry the next day, with the plant in a mode requiring containment integrity, and yet no further leak rate testing was performed.

The Licensee explained that it had misinterpreted the requirement, believing that, as long as a test had been performed within 3 days of the air lock opening (including 3 days before the opening), the testing requirements were satisfied. When this problem was discovered, the licensee requested, and received from the staff, an oral Notice of Enforcement Discretion (NOED) on April 28, 1993, followed the next day by a written request for NOED, which the staff subsequently granted in writing on April 30, 1993. Due to difficulties associated with testing the air lock at power (described in detail below), and the relatively small safety benefit to be derived from such testing, the licensee has requested relief, via the NOED and the subject exemption, from testing the air lock until the next plant shutdown. At the latest, that would be the next refueling outage, scheduled to begin July 29, 1993.

The licensee as requested a one-time, temporary exemption from 10 CFR part 50, appendix J, sections III.D.2.(b)(i) and (b)(iii). Section III.D.2.(b)(i) requires that:

Air locks shall be tested prior to initial fuel loading and at 6-month intervals thereafter at an internal pressure not less than  $P_a$ .

Section III.D.2.(b)(iii) also states,

Air locks opened during periods when containment integrity is required by the plant's Technical Specifications shall be tested within 3 days after being opened. For air lock doors opened more frequently than once every 3 days, the air lock shall be tested at least once every 3 days during the period of frequent openings. For air lock doors having testable seals, testing the seals fulfills the 3-day test requirements. In the event that the testing for this 3-day interval cannot be at  $P_a$ , the test pressure shall be as stated in the Technical Specifications. Air lock door seal testing shall not be substituted for the 6-month test of the entire air lock at not less than  $P_a$ .

Exemption from section III.D.2.(b)(i) is needed because the last air lock test was conducted on January 28, 1993, and the next test may not be conducted until July 29 or later, during the next refueling outage. Although the refueling outage is currently scheduled to begin July 29, a delay of even a few days

would cause the 6-month interval to be exceeded.

Exemption from section III.D.2.(b)(iii) is needed because the licensee did not perform a leak rate test after opening the air lock on January 29, 1993, when containment integrity was required, and has proposed to delay testing until startup from the next plant shutdown.

There are several difficulties associated with testing the air lock at power rather than during shutdown:

1. Unlike most plants, Duane Arnold does not have dual, testable seals on its airlock doors. To perform a leak rate test, the entire volume between the two doors of the air lock must be pressurized. Furthermore, the plant's TS and procedures require the testing to be performed at a pressure of  $P_a$  (54 psig), which requires a temporary structural brace (strongback) to be installed on the inner door so that it is not unseated or damaged by the force exerted by the test pressure. Although the regulation allows a lower test pressure to be used to avoid the use of a strongback, at this plant the pressure would have to be reduced so low to avoid strongback use that it would be difficult to obtain meaningful results. Additionally, the licensee has no experience or procedures for reduced-pressure testing and has not established an appropriate acceptance criterion for such a test.

2. As indicated above, in order to allow for pressurizing the air lock in support of the test, a strongback device is required to be installed on the inner air lock door to protect the door against reverse pressurization and possible structural damage during the test. The licensee estimates that installation of this strongback device requires entry into the air lock for approximately two hours by two personnel (4 man-hours). This entry would expose the personnel to the radiation dose levels that exist within the air lock. Evaluation of the dose expected at 100 percent reactor power during the strongback installation process has been performed by the licensee with a total dose estimate for this activity of 1.6 man-rem. The above estimated dose could be reduced via a reactor power reduction. However, in order to reduce dose to a more acceptable level, reactor recirculation pump flow would have to be adjusted downward by reducing pump speed. This disturbance could jeopardize the near-term leakage characteristic of the "B" recirculation pump seal, which is exhibiting slightly increased leakage. The licensee has also provided information regarding compensating factors that supports its request for temporary exemption:

1. The licensee provided the results of the last 20 air lock tests which have been performed since June 1988. All of the tests passed, with none of the measured leak rates exceeding 80 percent of the allowable value and all but two of the leak rates less than 65 percent of the allowable value. Considering this historical performance, and the fact that the air lock has only been used for one containment entry (and subsequent exit) since the last test, it is highly likely that the air lock seals are performing as required.

2. The licensee considers the historical performance to be representative of the current situation because of the strict controls applied to operation of the air lock. Plant procedures require that an operator open and close the air lock during periods when containment integrity is required. In addition to the procedural controls, the startup from the outage in January 1993 included inerting the drywell, which was completed normally.

Based on the air lock performance history and the procedural controls on air lock operation, the licensee considers the air lock to be closed properly and performing its function as designed.

3. As a further compensatory measure, the licensee will prohibit opening the air lock before the next plant shutdown (as part of a normal plant shutdown sequence). Either of the two air lock doors is designed to fulfill the containment function of the air lock, which is to maintain containment integrity and leak-tightness. Thus, the assurance of containment integrity is increased by keeping both doors closed until the next plant shutdown.

4. The potential consequence of the air lock exceeding its leakage limits is minimized by the fact that it is located within the secondary containment. The design intent of the primary containment is to retain any radioactive fission products which might be released from the reactor coolant pressure boundary during an accident. The primary containment is located within the secondary containment, so that any leakage through the air lock would be retained and subsequently filtered through the standby gas treatment system. This system is designed to filter out radioactive products prior to external release and to provide an elevated and monitored release point for the effluent. Thus, even if the air lock is not closed and sealed properly, any leakage which might occur will still be appropriately treated by existing plant systems which are designed to perform that function.

5. The safety significance of not performing a test on the air lock before the next outage is further minimized by the short period of time (no more than 3 months) during which the plant would be operated with the air lock untested. The likelihood of an accident occurring during that period is small. The licensee has calculated the core damage probability from all initiators during that period to be approximately  $2 \times 10^{-6}$ .

Considering the compensatory factors described above, the licensee has determined that performing an air lock leak rate test at power is not prudent when faced with the difficulties of such testing, discussed above. In addition, the licensee believes that the risks associated with challenging reactor systems for a forced shutdown to perform the test at acceptable dose rates are significantly higher than those associated with continued power operation, and therefore, that shutting down the plant to perform the air lock test is also not prudent.

Section 50.12(a)(2) of 10 CFR states that the Commission may grant exemptions if special circumstances are present. The purpose of the primary containment leak rate testing requirements is to ensure that the leakage rates are maintained within the Technical Specification requirements and to assure that proper maintenance and repair is performed throughout the service life of the containment boundary components. The licensee asserts and the staff agrees that the requested exemption is consistent with this intent in that it represents a one time only schedular extension of short duration. The required leak tests will be performed prior to startup from the next plant shutdown. This will ensure compliance with Technical Specification requirements and that any required maintenance or repair is performed. The air lock was last tested on January 28, 1993, and met the leakage limits with significant margin. Considering the past performance of the air lock and the licensee's compensatory measures, we find that the special circumstances of 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

Considering the foregoing, the staff finds that the safety benefit to be gained by requiring an air lock test now, rather than at the next plant outage, is small. There is reasonable assurance that the air lock currently has an acceptable leak rate and is properly closed and capable of performing its safety function of containing radioactive material during

an accident. Further, the staff finds that there is reasonable assurance that this capability will be maintained during the relatively short period until a leak rate test is performed during the next plant outage. The staff further finds that the granting of the requested exemption will not present an undue risk to the public health and safety.

On this basis, the NRC staff finds the licensee's requested one-time temporary exemption from appendix J to 10 CFR part 50, which will allow delay of the air lock Type B local leak rate testing until the end of the next scheduled refueling outage, scheduled to begin July 29, 1993, to be acceptable.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants an exemption from the requirements of 10 CFR part 50, appendix J, section III.D.2.(b)(i) and (b)(iii) until startup from the next plant shutdown, or startup from the refueling outage scheduled to begin July 19, 1993, whichever occurs first.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment. (58 FR 28422)

This Exemption is effective upon issuance.

For the Nuclear Regulatory Commission,  
Dated at Rockville, Maryland this 4th day of June 1993.

John A. Zwolinski,  
Acting Director, Division of Reactor Projects  
III/IV/V, Office of Nuclear Reactor Regulation.  
[FR Doc. 93-13805 Filed 6-10-93; 8:45 am]  
BILLING CODE 7590-01-M

[Docket Nos. 70-00270, 30-02278-MLA]

#### TRUMP-S Project; Appointment of Adjudicatory Employee

In the Matter of the curators of the University of Missouri (Byproduct License No. 24-00513-32; Special Nuclear Materials License No. SNM-247).

Pursuant to 10 CFR 2.4 (1993), notice is hereby given that Dr. Joseph Wang, a Commission employee in the Office of Nuclear Regulatory Research, has been appointed as a Commission adjudicatory employee within the meaning of § 2.4 in order to advise the Commission with respect to issues related to the pending appeals of LBP-91-31 and LBP-91-34, 34 NRC 29 and 159 (1991). Dr. Wang has not previously been engaged in the performance of any investigative or litigating function in

connection with this or any factually related proceeding.

Until such time as a final decision is issued in this matter, parties to the proceeding shall not communicate with Dr. Wang with regard to the merits of this case.

It is so ordered.

For the Commission.

Dated at Rockville, Maryland, this 4th day of June 1993.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93-13803 Filed 6-10-93; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF PERSONNEL MANAGEMENT

### Federal Prevailing Rate Advisory Committee, Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, July 15, 1993

Thursday, July 29, 1993

Thursday, Aug 19, 1993

The meetings will start at 10:45 a.m. and will be held in room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a

determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, room 1340, 1900 E Street, NW., Washington, DC 20415 (202) 606-1500.

Dated: June 4, 1993.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 93-13765 Filed 6-10-93; 8:45 am]

BILLING CODE 5325-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Boston Stock Exchange, Inc.

June 7, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

National Steel Corp.

Class B Common Stock, \$.01 Par Value (File No. 7-10787)

Allstate Corporation

Common Stock, \$.01 Par Value (File No. 7-10788)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 28, 1993, written data, views and arguments

concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13766 Filed 6-10-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32418; File No. SR-CBOE-92-32]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Index Options

June 4, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 22, 1992 the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE has made certain nonsubstantive amendments to its rules relating to index options. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization 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 those statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 this rule change is to clarify, without substantive change, certain CBOE Rules ("Rules") relating to index options.

The Exchange is amending the definitions of "European-style option," "American-style option" and "capped-style option" that currently are set forth in Rule 24.1 to clarify that these options, like other options traded on the Exchange, can be exercised on their expiration date, subject in all cases to the provisions of Rule 11.1 (which establishes cut-off times for the submission of exercise notices) and the Rules of the Options Clearing Corporation ("OCC"). As amended, these definitions of "European-style index option" and "American-style index option" in Rule 24.1 have been simplified and restated accordingly.

The Exchange is deleting superfluous references to "P.M. settlement" and "P.M.-settled index options" in Rules 24.1, 24.4 and 24.9. Article XVII of the OCC By-Laws provides that the current index value of an index option will be based upon the level of the index at the close of trading unless an exchange specifies otherwise by rule. The references to P.M. settlement and P.M.-settled index options are, therefore, unnecessary.

The amendment to Rule 24.5 corrects an inadvertent omission. Rule 24.5 establishes exercise limits for index options and currently provides that the exercise limit for an index option is equivalent to the position limit for that option with the nearest expiration date, as specified in rule 24.4. That latter rule has been bifurcated, however, so that broad-based index options are subject to the position limits in Rule 24.4 but industry index options are now subject to the position limits in rule 24.4A. The exercise limits in Rule 24.5 formerly applied to both broad-based and industry index options, however, and the amendment again makes Rule 24.5 applicable to all index options.

The amendments to Rule 24.9(a)(2) merely clarify the intended meaning of that Rule. The amendment to Rule 24.9(a)(3) deletes language that is unnecessary in light of the definition of "European-style index option" in Rule 24.1 and makes clear that European-

style index options may be subject to A.M. settlement.

The amendments to Rule 24.1(r) and Rule 24.9(a)(4) make explicit that the current index value at expiration of an A.M.-settled index option shall be determined by reference to first reported sale prices of the underlying securities in the index group on the last day of trading in those securities prior to expiration, except where an underlying security does not open for trading on that date, in which case the last reported sale price for that security is used to calculate the current index value. As amended, Rules 24.1(r) and 24.9(a)(4) more accurately reflect the provisions of Article XVII, Section 5 of OCC's By-Laws, which provides that an exchange may specify by rule that the current index value for particular index options is to be determined by reference to the reported value of the index at a time other than the close of trading. New Interpretation and Policy .02 to Rule 24.9 provides notice that the reported level of the index that is calculated for purposes of determining the current index value at expiration of an A.M.-settled index option may differ from the reported level of the index which reflects trading activity subsequent to the opening of trading in any of the underlying securities.

Finally, Interpretation and Policy .03 to Rule 24.9, which establishes the "cap interval" for options on the Standard & Poor's 100 Stock Index and the Standard & Poor's 500 Stock Index, is being amended to make clear that the \$30.00 cap interval set forth therein applies solely to those options. An amendment will be filed to the Interpretation and Policy before CBOE will list and trade capped-style index options on other stock indices.

The proposed rule change is consistent with section 6(b) of the Securities Exchange Act of 1934 in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The proposed amendments will not impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

**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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submission should refer to File No. SR-CBOE-92-32 and should be submitted by July 2, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>1</sup>

Jonathan G. Katz,  
Secretary.

[FR Doc. 93-13769 Filed 6-10-93; 8:45 am]  
BILLING CODE 8010-01-M

**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Cincinnati Stock Exchange, Inc.**

June 7, 1993.

The above named national securities exchange has filed applications with the

<sup>1</sup> 17 CFR 200.30-3(a)(12) (1993).

Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

- Allstate Corp.  
Common Stock, \$.01 Par Value (File No. 7-10789)
- Bombay Co., Inc.  
Common Stock, \$1.00 Par Value (File No. 7-10790)
- Fila Hilding SPA  
American Depositary Shares (rep. 5 Ord. Shs. of Lit. 500 Par Value (File No. 7-10791)
- Healthcare Realty Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10792)
- Manitowoc Co., Inc.  
Common Stock, \$.01 Par Value (File No. 7-10793)
- PaineWebber Premier Insurance Municipal Income Fund, Inc.  
Common Stock, \$.001 Par Value (File No. 7-10794)
- Patriot Preferred Dividend Fund  
Common Shares of Beneficial Interest, No Par Value (File No. 7-10795)
- Putnam Municipal Opportunities Trust  
Common Shares of Beneficial Interest, No Par Value (File No. 7-10796)
- Sonat Offshore Drilling, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10797)
- Sport Supply Group, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10798)
- Tanger Factory Outlet Centers, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10799)
- TriNet Corporate Realty Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10800)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 28, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 93-13764 Filed 6-10-93; 8:45 am]  
BILLING CODE 8010-01-M

**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Pacific Stock Exchange, Incorporated**

June 7, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following security:

Allstate Corp.  
Common Stock, \$.01 Par Value (File No. 7-10786)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 28, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 93-13768 Filed 6-10-93; 8:45 am]  
BILLING CODE 8010-01-M

**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Philadelphia Stock Exchange, Inc.**

June 7, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section

12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

- Blackrock California Investment Quality Municipal Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10770)
- Blackrock New York Investment Quality Municipal Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10771)
- Blackrock New Jersey Investment Quality Municipal Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10772)
- Blackrock Florida Investment Quality Municipal Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10773)
- PaineWebber Premier Insured Municipal Income Fund, Inc.  
Common Stock, \$.001 Par Value (File No. 7-10774)
- Sonat Offshore Drilling, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10775)
- Tanger Factory Outlet Centers, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10776)
- Santander Overseas Bank, Inc.  
Non Cum. Guaranteed Stock, \$25.00 Par Value (File No. 7-10777)
- Healthcare Realty Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10778)
- Allstate Corporation  
Common Stock, \$.01 Par Value (File No. 7-10779)
- Citicorp  
Depositary Shares 1/10 of a share of 8.00% Nom Cum Pfd Stock (File No. 7-10780)
- TriNet Corporate Realty Trust, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10781)
- Financial Federal Corporation  
Common Stock, \$.50 Par Value (File No. 7-10782)
- Chemical Banking Corporation  
Depositary Shares each representing 1/4 of a share of 7 1/2% Cum Pfd Stock (File No. 7-10783)
- Cleveland Electric Illuminating Co.  
Depositary Share 1993 series A each representing 1/20th of a share of series Pfd Stock Series T (File No. 7-10784)
- Media Logic, Inc.  
Common Stock, \$.01 Par Value (File No. 7-10785)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 28, 1993,

written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 93-13767 Filed 6-10-93; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. IC-19514; 812-8366]

#### Applications; Charter National Life Insurance Co., et al.

June 4, 1993.

**ACTION:** Notice of application for exemptions under the Investment Company Act of 1940 (the "1940 Act")

**APPLICANTS:** Charter National Life Insurance Company ("Charter"); Charter National Variable Annuity Account (the "Variable Account"); and CNL, Inc. ("CNL").

**RELEVANT 1940 ACT SECTIONS:** Exemptions requested under section 6(c) from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

**SUMMARY OF APPLICATION:** Applicants seek an order to permit them to issue flexible premium variable annuity contracts that provide for the deduction of a mortality and expense risk charge from the assets of the Variable Account that funds such contracts.

**FILING DATE:** The application was filed on April 22, 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 June 29, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested.

Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Charter National Life Insurance Company, 8301 Maryland Avenue, St. Louis, Missouri 63105.

**FOR FURTHER INFORMATION CONTACT:** C. Christopher Sprague, Senior Counsel, at (202) 504-2802, or Wendell M. Faria, Deputy Chief, at (202) 272-2060, Office of Insurance Products, Division of Investment Management.

**SUPPLEMENTARY INFORMATION:** The 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. Charter is a stock life insurance company incorporated under the laws of Missouri on December 7, 1955. Charter is engaged principally in the offering of life insurance policies and annuity contracts, and had assets of \$3.0 billion as of December 31, 1992. Charter is authorized to conduct business in 49 states, the District of Columbia, and Puerto Rico. Charter is a wholly-owned subsidiary of Leucadia National Corporation ("Leucadia"), a New York corporation. Leucadia is a diversified holding company, the common stock of which is listed on the New York Stock Exchange and the Pacific Stock Exchange.

2. In 1987, the Variable Account was established by Charter as a separate account under the laws of the State of Missouri pursuant to a resolution of Charter's Board of Directors. The Variable Account is a unit investment trust registered with the Commission under the 1940 Act. The Variable Account will receive and invest the premium payments ("Payments") under certain flexible premium variable deferred annuity contracts (the "Contracts"), as well as under other variable annuity contracts offered by Charter. Under Missouri laws, the assets of the Variable Account are owned by Charter, and the obligations under the Contracts are obligations of Charter. The assets in the Variable Account are held separately from the other assets of Charter, and are neither affected by, nor chargeable with, liabilities incurred in any other business operation of Charter (except to the extent that assets of the Variable Account exceed the reserves and liabilities arising under the Contracts or other variable annuity contracts supported by it).

3. Currently, the Variable Account has five subaccounts (Money Market,

Capital Growth, Bond, Balanced, and International) (the "Subaccounts"), each of which will invest exclusively in the shares of a specific corresponding portfolio ("Portfolios") of the Scudder Variable Life Investment Fund (the "Fund"). In addition, other portfolios of the Fund or other funds may be made available for investment in the future through additional subaccounts. Income, gains, and losses, whether or not realized, from the assets of each Subaccount are credited to or charged against that Subaccount without regard to income, gains, or losses of any other Subaccount or income, gains, or losses arising out of any other business that Charter may conduct. New Subaccounts may be established when, in the sole discretion of Charter, marketing, tax, investment, or other conditions warrant such change. Any new Subaccounts may be made available to existing Owners on a basis to be determined by Charter. Each additional Subaccount will purchase shares in a portfolio of the Fund or in another mutual fund or investment vehicle. Charter may also eliminate one or more Subaccounts if, in its sole discretion, marketing, tax, investment or other conditions warrant such elimination. To the extent permitted by applicable law, Charter may transfer the assets of the Variable Account attributable to the Contracts to another separate account.

4. The Fund is a diversified, open-end management investment company, organized as a Massachusetts Business Trust on March 15, 1985. The Fund is a series fund as defined in Rule 18f-2 under the 1940 Act with a number of investment Portfolios, each of which issues a separate series of shares. The Fund currently consists of the following Portfolios: The Money Market Portfolio, the Capital Growth Portfolio, the Bond Portfolio, the Balanced Portfolio, and the International Portfolio. The Owner may allocate Payments to Subaccounts investing in any of the foregoing Portfolios. The assets of each Portfolio are separate from the others, and each Portfolio has separate investment objectives and policies. As a result, each Portfolio operates as a separate investment Portfolio, and the investment performance of one Portfolio has no effect on the investment performance of any other Portfolio. The investment objectives and policies of each Portfolio are described in the registration statement for the Fund.

5. CNL will serve as the principal underwriter of the Contracts. CNL has contracted with Securities of America, Inc. ("SOA") for its services in connection with the distribution of the Contracts. Both CNL and SOA are

registered with the Commission as broker-dealers under the Securities Exchange Act of 1934, as amended, and are members of the National Association of Securities Dealers, Inc. The Contracts will be offered on a continuous basis, and sold by registered representatives of SOA and licensed agents of Charter.

6. The Contract is a flexible premium variable deferred annuity contract which, subject to certain conditions and limitations, allows an Owner to make additional Payments. The Contract is designed to provide for accumulation of capital on a tax-deferred basis for retirement or other long-term purposes. The Contract will be made available to certain retirement plans and individual retirement accounts that qualify for special federal income tax treatment. The Contract will be offered for use as an Individual Retirement Annuity that qualifies for the special federal income tax treatment applicable to "IRAs" under Section 408(b) of the Internal Revenue Code of 1986, as amended (the "Code"), but not to "tax-sheltered annuities" qualifying with Section 403(b) of the Code. The Contract also will be made available to individuals and entities that do not qualify for such special tax treatment. The Contract may be purchased with a minimum initial Payment of \$10,000. Additional Payments may also be made at any time before the Maturity Date. Although no such restrictions currently exist, Charter reserves the right to require that each additional Payment be at least \$1,000. No sales charges are deducted from either the initial Payment or any additional Payments invested in the Contract. However, in those states that impose a premium tax when a Payment is made, Charter will deduct a premium tax charge from the Payment prior to allocating it among the selected Subaccounts.

7. The Owner can allocate Payments to one or more Subaccounts. Before the date that annuity payments commence (the "Maturity Date"), the Account Value will vary with the investment performance of the selected Subaccounts (and the corresponding mutual fund Portfolios). Therefore, before Annuity Payments begin, the Owner bears the entire investment risk for all Payments invested in the Contract.

8. The Owner has the flexibility to transfer assets among the different Subaccounts at any time before the Maturity Date. Currently, no charge is being imposed for any such transfer. The Contract, however, permits Charter to deduct \$5 for each Subaccount from which funds are transferred for the third

and subsequent transfer requests made during a Contract Year.

9. Subject to certain conditions, a full or partial surrender of the Contract may be made at any time; except that a partial or full surrender may not be made after the Maturity Date or after the death of the Annuitant. The total amount available for any full surrender is the Account Value. The minimum amount that can be withdrawn in any partial surrender is \$500. In addition, the Contract must have an Account Value of at least \$10,000 after each such partial surrender. No sales charge is deducted from the Account Value upon either a full or partial surrender of the Contract.

10. The Owner has the right to cancel the Contract by returning it to Charter at its Home Office within ten days after receipt. In the event of cancellation, Charter will return the initial Payment, plus or minus gains or losses from investment of the Payment in the selected Subaccounts.

11. Charter seeks to impose a charge against the Contracts to compensate it for bearing certain mortality and expense risks. For assuming these risks, Charter proposes to make a daily charge of .0033125% of the value of the net assets in each Subaccount attributable to the Contracts. This corresponds to an annual rate of 1.20%. Of that amount, approximately .40% is charged to cover the mortality risks and approximately .80% is charged to cover the expense risks assumed by Charter in connection with the Contracts. This rate of 1.20% is guaranteed not to increase for the duration of the Contract, and is applicable only during the period from the effective date of the Contract to the Maturity Date. If this charge is insufficient to cover the assumed risks, the loss will be borne by Charter. Conversely, if the charge proves more than sufficient, it may be a source of profit for Charter, and any excess of the charge over Charter's actual risk-related expenses will be added to Charter's surplus. Charter currently anticipates making a profit from this charge. To the extent this charge results in a profit to Charter, such profit will be available for use by Charter for, among other things, the payment of distribution, sales, and other expenses.

12. The mortality risk assumed by Charter under the Contracts arises from its contractual obligation to make periodic Annuity Payments (determined in accordance with the annuity tables and other provisions contained in the Contract) regardless of how long all Annuitants or any individual Annuitant may live. The Account Value of the Contract on the Maturity Date, and thus

the amount of Annuity Payments payable under the Contracts, will vary in accordance with the investment performance of the underlying Fund shares purchased by the selected Subaccounts. However, neither the Account Value nor the Annuity Payments under the Contract will be affected by the actual mortality experience of Annuitants before or after the Maturity Date. Thus, Owners are assured that neither an Annuitant's longevity nor an improvement in life expectancy generally (which is greater than expected), will have an adverse effect on the Annuity Payments the Owner will receive under the Contracts; this eliminates the risk of outliving the funds accumulated for retirement in instances in which the Contract is purchased to provide funds for retirement.

13. With respect to expense risk, Charter assume the risk that the actual expenses involved in administering the Contracts, including Contract maintenance costs, administrative costs, mailing costs, data processing costs, and costs of other services will exceed the amount recovered from the Contract administration charge and, if imposed, the records maintenance charge and the transfer charge, each as described below.

14. Charter imposes a charge against the Contract to compensate it for administration of the Contract and the Variable Account. Administrative expenses related to the Contract include, among other things, expenses with respect to (a) processing applications, Contract changes, tax reporting, cash surrenders, death claims, and initial and subsequent Payments; (b) annual and semi-annual reports to Owners and regulatory compliance reports; and (c) overhead costs. For incurring administrative expenses in connection with the Contracts, Charter deducts a daily charge of .0008281% of the value of net assets in each Subaccount attributable to the Contracts. This corresponds to an annual rate of .30%. This rate is guaranteed not to increase for the duration of the Contract, and is applicable only during the period from the effective date of the contract to the Maturity Date.

15. Currently, no charge is being imposed for maintenance of records. However, a records maintenance charge of \$30 may be deducted from Account Value in the future. If imposed, the records maintenance charge will be deducted at the end of each Contract Year to reflect the cost of performing records maintenance for the Contracts. If this charge is imposed, it will be

deducted proportionately from each of the Subaccounts in which the Owner has funds allocated.

16. Currently, no charge is being imposed for any transfers among Subaccounts. The Contract, however, permits Charter to deduct a charge for the third and each subsequent transfer request made by the Owner during a Contract Year. The charge for transfers beyond the second request will be \$5 from each Subaccount from which funds are transferred. For the purpose of determining whether a transfer charge is payable, the initial allocations of Payments will not be considered transfers, and all transfer requests made at the same time will be treated as one request. If Charter imposes the transfer charge, the charge will cover Charter's cost of effectuating a transfer and will not contain an element of profit.

#### Applicants' Legal Analysis

1. Applicants request an exemption from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent relief is necessary to permit the deduction under the Contracts of the mortality and expense risk charge from the assets of the Variable Account. Section 27(c)(2) of the 1940 Act prohibits any registered investment company issuing periodic payment plan certificates, and any depositor of or underwriter for such company, from selling any such certificate unless, amount other thing, the proceeds of all payments on such certificates (excluding sales load) are held by a qualified trustee or custodian under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and 26(a)(3) for trust indentures of unit investment trusts. Among the provisions required to be included in such an indenture or agreement is the proviso in section 26(a)(2)(C) that permits the trustee or custodian to deduct from the assets of the trust as an expense only bookkeeping and other administrative services charges not exceeding such reasonable amount as the Commission may prescribe. Applicants do not concede the applicability of sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the charge for mortality and expense risks. However, in order to avoid any possibility that questions may be raised as to the potential applicability of those provisions to this charge, Applicants request exemptions from those provisions to the extent necessary to permit the assessment of the charge for mortality and expense risks in the manner described in the application.

2. Applicants submit that Charter is entitled to reasonable compensation for its assumption for mortality and

expense risks. Applicants represent that the charge of approximately .40% to cover the mortality risks and approximately .80% to cover the expense risks is consistent with the protection of investors because it is a reasonable and proper insurance charge. As described above, in return for this amount, Charter assumes certain risks under the Contracts. The mortality and expense risk charge is a reasonable charge to compensate Charter for the risk that (a) Annuitants under the Contracts will live longer as a group than has been anticipated in setting the annuity rates guaranteed in the Contracts and (b) administrative expenses will be greater than the amounts derived from the Contract administration charge and, if applicable, the records maintenance charge and the transfer charge.

3. Charter represents that the charge of 1.20% per annum for mortality and expense risks assumed under the Contracts is within the range of industry practice for comparable annuity products. This representation is based upon Charter's analysis of publicly available information about similar industry products, taking into consideration such factors as the current charge levels, existence of charge level guarantees, any death benefit guarantees, guaranteed annuity rates, and other policy options. Charter will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

4. Applicants acknowledge that to the extent Charter's mortality experience and unreimbursed expenses are less than anticipated, the mortality and expense risk charge may be a source of profit, which would increase Charter's general assets that are available to pay distribution expenses. Under such circumstances, Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses. The application states that Charter cannot with certainty predict the amount of profit that may result from this charge, and that, if such a profit does not occur, Charter still would be required to pay all of the expenses relating to the distribution of the Contracts even though Charter does not deduct a sales charge under the Contracts. Thus, Charter has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Variable

Account and Owners. The basis for this conclusion is set forth in a memorandum which will be maintained by Charter at its administrative offices and will be available to the Commission.

5. Charter also represents that the Variable Account will only invest in management investment companies which undertake, in the event such company adopts a plan under Rule 12b-1 to finance distribution expenses, to have a board of directors (or trustees), a majority of whom are not interested persons of the investment company, formulate and approve any plan under rule 12b-1 to finance distribution expenses.

#### Conclusion

Applicants request exemptions from sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit them to deduct on a daily basis a fee equal to 1.20% annually of the assets of the Variable Account attributable to the Contracts for the assumption of mortality and expense risks described herein. For the reasons set forth above, Applicants believe that the exemptions requested are necessary and 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.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 93-13844 Filed 6-10-93; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. IC-19515; File No. 812-8206]

#### Provident Mutual Life Insurance Co. of Philadelphia; Application for Order

June 4, 1993

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Provident Mutual Life Insurance Company of Philadelphia ("Provident Mutual"), Provident Mutual Variable Growth Separate Account, Provident Mutual Variable Money Market Separate Account, Provident Mutual Variable Bond Separate Account, Provident Mutual Variable Managed Separate Account, Provident Mutual Variable Aggressive Growth Separate Account, Provident Mutual Variable International Separate Account, Provident Mutual Variable

Zero Coupon Bond Separate Account (collectively, the "Accounts"), and PML Securities Company ("PML").

**RELEVANT 1940 ACT SECTIONS:** Order requested under section 6(c) of the 1940 Act for exemptions from section 27(c)(2) and paragraph (c)(4)(v) of Rule 6e-3(T) under the 1940 Act.

**SUMMARY OF APPLICATION:** Applicants seek an order to permit them to deduct from premium payments received in connection with flexible premium variable life insurance policies an amount that is reasonably related to Provident Mutual's increased federal tax burden resulting from the application of section 848 of the Internal Revenue Code of 1986, as amended.

**FILING DATES:** The application was filed on December 7, 1992, and amended on April 30, 1993 and May 28, 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 on the application by writing to the Secretary of the SEC 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 June 29, 1993, and should be accompanied by proof of service on the 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, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, Provident Mutual Life Insurance Company of Philadelphia, 1600 Market Street, Philadelphia, Pennsylvania 19103.

**FOR FURTHER INFORMATION CONTACT:** C. Christopher Sprague, Senior Counsel, at (202) 504-2802, or Wendell M. Faria, Deputy Chief, at (202) 272-2060, Office of Insurance Products, Division of Investment Management.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

#### Applicants' Representations

1. Provident Mutual is a mutual life insurance company chartered under Pennsylvania law in 1865, and is authorized to transact life insurance and annuity business in Pennsylvania and 51 other jurisdictions. Provident Mutual is depositor and sponsor of the Accounts, and would be the depositor

and sponsor of future separate accounts that may rely on the requested order. Provident Mutual is the issuer of several different variable life insurance contracts supported by the Accounts, and it is currently developing a new flexible premium survivorship variable life insurance contract (the "survivorship contract") which would include the "tax burden" charge that is the subject of the application. Provident Mutual anticipates that it would include such a charge in future flexible premium variable life insurance contracts that it may develop, and it may wish to add such a charge to two flexible premium variable life insurance contracts that it currently offers.

2. Provident Mutual Variable Growth Separate Account, Provident Mutual Variable Money Market Separate Account, Provident Mutual Variable Bond Separate Account, Provident Mutual Variable Managed Separate Account, and Provident Mutual Variable Zero Coupon Bond Separate Account were established by Provident Mutual as separate investment accounts under Pennsylvania law on October 21, 1985. Provident Mutual similarly established the Provident Mutual Variable Aggressive Growth Separate Account and Provident Mutual Variable International Separate Account on February 21, 1989 and July 15, 1991, respectively. The seven Accounts are collectively registered under the 1940 Act as a single unit investment trust that currently serves as the funding medium for single premium, scheduled premium, modified premium, and flexible premium variable life insurance contracts. Provident Mutual Variable Zero Coupon Bond Separate Account invests exclusively in units of interest of The Stripped ("ZERO") U.S. Treasury Securities Fund, Provident Mutual Series A, a unit investment trust registered under the 1940 Act. The other six Accounts invest exclusively in shares of a designated investment portfolio of Market Street Fund, Inc., an open-end management investment company registered under the 1940 Act.

3. Under Pennsylvania law, the assets of each Account are owned by Provident Mutual, but are held separately from all other assets of Provident Mutual for the benefit of owners of, and the persons entitled to payments under, the variable life contracts. Consequently, such assets are not chargeable with liabilities arising out of any other business of Provident Mutual. Income, and both realized and unrealized gains and losses from the assets of the Accounts, are credited to or charged against the Accounts without regard to the income, gains or losses arising out of any other

business that Provident Mutual may conduct.

4. PML is an indirect, wholly-owned subsidiary of Provident Mutual, and acts as principal underwriter of the variable life insurance contracts supported by the Accounts. PML is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc. Applications for Provident Mutual's variable life insurance contracts are solicited by registered representatives of PML or by other broker-dealers having selling agreements with PML and who are licensed by applicable state insurance authorities to sell such contracts.

5. Applicants state that in the Omnibus Budget Reconciliation Act of 1990, Congress amended the Internal Revenue Code of 1986 by, among other things, enacting section 848 thereof ("section 848"). Section 848 changed the federal income taxation of life insurance companies, by requiring them to capitalize and amortize over a period of ten years part of their general expenses for the current year. Under prior law, these expenses were deductible in full from the current year's gross income. The amount of expenses that must be capitalized and amortized under section 848 is generally determined with reference to premiums for certain categories of life insurance and other contracts ("specified contracts"). Thus, for each specified contract, an amount of expenses must be capitalized and amortized equal to a percentage of the current year's net premiums (i.e., gross premiums minus return premiums and reinsurance premiums) for that contract. The percentage varies, depending on the type of specified contract in question, according to a schedule set forth in section 848(c)(1).

6. Applicants assert that section 848 has virtually the same economic impact as an explicit federal premium tax. The more premium dollars Provident Mutual receives on specified contracts, the greater the amount of deductions that it must capitalize and amortize over ten years rather than immediately, and thus the greater will be its income tax liability for the current year. The tax burden charge proposed by Applicants is designed to compensate Provident Mutual for this increased tax liability. Provident Mutual must use a portion of its surplus to discharge this increased federal tax liability, and therefore cannot invest such surplus. Provident Mutual represents that it can obtain an after-tax rate of return on its invested surplus of 9.3 percent. Accordingly, in Provident Mutual's business judgment,

a discount rate of at least 9.3 percent is appropriate in calculating the present value of its future tax deductions under section 848. As detailed in the application, Applicants employ the 9.3 percent discount rate and a corporate tax rate of 34 percent to conclude that a charge of 1.25 percent of premium payments would reimburse Provident Mutual for the impact of section 848. The survivorship contracts, other future contracts, and endorsements to currently offered contracts will reserve the right to increase or decrease the 1.25 percent charge in response to future changes in, or interpretations of, section 848 or any successor provision that increases or decreases Provident Mutual's tax burden.

7. Tax deductions are of value to Provident Mutual only to the extent that it has sufficient gross income to fully utilize the deductions. However, based on its prior experience, Provident Mutual believes that it can reasonably expect to utilize all future deductions available. That is, Provident Mutual believes that it can reasonably expect to have sufficient taxable income in future years to utilize all deferred acquisition cost deductions.

#### Applicants' Legal Analysis

1. The Accounts are, and any variable life insurance separate accounts created in the future by Provident Mutual will be, regulated under the 1940 Act as if they were the issuers of periodic payment plan certificates. Accordingly, the Accounts (and such future separate accounts), Provident Mutual (as depositor of the separate accounts), and PML (as principal underwriter of the variable life insurance contracts) are deemed to be subject to section 27 of the 1940 Act.

2. Section 27(c)(2) of the 1940 Act prohibits a registered investment company or a depositor or underwriter for such company from making any deduction from purchase payments made under periodic payment plan certificates other than a deduction for sales load. Section 2(a)(35) of the 1940 Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer (or in the case of a unit investment trust, by the depositor or trustee), less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants contend that their proposed tax burden charge is not

properly chargeable to sales or promotional activities, and therefore does not constitute sales load under section 2(a)(35).

3. Sub-paragraph (b)(13)(iii)(E) of Rule 6e-3(T) provides an exemption from section 27(c)(2) to permit an insurer to make a deduction other than for sales load, including charges to cover premium or other taxes imposed by any state or other governmental entity. Applicants request an exemption from section 27(c)(2) only to preclude the possibility that a charge related to the increased burden resulting from section 848 is not covered by the exemption for premium taxes provided by Rule 6e-3(T)(b)(13)(iii)(E).

4. Paragraphs (b)(1) and (c)(4) of Rule 6e-3(T) together provide an exemption from the section 2(a)(35) definition of sales load by substituting a new definition for use throughout the Rule. The alternative definition, found in paragraph (c)(4) of Rule 6e-3(T), defines sales load during a contract period as the excess of any payments made during that period over the sum of certain specified charges. Under paragraph (c)(4)(v), one of such charges is a deduction for, and approximately equal to, state premium taxes. The section 848 charge relates to federal taxes, rather than state premium taxes, and therefore is not a deduction contemplated by Section (c)(4)(v) of Rule 6e-3(T). Applicants seek an exemption from section (c)(4)(v) so that they may deduct the section 848 charge in the manner that Rule 6e-3(T)(c)(4)(v) currently permits state premium taxes to be deducted.

5. Because the proposed tax burden charge does not fall squarely into any of the non-sales load charges or adjustments set out in paragraph (c)(4) of Rule 6e-3(T), it might be considered as part of the sales load charged on the variable life insurance contracts. Applicants maintain, however, that there is no public policy reason why a tax burden charge designed to cover the expense of federal taxes should be treated as sales load or otherwise subject to the sales load limits of Rule 6e-3(T). Applicants also state that nothing in the administrative history of the Rule (or, for that matter, in the administrative history of Rule 6e-2, its predecessor rule) suggests that the Commission intended to treat tax charges as sales load.

6. Section 6(c) of the 1940 Act, in relevant part, authorizes the Commission, by order upon application to exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision or provisions of the 1940

Act or any rule or regulation thereunder, if and to the extent that the 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. Applicants request an order pursuant to section 6(c) of the 1940 Act, exempting them and any future separate accounts from the provisions of section 27(c)(2) of the 1940 Act and paragraph (c)(4)(v) of Rule 6e-3(T) under the 1940 Act, to the extent necessary to permit them to deduct from premium payments made under flexible premium variable life insurance contracts, a charge in an amount that is reasonable in relation to Provident Mutual's increased federal tax burden related to the receipt of such premium payments.

7. Applicants represent that deducting the section 848 charge and excluding the charge from sales load would be consistent with the standards of section 6(c). In this regard, Applicants represent that Provident Mutual's cost of capital is the after-tax rate of return that it seeks to earn on its surplus. Provident Mutual took into account a number of factors in computing this rate, including market interest rates, Provident Mutual's anticipated long-term growth rate, the risk level for this type of business that is acceptable to Provident Mutual, inflation, and available information about the rates of return obtained by other mutual life insurance companies. Provident Mutual represents that these factors are appropriate factors to consider in determining its cost of capital.

8. In determining this rate, Provident Mutual first projects its future growth rate based on sales projections, current interest rates, the inflation rate, and the amount of surplus that it can provide to support such growth. Provident Mutual then uses the anticipated growth rate and the other factors cited in the preceding paragraph to set a rate of return on surplus that equals or exceeds this rate of growth. Of these other factors, market interest rates, the acceptable risk level, and the inflation rate receive significantly more weight than information about the rates of return obtained by other companies.

9. Provident Mutual seeks to maintain a ratio of surplus to assets that it establishes based on its judgment of the risks represented by various components of its assets and liabilities. Maintaining the ratio of surplus to assets is critical to maintaining a competitive rating from various rating agencies and to offering competitively priced products (i.e., sufficient dividends on outstanding contracts and

competitive pricing on newly offered contracts). Consequently, Provident Mutual's surplus must grow at least at the same rate as its assets.

10. Provident Mutual represents that the proposed 1.25 percent charge is reasonably related to its increased tax burden under section 848, taking into account the benefit to Provident Mutual of the amortization permitted by section 848, and the use by Provident Mutual of a 9.3 percent discount rate in computing the future deductions resulting from such amortization, such rate being the equivalent of Provident Mutual's cost of capital.

11. Applicants state that the exemption requested is necessary in order for them and any future separate accounts to rely on sub-paragraph (b)(13)(i) of Rule 6e-3(T), which provides critical exemptions from the sales load limitations of sections 27(a)(1) and 27(h)(1) of the 1940 Act. Applicants are exempted from those sales load limitations only if they adhere to the alternate sales load limitations set out in paragraph (b)(13)(i), and Applicants state that they generally could not meet those alternate limits if the proposed tax burden charge is included in sales load.

12. Applicants state that the public policy that underlies sub-paragraph (b)(13)(i), like that which underlies sections 27(a)(1) and 27(h)(1), is to prevent excessive sales loads from being charged in connection with the sale of periodic payment plan certificates. The treatment of a tax burden charge attributable to the receipt of premium payments as sales load would not in any way further this legislative purpose, because such a deduction has no relation to the payment of sales commissions or other distribution expenses.

#### Applicants' Conditions

Applicants agree to comply with the following as conditions to the exemptions requested herein:

1. Provident Mutual will monitor the reasonableness of the 1.25 percent charge.
2. The registration statement for any variable life insurance contract under which the 1.25 percent charge is deducted will include (a) disclosure of the charge, (b) disclosure explaining the purpose of the charge, and (c) a statement that the charge is reasonable in relation to Provident Mutual's increased tax burden as a result of section 848 of the Code.
3. Provident Mutual will also include as an exhibit to the registration statement for any variable life insurance contract under which the

1.25 percent charge is deducted an actuarial opinion as to (a) the reasonableness of the charge in relation to Provident Mutual's increased tax burden as a result of section 848 of the Code, (b) the reasonableness of the after tax rate of return used in calculating the charge, and (c) the appropriateness of the factors taken into account by Provident Mutual in determining the after tax rate of return.

#### Conclusion

Applicants submit that for the reasons and upon the facts set forth above, the requested exemptions from sections 27(c)(2) of the 1940 Act and paragraph (c)(4)(v) of Rule 6e-3(T) under the 1940 Act to permit Provident Mutual to deduct 1.25 percent of premium payments meet the standards in section 6(c) of the 1940 Act. In this regard, Applicants assert that granting the relief requested in this application would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 93-13845 Filed 6-10-93; 8:45 am]  
BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Applications of Kitty Hawk Air cargo, Inc. for Certificate Authority and for an Exemption

AGENCY: Department of Transportation.  
ACTION: Notice of order to show cause (Order 93-6-8) Dockets 48739 and 48785.

SUMMARY: The Department of Transportation is (1) directing all interested persons to show cause why it should not issue an order finding Kitty Hawk Air cargo, Inc., fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in foreign scheduled air transportation of property and mail between Miami, Florida, and Santo Domingo, Dominican Republic; and (2) granting the company's request for an exemption from section 401 of the Federal Aviation Act to enable it to engage in the proposed foreign air transportation pending final action on its certificate application.

DATES: Persons wishing to file objections should do so no later than June 23, 1993.

ADDRESSES: Objections and answers to objections should be filed in Dockets 48739 and 48785 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 Attachment A to the order.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Carol A. Woods, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: June 8, 1993.

Patrick V. Murphy,  
Acting Assistant Secretary for Policy and International Affairs.  
[FR Doc. 93-13863 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-02-M

#### Application of Polar Air Cargo for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 93-6-9) Docket 48658.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Southern Air Transport, Inc. d/b/a Polar Air Cargo fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in foreign scheduled air transportation of property and mail between points in the United States and Hong Kong, Australia, South Korea, Taiwan, and the Republic of Ireland.

DATES: Persons wishing to file objections should do so no later than June 23, 1993.

ADDRESSES: Objections and answers to objections should be filed in Docket 48658 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 Attachment A to the order.

FOR FURTHER INFORMATION CONTACT:  
Ms. Carol A. Woods, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: June 8, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and  
International Affairs.

[FR Doc. 93-13862 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-62-M

### Federal Aviation Administration

#### Availability of the Categorical Exclusion for Airspace Delegation Modifications within the Detroit Metro Terminal Airspace

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Notice of availability of a  
categorical exclusion.

**SUMMARY:** The FAA is issuing this notice to advise the public that the FAA Great Lakes Region has approved and signed a categorical exclusion for the permanent implementation of airspace delegation modifications within the Detroit Metro Terminal Airspace. These are minor modifications which transfer, from one air traffic controller to another, responsibility for the separation of aircraft within selected parcels of airspace. All parcels of airspace are under the jurisdiction of the Detroit Metropolitan Air Traffic Control Tower. These modifications do not affect the movement of aircraft below 3,000 feet above ground level (AGL) but, rather, affect en route procedures conducted at 3,000 feet or more AGL. FAA Order 1050.1D, Appendix 4, Paragraph 4k, allows Air Traffic to categorically exclude instrument approach procedures, departure procedures, and en route procedures conducted at 3,000 feet or more AGL from the requirement for environmental assessment. These modifications are well outside the 65 DNL contours for all airports within the Detroit Metro Terminal Airspace and should not result in any measurable environmental consequences.

**ADDRESSES:** The categorical exclusion is available for inspection at: Federal Aviation Administration, System Management Branch, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Annette Kochan, Environmental Specialist, AGL-530E, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7796.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) Great Lakes Region is issuing this notice of availability of its May 14, 1993, categorical exclusion to assure that all persons have notice that the FAA has decided to redelegate the responsibility

for separation of aircraft within a few areas of the Detroit Metro Terminal Airspace.

Issued in Des Plaines, Illinois, on June 3, 1993.

Douglas F. Powers,

Manager, System Management Branch, Air  
Traffic Division, Great Lakes Region.

[FR Doc. 93-13797 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-13-M

#### Air Traffic Procedures Advisory Committee

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

**DATES:** The meeting will be held from July 12 through July 15, 1993, from 9 a.m. to 5 p.m. each day.

**ADDRESSES:** The meeting will be held at the Le Centre Sheraton, 1201 Rene-Levesque Boulevard West, Montreal, Canada.

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy E. Halpin, Executive Director, ATPAC, Air Traffic Rules and Procedures Service, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3725.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. 2), notice is hereby given of a meeting of the ATPAC to be held from July 12 through July 15, 1993, at the Le Centre Sheraton, 1201 Rene-Levesque Boulevard West, Montreal, Canada.

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space

available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than July 9, 1993. The next quarterly meeting of the FAA ATPAC is planned to be held from October 18-21, 1993, in Washington, DC. Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on June 4, 1993.

Timothy E. Halpin,

Executive Director, Air Traffic Procedures  
Advisory Committee.

[FR Doc. 93-13798 Filed 6-10-93; 8:45 am]

BILLING CODE 4910-13-M

### DEPARTMENT OF THE TREASURY

#### Customs Service

[T.D. 93-41]

#### Determination that Merchandise Imported from the People's Republic of China is Being Produced with Convict, Forced or Indentured Labor by the Qinghai Hide and Garment Factory

**AGENCY:** Customs Service, Department  
of the Treasury.

**ACTION:** Determination that merchandise  
is subject to 19 U.S.C. 1307.

**SUMMARY:** This document advises that the Commissioner of Customs, with the approval of the Secretary of the Treasury, has determined that certain sheepskin and leather, which are being, or are likely to be imported into the United States from the People's Republic of China (PRC), are being manufactured with the use of convict labor and/or forced labor and/or indentured labor by the Qinghai Hide and Garment Factory, Xining, Qinghai Province, PRC. The Qinghai Hide and Garment Factory may also be known as the Qinghai Leather and Wool Bedding and Garment Factory or the Qinghai Fur and Cloth Factory.

The Commissioner of Customs, pursuant to 19 CFR 12.42(f), has determined, on the basis of a Customs investigation, that such merchandise is being, or is likely to be imported into the United States in violation of section 307 of the Tariff Act of 1930, as amended. Importations of the aforementioned sheepskin and leather shall be considered and treated as prohibited by section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307), unless, pursuant to 19 CFR 12.42(g), 12.43, and 12.44, the importer

establishes by satisfactory evidence that the merchandise was not mined, produced, or manufactured in any part with the use of a class of labor specified herein.

**DATES:** This determination shall take effect June 16, 1993.

**FOR FURTHER INFORMATION CONTACT:** Bob Neckel, Senior Special Agent, Office of Investigative Programs, Office of Enforcement, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229 (202) 927-1510

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 307, Tariff Act of 1930, as amended (19 U.S.C. 1307), provides in pertinent part:

All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

"Forced labor" is defined to mean:

all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. See, 19 U.S.C. 1307.

Pursuant to section 307, the Secretary of the Treasury promulgated implementing regulations found at 19 CFR 12.42, *et seq.* These regulations set forth the procedure for the Commissioner of Customs to make a finding that an article is being, or is likely to be imported into the United States which is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the purview of 19 U.S.C. 1307.

Paragraph (f) of § 12.42, Customs Regulations (19 CFR 12.42(f)), provides that if the Commissioner of Customs finds that merchandise within the purview of 19 U.S.C. 1307 is being, or is likely to be, imported, [s]he will, with the approval of the Secretary of the Treasury, publish a finding to that effect in a weekly issue of the *Customs Bulletin* and in the *Federal Register*.

**Finding**

Pursuant to § 12.42(f), Customs Regulations (19 CFR 12.42(f)), it is hereby determined that certain articles

of the People's Republic of China are being, or are likely to be, imported into the United States, which are being produced, whether by mining, manufacture, or other means, with the use of convict, forced, or indentured labor.

Accordingly, based upon this finding, Customs officers shall withhold release of any of these articles from the People's Republic of China. Such articles may be exported only.

Articles	Item number from the Harmonized Tariff schedule (19 U.S.C. 1202)
Sheepskin and Leather (manufactured by Qinghai Hide and Garment Factory).	4102.10 through 4102.29, 4104.10 through 4111.00, 4301.10, 4303.90.

Approved: December 30, 1992.

**John P. Simpson,**  
*Acting Assistant Secretary (Enforcement).*

**Carol Hallett,**  
*Commissioner of Customs.*

**Editorial Note:** This document was received at the Office of the Federal Register on June 8, 1993.

[FR Doc. 93-13861 Filed 6-10-93; 8:45 am]

BILLING CODE 4820-02-M

## Sunshine Act Meetings

Federal Register

Vol. 58, No. 111

Friday, June 11, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:02 a.m. on Wednesday, June 9, 1993, the

Corporation's Board of Directors 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 the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution re: Delegation of Authority to Defer Appointing Receiver for Critically Undercapitalized Institutions.

By the same majority vote, the Board further determined that no earlier notice of the change in the subject matter of the meeting was practicable.

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC

Dated: June 9, 1993.  
Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Deputy Executive Secretary.*  
[FR Doc. 93-13968 Filed 6-9-93; 2:46 pm]

BILLING CODE 6714-01-M

# Corrections

Federal Register

Vol. 58, No. 111

Friday, June 11, 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.

## Appendix A to 7 CFR 1755.390 [Corrected]

On page 29346, in the first column, in Appendix A to 7 CFR 1755.390, the table heading now reading "Jacket Slip Strength @ 50½°C" should read "Jacket Slip Strength @ 50°C".

BILLING CODE 1505-01-D

"Arizona" should appear in the first column of each.

BILLING CODE 1505-01-D

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

#### 7 CFR Part 1755

RIN 0572-AA55

#### REA Specification for Filled Telephone Cables

##### Correction

In rule document 93-11895 beginning on page 29336 in the issue of Thursday, May 20, 1993, make the following correction:

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-7068]

#### Proposed Flood Elevation Determinations

##### Correction

In proposed rule document 93-13322 beginning on page 31929 in the issue of Monday, June 7, 1993, make the following corrections:

#### § 67.4 [Corrected]

On page 31935, in § 67.4, in the two tables at the bottom of the page,

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZ-020-03-4210-04; AZA-27785]

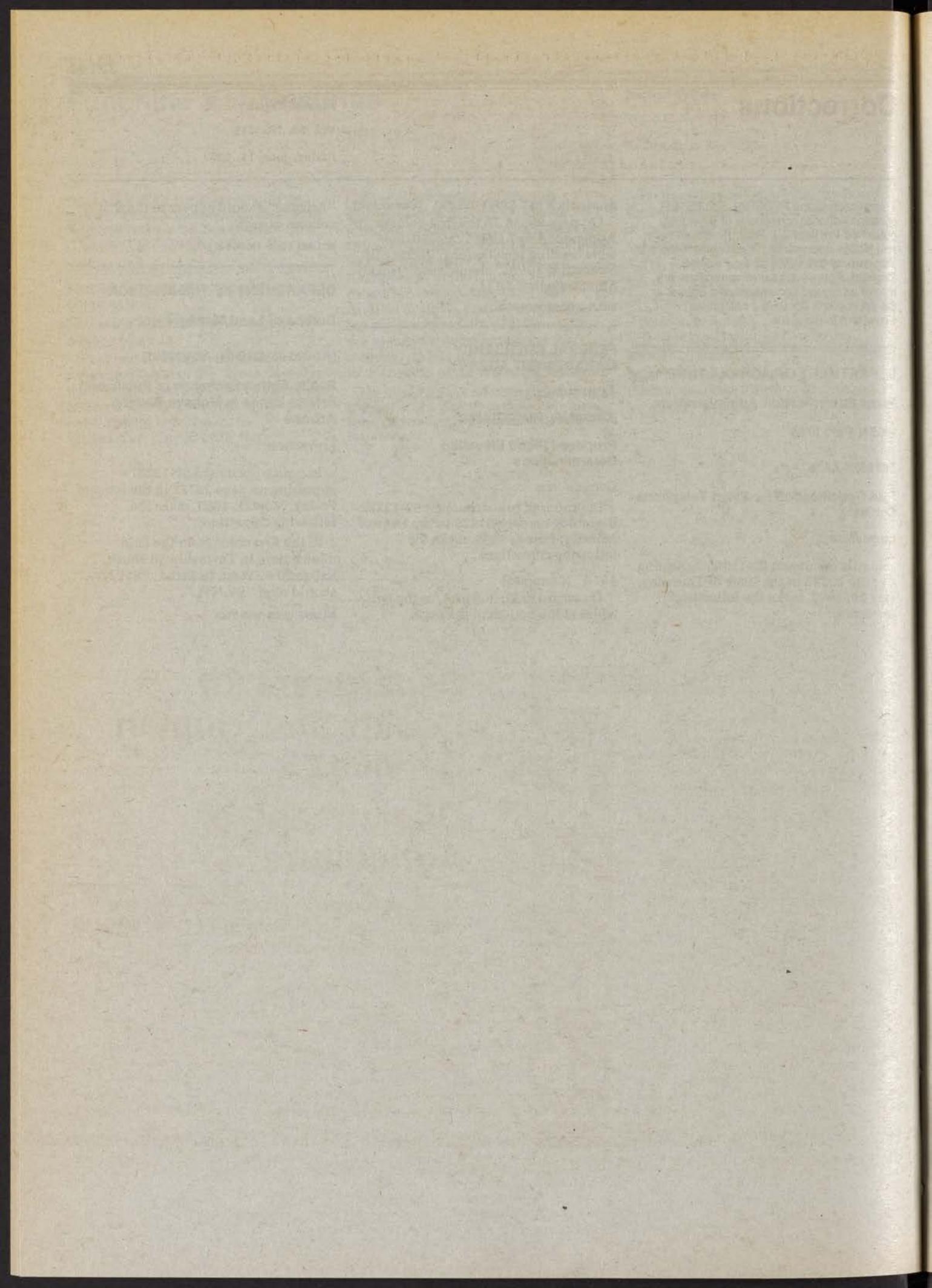
#### Realty Action Exchange of Public and Private Lands in Mohave County, Arizona

##### Correction

In notice document 93-12287 appearing on page 29772 in the issue of Friday, May 21, 1993, make the following correction:

In the first column, in the land description, in Township 16 North, Range 20 ½ West, in Sec. 1, "S½,N½," should read "S½N½,".

BILLING CODE 1505-01-D



# Federal Register

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Friday  
June 11, 1993

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## Part II

Department of  
Health and Human  
Services

Department of  
Agriculture

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Ten-Year Comprehensive Plan for the  
National Nutrition Monitoring and Related  
Research Program; Notice

**DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF AGRICULTURE**

**Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program**

**AGENCIES:** U.S. Department of Health and Human Services and U.S. Department of Agriculture.

**ACTION:** Publication of the ten-year comprehensive plan for the National Nutrition Monitoring and Related Research Program.

**SUMMARY:** The U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) announce the issuance of the Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program, as required by Section 103 of the National Nutrition Monitoring and Related Research Act of 1990. The Plan set forth below was developed by HHS and USDA under the guidance of the Administration-wide Interagency Board for Nutrition Monitoring and Related Research. The Plan also responds to comments received during a period of public review (FR 57 55716-55767, October 29, 1991).

**ADDRESS:** Copies of the public comments received are available at the Human Nutrition Information Service (HNIS), USDA, 6505 Belcrest Road, room 360, Hyattsville, MD 20782, or at the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), 6525 Belcrest Road, room 1000, Hyattsville, MD 20782.

**FOR FURTHER INFORMATION CONTACT:** Ms. Alanna Moshfegh, USDA/HNIS (see address above), telephone (301) 436-8457, or Dr. Ronette Briefel, HHS/CDC/NCHS (see address above), telephone (301) 436-3473.

**SUPPLEMENTARY INFORMATION:** Prior to its publication, the Ten-Year Comprehensive Plan was widely discussed and disseminated among a variety of professional audiences, including representatives from Federal, State, and local governments; academia; the health community; consumer interest groups; private industry; and the National Nutrition Monitoring Advisory Council. A total of 53 written comments were received during the 90-day comment period in addition to numerous other forms of input during the development of the Plan.

Responses to the Plan were compiled and evaluated. In general, the responses to the scope and objectives of the Plan were positive in nature, including acknowledgement of the comprehensive

scope of the Plan and the coordination that occurred to produce the draft Plan within the legislated time-frame. The major issues raised in the public comments included the need for:

- Improved and more timely dissemination of data and information from the Program,
- One responsible organization for each activity where possible to assure accountability,
- More specific description of how coverage of population subgroups at nutritional risk will be addressed,
- Inexpensive, robust methods for assessing the nutritional status of populations at State and local levels, including dietary intake,
- Improved timeliness in accomplishing and defining products for some activities,
- Recognizing the importance of examining food sufficiency throughout the Nutrition Monitoring Program,
- Including brand name data in the food and nutrient data base,
- Using food intake surveys to estimate exposure and risk for environmental contaminants and pesticide residues.

Specific areas of the Plan that have been added or changed as a result of the public comments include the addition of a section on dissemination of information; the establishment of a three-tiered system for designating responsible, contributing, and collaborating organizations for each activity in the Plan and an annual review of progress by the Interagency Board; revisions of certain activities to address better coverage of population subgroups; strengthening activities to further the development and use of appropriate methods for assessing nutritional status and food sufficiency; and the establishment of a task force to examine the issue of using brand name food items for nutrition monitoring.

Dated: June 3, 1993.

**Ellen Haas,**

*Assistant Secretary for Food and Consumer Services, Department of Agriculture.*

**J. Michael McGinnis,**

*Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion, Public Health Service, HHS).*

**Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program**

**Foreword**

The National Nutrition Monitoring and Related Research Act of 1990 requires the establishment and implementation of a Ten-Year Comprehensive Plan for nutrition monitoring and related research. The

Plan coordinates the nutrition monitoring activities of 22 Federal agencies under the joint direction of the Department of Agriculture and the Department of Health and Human Services. The goal of the Plan is to establish a comprehensive nutrition monitoring and related research program for the Federal government by collecting quality data that are continuous, coordinated, timely, and reliable; using comparable methods for data collection and reporting of results; conducting relevant research; and efficiently and effectively disseminating and exchanging information with data users.

This document provides a brief history and review of past accomplishments in Federal nutrition monitoring and presents the Plan for the next decade, 1992-2002. The Plan defines over 70 activities for nutrition monitoring and related research required by law or recommended by scientific experts and nutrition monitoring data users, and identifies priorities for the Federal agencies responsible for conducting nutrition monitoring surveys and related research. The Plan complements and expands the current programs for nutrition monitoring in the Federal Government. Each listed activity includes the assigned responsible agencies and the timelines for completion.

The broad range of activities in the Ten-Year Plan would provide the Federal government the opportunity to achieve the main objectives of a coordinated comprehensive National Nutrition Monitoring and Related Research Program. Some projects are currently underway, and others have been outlined for future implementation.

Meeting the objectives toward which endeavors are directed for national nutrition monitoring and related research will be heavily influenced by the financial resource availability of the agencies involved to complete critical projects and activities. We estimate that allocations of about 20 to 40 percent above current funding levels (\$156.5 million in FY 1992) will be needed if we are to meet the goals that have been set for a comprehensive National Nutrition Monitoring and Related Research Program. Based on budget projections developed to reflect the activities designed to be completed during the first five years of the Plan, additional appropriations of over \$200 million may be required to fully implement the Ten-Year Plan through FY 1998. These funds are in addition to the support that will be needed to maintain the ongoing

baseline activities that underpin the Plan-specific activities.

The Ten-Year Plan was developed to complement and enhance the wide range of nutrition monitoring activities that have been underway for many years. It cannot be emphasized enough that the success of this undertaking can only be achieved if the Congress consistently provides a reasonable level of support for the 7 Departments and 22 agencies covered by the Plan over the next decade.

In recent years, even modest increases for the support of nutrition monitoring and related research have not always been forthcoming. To bring to fruition all the potential in the Ten-Year Plan will require a long-term commitment by both the Executive and Legislative Branches of the Federal Government.

#### Outline

*Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program*

#### Acronyms and Abbreviations

##### I. Introduction

##### II. The National Nutrition Monitoring and Related Research Program (NNMRRP)

- A. Purposes and uses of nutrition monitoring data
- B. Milestones of the National Nutrition Monitoring System
- C. Structure of Federal coordination of the NNMRRP
- D. The National Nutrition Monitoring Advisory Council

##### III. Scope and format of the Ten-Year Comprehensive Plan

##### IV. Activities of the Interagency Board for Nutrition Monitoring and Related Research (IBNMRR)

##### V. National objectives and activities

*Objective V-A: Provide for a comprehensive NNMRRP through continuous and coordinated data collection*

1. Nutrition and related health measurements
2. Food and nutrient consumption
3. Knowledge, attitudes, and behavior assessments
4. Food composition and nutrient data bases
5. Food supply determinations

*Objective V-B: Improve the comparability and quality of data across the NNMRRP*

1. Nutrition and related health measurements
2. Food and nutrient consumption
3. Knowledge, attitudes, and behavior assessments
4. Food composition and nutrient data bases

*Objective V-C: Improve the research base for nutrition monitoring*

1. Nutrition and related health measurements
2. Food and nutrient consumption
3. Knowledge, attitudes, and behavior assessments
4. Food composition and nutrient data bases

##### 5. Food supply determinations

##### VI. State and local objectives and activities

*Objective VI-A: Develop and strengthen State and local capacity for continuous and coordinated data collection*

*Objective VI-B: Improve methodologies to enhance comparability of NNMRRP data across Federal, State, and local levels*

*Objective VI-C: Improve the quality of State and local nutrition monitoring data*

##### VII. Calendar for planned IBNMRR, national, State, and local objectives and activities

##### VIII. References

##### IX. Appendices

Appendix 1 Joint DHHS-USDA Working Group for the development of the Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program

Appendix 2 Nutrition monitoring activities from 1892 through 1991

Appendix 3 Current and planned nutrition monitoring activities from 1992-2002

Appendix 4 Overview of current NNMRRP surveys and surveillance activities

Appendix 5 Detailed conceptual model of food to health

Appendix 6 Illustration of the relationships among nutrition policymaking, research, and monitoring with respect to a coronary risk factor, biomedical education program

##### X. Glossary

##### Acronyms and Abbreviations

The following list of acronyms and abbreviations is provided as a quick index of Federal departments, agencies, survey activities, and non-Federal organizations that are mentioned more than once in this report. Parenthetical acronyms and abbreviations identify the parent department and agencies to which the listed agencies or committees belong.

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration<sup>1</sup> (DHHS/PHS)

AMS—Agricultural Marketing Service (USDA)

ARS—Agricultural Research Service (USDA)

ASTPHND—Association of State and Territorial Public Health Nutrition Directors

BHE—Bureau of Home Economics (USDA)

BHNHE—Bureau of Human Nutrition and Home Economics (USDA)

BLS—Bureau of Labor Statistics (DOL)

BRFSS—Behavioral Risk Factor Surveillance System (DHHS/PHS/CDC/NCCDPHP)

CES—Cooperative Extension Service (USDA)

CDC—Centers for Disease Control and Prevention (DHHS/PHS)

CFERD—Consumer and Food Economics Research Division (USDA/ARS)

CSFII—Continuing Survey of Food Intakes by Individuals (USDA/HNIS)

CSRS—Cooperative State Research Service (USDA)

CSSS—Coordinated State Surveillance System (DHHS/PHS/CDC/NCCDPHP)

DHEW—Department of Health, Education, and Welfare

<sup>1</sup> ADAMHA was reorganized to the Substance Abuse and Mental Health Services Administration (SAM HSA) on October 1, 1992.

DHHS—Department of Health and Human Services

DOC—Department of Commerce

DOD—Department of Defense

DOL—Department of Labor

EPA—Environmental Protection Agency

ERS—Economic Research Service (USDA)

ES—Extension Service (USDA)

FASEB—Federation of American Societies for Experimental Biology

FDA—Food and Drug Administration

(DHHS/PHS)

FLAPS—Food Labeling and Package Survey (DHHS/PHS/FDA)

FNS—Food and Nutrition Service (USDA)

FSIS—Food Safety and Inspection Service (USDA)

HCFA—Health Care Financing Administration (DHHS)

HERB—Home Economics Research Branch (USDA/ARS)

HFCS—Household Food Consumption Survey

HHANES—Hispanic Health and Nutrition Examination Survey (DHHS/PHS/CDC/NCHS)

HNIS—Human Nutrition Information Service (USDA)

HRSA—Health Resources and Services Administration (DHHS/PHS)

IBNMRR—Interagency Board for Nutrition Monitoring and Related Research

ICNM—Interagency Committee on Nutrition Monitoring

IHS—Indian Health Service (DHHS/PHS)

INFOODS—International Food Composition Data System

ICHNR—Interagency Committee on Human Nutrition Research

JNMEC—Joint Nutrition Monitoring Evaluation Committee (DHHS/USDA)

LSRO—Life Sciences Research Office (FASEB)

NASA—National Aeronautics and Space Administration

NCCDPHP—National Center for Chronic Disease Prevention and Health Promotion (DHHS/PHS/CDC)

NCEH—National Center for Environmental Health (DHHS/PHS/CDC)

NCHS—National Center for Health Statistics (DHHS/PHS/CDC)

NCI—National Cancer Institute (DHHS/PHS/NIH)

NCL—Nutrient Composition Laboratory (USDA/ARS)

NFCS—Nationwide Food Consumption Survey (USDA/HNIS)

NHANES—National Health and Nutrition Examination Survey (DHHS/PHS/CDC/NCHS)

NHIS—National Health Interview Survey (DHHS/PHS/CDC/NCHS)

NHLBI—National Heart, Lung, and Blood Institute (DHHS/PHS/NIH)

NIA—National Institute on Aging (DHHS/PHS/NIH)

NIAID—National Institute of Allergy and Infectious Disease (DHHS/PHS/NIH)

NIAMS—National Institute of Arthritis and Musculoskeletal and Skin Diseases (DHHS/PHS/NIH)

NICHD—National Institute of Child Health and Human Development (DHHS/PHS/NIH)

NIDA—National Institute on Drug Abuse (DHHS/PHS/NIH)  
 NIDDK—National Institute of Diabetes and Digestive and Kidney Disease (DHHS/PHS/NIH)  
 NIDR—National Institute of Dental Research (DHHS/PHS/NIH)  
 NIH—National Institutes of Health (DHHS/PHS)  
 NLEA—National Labeling and Education Act  
 NMFS—National Marine Fisheries Service (DOC/NOAA)  
 NNDB—National Nutrient Data Bank (USDA/HNIS)  
 NNMAC—National Nutrition Monitoring Advisory Council  
 NNMRRP—National Nutrition Monitoring and Related Research Program  
 NNMS—National Nutrition Monitoring System  
 NOAA—National Oceanic and Atmospheric Administration (DOC)  
 OASFC—Office of the Assistant Secretary for Food and Consumer Services (USDA)  
 OASH—Office of the Assistant Secretary for Health (DHHS/PHS)  
 ODPHP—Office of Disease Prevention and Health Promotion (DHHS/OASH/PHS)  
 PedNSS—Pediatric Nutrition Surveillance System (DHHS/PHS/CDC/NCCDPHP)  
 PHS—Public Health Service (DHHS)  
 PNSS—Pregnancy Nutrition Surveillance System (DHHS/PHS/CDC/NCCDPHP)  
 SAMHSA—Substance Abuse and Mental Health Services Administration (DHHS/PHS)  
 TDS—Total Diet Study (DHHS/PHS/FDA)  
 USARIEM—United States Army Research Institute of Environmental Medicine (DOD)  
 USDA—United States Department of Agriculture  
 WIC—Special Supplemental Food Program for Women, Infants, and Children (USDA/FNS)  
 YRBS—Youth Risk Behavior Survey (DHHS/PHS/CDC/NCCDPHP)

## I. Introduction

The National Nutrition Monitoring and Related Research Act of 1990 (Pub. L. 101-445) defines the term "nutrition monitoring and related research" as "the set of activities necessary to provide timely information about the role and status of factors that bear on the

contribution that nutrition makes to the health of the people of the United States" (1). The establishment and implementation of a coordinated program is mandated in Title I of the Act: "The National Nutrition Monitoring and Related Research Program." The Act requires the preparation of a ten-year comprehensive plan for nutrition monitoring and related research.

The primary goal of the Ten-Year Comprehensive Plan is to establish a comprehensive nutrition monitoring and related research program by collecting quality data that are continuous, coordinated, timely, and reliable; using comparable methods for data collection and reporting of results; conducting relevant research; and efficiently and effectively disseminating and exchanging information with data users.

This document provides a brief history and review of past accomplishments of the National Nutrition Monitoring System (NNMS) in the United States. It also presents the Ten-Year Plan, 1992-2002, describing current nutrition monitoring activities (listed in the appendices) and planned activities required to improve and expand the nutrition monitoring program (sections IV through VII).

This Ten-Year Comprehensive Plan was developed by the Joint U.S. Department of Health and Human Services (DHHS) and the U.S. Department of Agriculture (USDA) Working Group (Appendix 1) under the guidance of the Interagency Board for Nutrition Monitoring and Related Research with broad input from the National Nutrition Monitoring Advisory Council, the public health community, and other users of nutrition monitoring data, including scientific advisors to Federal agencies, food and nutrition researchers, economists, food industry, and academia. The Plan responds to comments received when the proposed

plan was published in the *Federal Register* in October 1991 for a 90-day public review period (2). In addition, recommendations for NNMS made by scientific experts over the past decade, including the Joint Nutrition Monitoring Evaluation Committee (3), the Expert Panel on Nutrition Monitoring (4), the Coordinating Committee on Evaluation of Food Consumption Surveys of the National Research Council (5), and the Research Triangle Institute (RTI) (6) were considered in the development of this Plan.

The activities in this Plan reflect four areas: (a) Requirements of the law; (b) priorities identified by Federal agencies responsible for conducting nutrition monitoring surveys and related activities; (c) recommendations from scientific experts and organizations; and (d) recommendations from users of nutrition monitoring data.

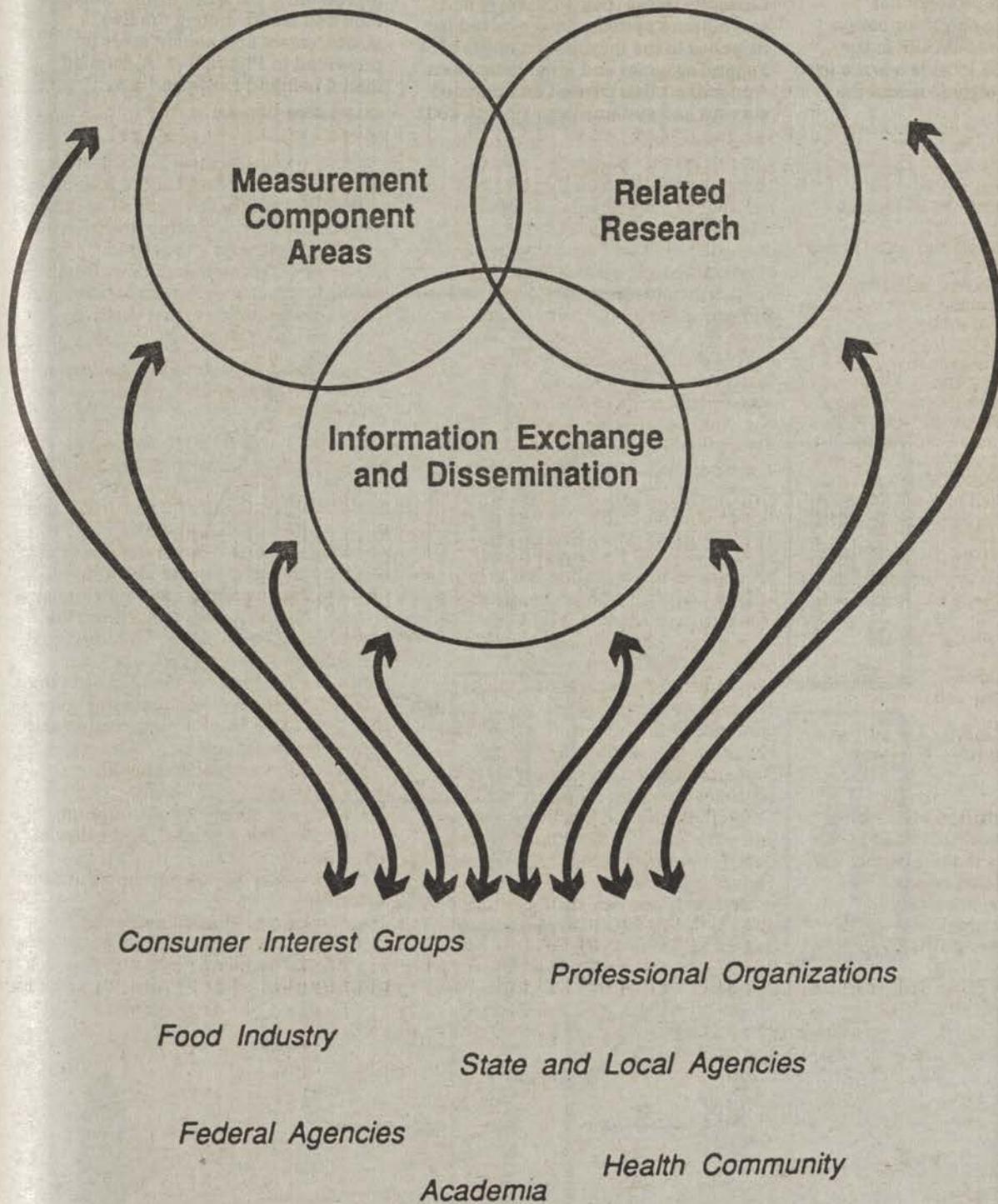
## II. The National Nutrition Monitoring and Related Research Program (NNMRRP)

NNMRRP was formerly known as NNMS. NNMS has been defined as "a complex assortment of interconnected activities that provide information about the contribution that diet and nutritional status make to the health of the American people and about the factors affecting dietary and nutritional status" (7). The name change from the "Monitoring System" to "Monitoring and Related Research Program" continues the long-held emphasis of the three major focuses as shown in Figure II-1. One focus is the five measurement component areas:

- Nutrition and related health measurements;
- Food and nutrient consumption;
- Knowledge, attitudes, and behavior assessments;
- Food composition and nutrient data bases; and
- Food supply determinations.

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Figure II-1. The National Nutrition Monitoring and Related Research Program--Foci, Users, and Contributors



The other two focuses are research activities and exchange and dissemination of data and other relevant information among Federal, State, and local agencies; food industry; the health community; consumer interest groups; academicians; and professional organizations. Data and information from each focus of NNMRRP at the national, State, and local levels are used directly and indirectly to assess the

dietary, nutritional, and related health status of the population.

A chronological listing of past (1892-1991) nutrition monitoring surveys and activities classified by the five NNMRRP components is found in appendix 2. Currently, more than 40 surveys and surveillance systems have evolved in response to the information needs of Federal agencies and other data users. Appendix 3 lists current and planned surveys and systems from 1992 to 2002

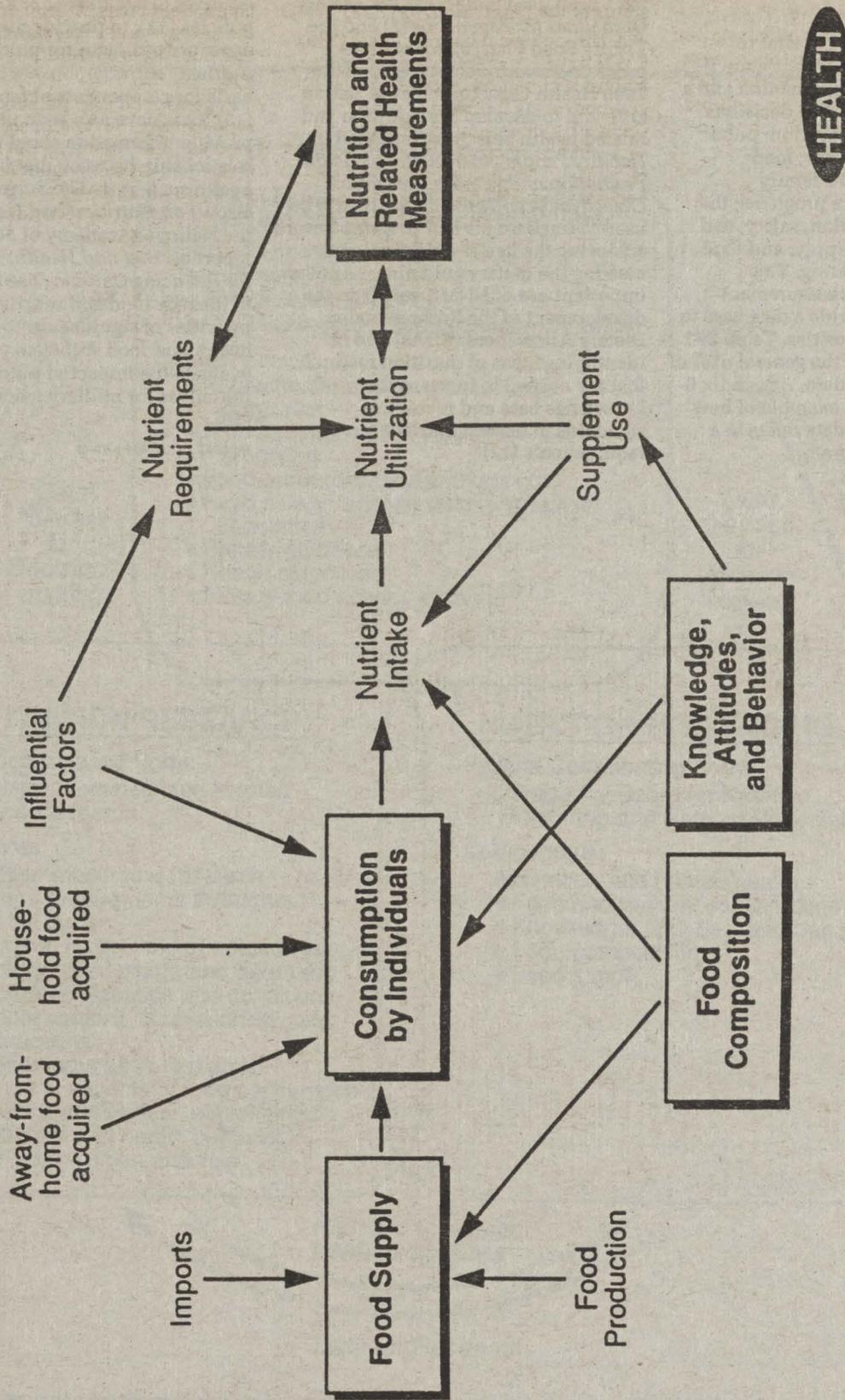
organized by the five measurement component areas. A brief description of the surveys and surveillance activities that constitute NNMRRP is found in appendix 4.

A general conceptual model representing the relationship between food and health among the five measurement component areas is presented in Figure II-2. A detailed model is found in appendix 5.

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Figure II-2. Relationship of Food to Health.\*

**FOOD**



\*Boxes indicate 5 measurement component areas of the NNMRFP. Adapted from detailed conceptual model (see Appendix 5.)

**HEALTH**

#### A. Purposes and Uses of Nutrition Monitoring Data

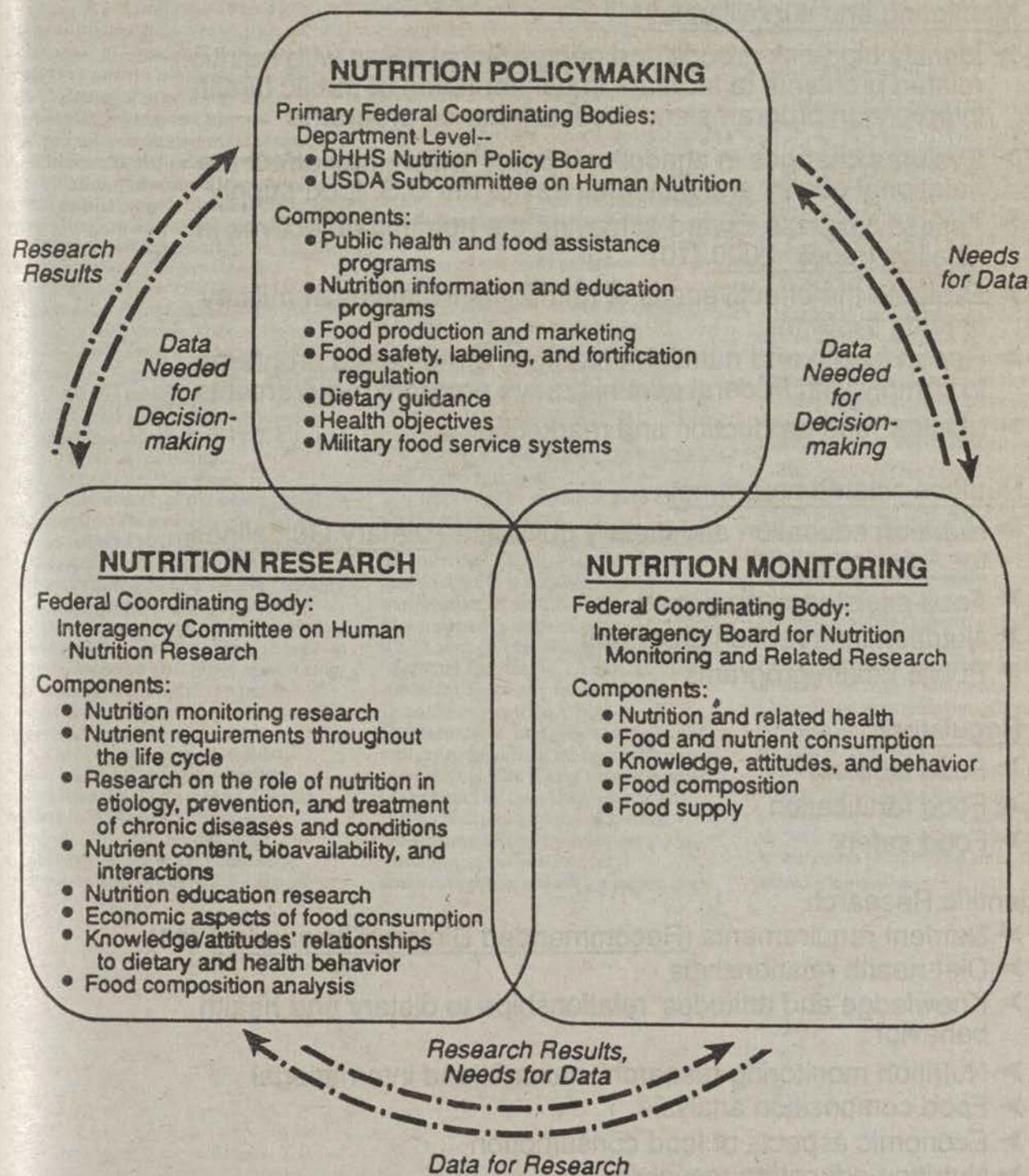
Nutrition monitoring is vital to policymaking and research (Figure II-3). Monitoring provides information and a data base for public policy decisions related to nutrition education; public health nutrition programs; food assistance programs; Federally supported food service programs; the regulation of fortification, safety, and labeling of the food supply; and food production and marketing. The nutrition monitoring measurement components also provide a data base to establish research priorities. Table II-1 provides examples of the general uses of nutrition monitoring data. Appendix 6 provides one specific example of how nutrition monitoring data relate to a health education program.

More specifically, data from NNMS have been used to develop the *Dietary Guidelines for Americans* (8) and the Thrifty Food Plan (9), to evaluate progress towards achievement of the 1990 Health Objectives for the Nation (10), and to develop the nutrition and related health objectives included in *Healthy People 2000: National Health Promotion and Disease Prevention Objectives* (11). These data will also be used to track trends and progress toward achieving the health objectives and meeting the dietary guidelines. Another important use of NNMS data is in the development of the Recommended Dietary Allowances (RDAs) and in identifying areas of nutrition research that are needed to increase the knowledge base and revise the standards of human nutrient requirements (12).

Data have been used by regulatory agencies to examine U.S. fortification policies (13), to provide dietary exposure estimates for nutrient and non-nutrient food components (14), and as a basis for components of food labeling (15). Data have also been used to provide information about the relationship between diet, nutrition, and health such as in *The Surgeon General's Report on Nutrition and Health* (16) and the National Academy of Science's report on *Diet and Health: Implications for Reducing Chronic Disease Risk* (17), to identify food and nutrition research priorities of significance to public health and food sufficiency, and to evaluate the impact of nutrition initiatives for military feeding systems (18).

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Figure II-3. Relationships among Nutrition Policymaking, Research, and Monitoring\*



\*Adapted from the Operational Plan for the National Nutrition Monitoring System (6).

Table II-1. Uses of Nutrition Monitoring Data

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## I. Public Policy

### A. Monitoring and surveillance:

- Identify high-risk groups and geographical areas with nutrition-related problems to facilitate implementation of public health intervention programs and food assistance programs
- Evaluate changes in agricultural policy which may affect the nutritional quality and healthfulness of the U.S. food supply
- Assess progress toward achieving the nutrition objectives in Healthy People 2000 (10)
- Evaluate the effectiveness of nutritional initiatives of military feeding systems
- Report health and nutrition data from State-based programs to comply with Federal administrative program requirements
- Monitor food production and marketing

### B. Nutrition-related programs:

- Nutrition education and dietary guidance (Dietary Guidelines for Americans) (7)
- Food assistance programs
- Nutrition intervention programs
- Public health programs

### C. Regulatory:

- Food labeling
- Food fortification
- Food safety

## II. Scientific Research

- Nutrient requirements (Recommended Dietary Allowances) (11)
  - Diet-health relationships
  - Knowledge and attitudes' relationships to dietary and health behavior
  - Nutrition monitoring research--national and international
  - Food composition analysis
  - Economic aspects of food consumption
  - Nutrition education research
-

### B. Milestones of the National Nutrition Monitoring System

Table II-2 provides a listing of the milestones of NNMS beginning with the Food and Agriculture Act of 1977. NNMS was formally established as a result of the passage of this Act, which required the Secretaries of USDA and the U.S. Department of Health, Education, and Welfare (currently DHHS) to submit a proposal for a comprehensive nutritional status monitoring system to Congress (19,20). The proposal included an analysis of deficiencies in the existing surveys and surveillance systems and provided recommendations for improving and expanding the scope of Federal nutrition monitoring activities. Upon recommendation of the General Accounting Office, DHHS and USDA prepared the *Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System* and submitted it to Congress in September 1981. This plan described the major goals and objectives of NNMS and how the Departments intended to achieve them (21). The two specific objectives of the Implementation Plan were:

- Achievement of the best possible coordination between the two largest components of NNMS—the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);
- Development of a reporting system to translate the findings from these two national surveys and other monitoring activities into periodic reports to Congress on the nutritional status of the American population.

According to this plan, a Joint Nutrition Monitoring Evaluation Committee (JNMEC) was to develop reports to Congress at three-year intervals. In 1983, JNMEC was established as a Federal advisory committee and prepared the report

entitled *Nutrition Monitoring in the United States: A Progress Report From the Joint Nutrition Monitoring Evaluation Committee* (3). This report provided an overview of the dietary and nutritional status of the population and was transmitted to Congress in July 1986. During this time period (1984), there was also a report prepared by the National Academy of Sciences that was funded by USDA and DHHS. This publication described uses of food consumption data and recommendations on survey design that would facilitate wider application of survey data (5).

In 1987, DHHS and USDA published the *Operational Plan for the National Nutrition Monitoring System* (7), a revision of the 1981 *Joint Implementation Plan for the Comprehensive National Nutrition Monitoring System* (21). The goals of the *Operational Plan for the National Nutrition Monitoring System* were:

- Achieve a comprehensive system through coordination among NNMS components;
- Improve information dissemination and exchange; and
- Improve the research base for nutrition monitoring.

In 1988, the Interagency Committee on Nutrition Monitoring (ICNM) was established to provide a formal mechanism for facilitating achievement of the system's expanded goals (22). The ICNM was co-chaired by the Assistant Secretary for Health, DHHS, and the Assistant Secretary for Food and Consumer Services, USDA, with representation from Federal agencies with responsibility for nutrition monitoring. The ICNM was responsible for enhancing the effectiveness and productivity of Federal nutrition monitoring efforts by improving the planning, coordination, and communication among agencies. As a

first step, the ICNM compiled the *Directory of Federal Nutrition Monitoring Activities* (23). This directory was published in September 1989 as a companion document to the triennial reports to Congress on nutrition monitoring. This publication has been well received and is extensively used by the public health community, academia, the private sector, and government.

The second progress report to Congress entitled *Nutrition Monitoring in the United States: An Update Report on Nutrition Monitoring*, published in September 1989, was prepared by an expert panel of the Life Sciences Research Office (LSRO), Federation of American Societies of Experimental Biology (FASEB), for USDA and DHHS (4). This report updated the dietary and nutritional status information presented in the 1986 report and provided an in-depth analysis of the contributions of NNMS to the evaluation of the relationship of dietary and nutritional factors to cardiovascular disease and to the assessment of iron nutriture.

The National Nutrition Monitoring and Related Research Act (Pub. L. 101-445) was signed into law on October 22, 1990 (1). It was intended " \* \* \* to strengthen national nutrition monitoring by requiring the Secretary of the Department of Agriculture and the Secretary of the Department of Health and Human Services to prepare and implement a ten-year plan to assess the dietary and nutritional status of the United States population, to support research on, and development of, nutrition monitoring, \* \* \* " (1). The Act establishes several mechanisms to ensure the collaboration and coordination of Federal agencies as well as State and local governments involved in nutrition monitoring activities.

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Table II-2. Milestones of the National Nutrition Monitoring System

YEAR	MILESTONE
1977	➤ Food and Agriculture Act (Pub. L. 95-113) passed
1978	➤ Proposal for a comprehensive nutritional status monitoring system submitted to Congress
1981	➤ Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System published
1983	➤ Joint Nutrition Monitoring Evaluation Committee formed
1984	➤ <u>National Survey Data on Food Consumption: Uses and Recommendations</u> published
1986	➤ <u>First Report to Congress: Nutrition Monitoring in the United States: A Progress Report from the Joint Nutrition Monitoring Evaluation Committee</u> published
1987	➤ Operational Plan for the National Nutrition Monitoring System published
1988	➤ Interagency Committee on Nutrition Monitoring (ICNM) formed
1989	➤ <u>The Directory of Federal Nutrition Monitoring Activities</u> published ➤ <u>Second Report to Congress: Nutrition Monitoring in the United States: An Update Report on Nutrition Monitoring</u> published
1990	➤ National Nutrition Monitoring and Related Research Act (Pub. L. 101-445) passed
1991	➤ Interagency Board for Nutrition Monitoring and Related Research established through incorporation and expansion of the ICNM

*C. Structure of Federal Coordination of the NNMRRP*

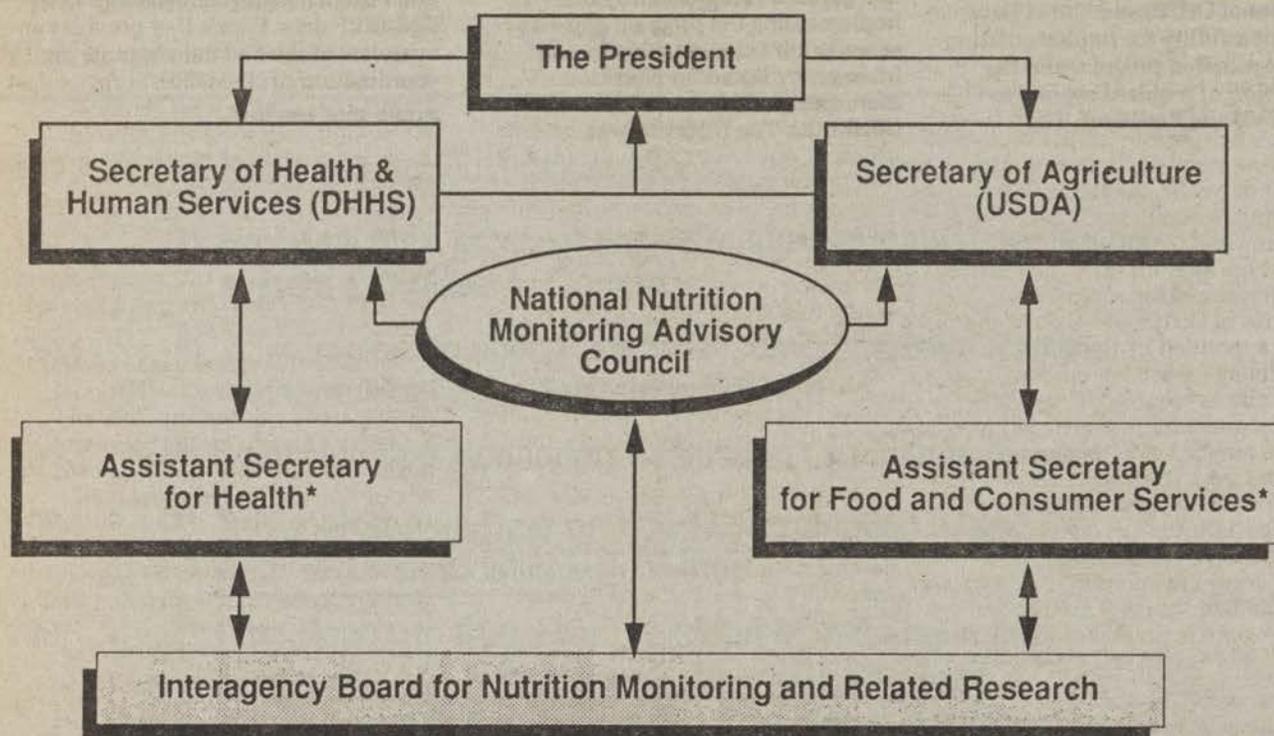
As specified in the Act, the Secretaries of DHHS and USDA have joint responsibility for implementation of the coordinated program and the transmission of required reports to Congress via the President. The

Assistant Secretary for Health, DHHS, and the Assistant Secretary for Food and Consumer Services, USDA, have been delegated the responsibility of implementing the program and also serve as joint chairpersons for the Interagency Board for Nutrition Monitoring and Related Research (IBNMRR). The IBNMRR was

established in 1991 through the expansion of the function and membership of the ICNM to include other agencies that contribute or use NNMRRP data. Figure II-4 provides an overview of the Federal structure for coordination of NNMRRP.

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Figure II-4. Structure of Federal Coordination of the National Nutrition Monitoring and Related Research Program



**Members:**

- Agency for International Development
- Agricultural Research Service, USDA
- Bureau of the Census, DOC
- Bureau of Labor Statistics, DOL
- Cooperative State Research Service, USDA
- Department of Defense
- Department of Education
- Department of Veterans Affairs
- Economic Research Service, USDA
- Environmental Protection Agency
- Extension Service, USDA
- Food and Drug Administration, DHHS
- Food and Nutrition Service, USDA
- Food Safety and Inspection Service, USDA
- Health Resources and Services Administration, DHHS
- Human Nutrition Information Service, USDA
- Indian Health Service, DHHS
- National Center for Chronic Disease Prevention and Health Promotion, CDC, DHHS
- National Center for Health Statistics, CDC, DHHS
- National Institutes of Health, DHHS
- National Marine Fisheries Service, NOAA, DOC
- Substance Abuse and Mental Health Services Administration, DHHS

\* Co-chair, Interagency Board for Nutrition Monitoring and Related Research and Ex-officio, National Nutrition Monitoring Advisory Council

#### D. The National Nutrition Monitoring Advisory Council

The Act also stipulated the establishment of the National Nutrition Monitoring Advisory Council (NNMAC). The IBNMRR receives scientific and technical guidance from the NNMAC. The Council is composed of the co-chairpersons of IBNMRR and nine voting members with expertise in the areas of public health, nutrition monitoring research, and food production and distribution. Five members are appointed by the President based on recommendations by the Secretaries of DHHS and USDA, and four are appointed by Congress. Appointments are to be renewed periodically as required by the Act. Technical and administrative support is provided jointly by co-executive secretaries from DHHS and USDA.

The Council will evaluate the scientific and technical quality of the Comprehensive Plan and the effectiveness of the coordinated program and recommend areas for improvement of the Program in annual reports to the Secretaries of DHHS and USDA.

#### III. Scope and Format of the Comprehensive Plan

The requirements of the Plan encompass a broad range of activities needed to achieve the primary goal and objectives of a coordinated national nutrition monitoring program. Current activities planned between 1992 and 2002 are listed in Appendix 3. Activities that complement and expand current NNMRRP activities are addressed in sections IV, V, and VI. Section IV describes the responsibilities and planned activities of IBNMRR. The activities are not listed in any priority order. Section V consists of three cross-cutting objectives and describes the planned activities within the five measurement components of NNMRRP. Some activities are cross-cutting and consequently will appear in more than one component to assure comprehensiveness and coordination. Section VI contains three objectives and discusses mechanisms to enhance State and local nutrition monitoring efforts and to facilitate coordination of these efforts with Federal activities. Section VII contains the calendars for the activities listed in sections IV, V, and VI.

In addition, the overall Plan emphasizes improving the information about selected population subgroups and effective exchange with data users (sections V and VI). Expansion of information on the dietary and nutritional status of specific subgroups

in the population is an important part of the goal of creating a comprehensive nutrition monitoring program. Many of the surveys of NNMRRP are used to collect data on various subgroups of the population such as low-income groups. However, data are limited or inadequate for some groups, including institutionalized persons, American Indians, Alaska Natives, migrant farm workers, homeless persons, elderly persons, pregnant and lactating women, infants, and preschool and school-aged children. Because issues related to these groups cut across NNMRRP components, population subgroup issues are included in each relevant section.

Although the Monitoring Program is limited to coverage of some population subgroups, the current surveys and surveillance systems of NNMRRP are an under-utilized national resource. Many academicians, health professionals, and local officials are not aware of the type and magnitude of health and nutrition surveillance data available to them through the Nutrition Monitoring Program. More aggressive methods are needed to promote and disseminate survey and other nutrition monitoring data and related information. In addition to preparing, promoting, and distributing survey reports and data tapes, efforts should be directed toward instructing users on how to access, process, and interpret data appropriately via the provision of training manuals, survey documentation on methods and quality control procedures, and data user conferences at national and regional levels.

To increase awareness, cost-effective mechanisms that facilitate cooperation and collaboration, avoid duplication of efforts, and are easily accessible to practitioners, community workers, policymakers, journalists, and researchers are needed. When new data are released and scientific reports and chartbooks published, such communication methods as newsletters and briefings need to be explored.

Another possible mechanism is a central clearinghouse for nutrition monitoring and related research activities that houses copies of survey and surveillance questionnaires, data collection instruments, published information, and related research articles. This could be a valuable resource for all NNMRRP users and contributors—Federal and non-Federal. In addition, this clearinghouse has the potential to contain information on State and non-governmental nutrition monitoring data and activities.

Input from NNMRRP data users is also important to keep the Program

flexible for meeting a variety of needs. Periodic formal evaluations are recommended to continually improve the responsiveness of NNMRRP to its users.

Given competing demands for limited national resources and resulting budget limitations, the goals for National Nutrition Monitoring and Related Research contained in this report would have to be evaluated against other competing national needs at specific points in time.

#### IV. Activities of the Interagency Board for Nutrition Monitoring and Related Research (IBNMRR)

The IBNMRR serves as the central coordination point for the National Nutrition Monitoring and Related Research Program for the Federal government. Members of the Board are responsible for representing their agencies in all areas of nutrition monitoring. Board products and activities are completed by appointed working groups and designated staff from member agencies.

The activities below identify the major mechanisms the Board will employ for coordinating NNMRRP. The required activities of IBNMRR as defined by Public Law 101-445 are listed first and followed by planned Board activities. Section VII contains the calendar of required activities (Table VII-1) and the calendar of planned activities (Table VII-2) for IBNMRR.

##### Public Law 101-445 Required Activities of IBNMRR

- Meet on a quarterly basis for the two-year period following enactment of the Act, and as appropriate thereafter.
- Coordinate the preparation of the annual budget report on nutrition monitoring to the President for transmittal to Congress.
- Coordinate the preparation of the biennial reports on progress of the coordinated Program and policy implications of scientific findings to the President for transmittal to Congress. This report includes the annual report of NNMAC.
- Coordinate the preparation of the periodic scientific reports that describe the nutritional and related health status of the population to Congress.

##### Planned Activities of IBNMRR

- Review biennially IBNMRR membership and representation to be responsive to the Act and the Ten-Year Plan.
- Establish working groups to address topics of special interest and/or high priority. Currently, there are three IBNMRR working groups (Survey

Comparability, Food Composition Data, and Federal-State Relations and Information Dissemination and Exchange) that hold regular meetings that provide the framework for increased communication and collaboration among the member agencies.

- Coordinate the update of Nutrition Monitoring in the United States: The Directory of Federal and State Nutrition Monitoring Activities every three years, expanding to include sources of non-Federal data.

- Coordinate the preparation of a chartbook that updates and provides data and information from NNMRRP intermediate to publication of the scientific reports.

- Establish a central clearinghouse for nutrition monitoring and related research funded by all Federal agencies participating in IBNMRR.

- Develop a set of procedures to solicit input regarding NNMRRP and the Comprehensive Plan from State and local governments, the private sector, public interest groups, health care professionals, and scientific communities to revise and update the Ten-Year Comprehensive Plan.

- Evaluate and report on an annual basis the progress in accomplishing the activities included in the Ten-Year Comprehensive Plan, including yearly three-year timelines of planned survey and surveillance activities across all IBNMRR agencies.

- In 1997 and 2002, evaluate the progress in accomplishing the activities of the Ten-Year Comprehensive Plan and report the findings and recommendations and revise the Comprehensive Plan, as appropriate.

- Respond to recommendations of NNMAC regarding the enhancement of the Comprehensive Plan and coordinated Program.

- Identify a mechanism for independent review and evaluation of the purposes, uses, and capabilities of surveys in NNMRRP to meet intended objectives.

#### V. National Objectives and Activities

Numerous activities are scheduled in this Ten-Year Plan in order to achieve the overall goal of the National Nutrition Monitoring and Related Research Program. Three overall national objectives have been identified that are critical to the success of the overall goal:

- Provide for a comprehensive NNMRRP through continuous and coordinated data collection;
- Improve the comparability and quality of data across NNMRRP; and

- Improve the research base for nutrition monitoring.

These objectives are consistent with and expand upon the goals delineated in the 1981 *Joint Implementation Plan for the Comprehensive National Nutrition Monitoring System* (20) and the 1987 *Operational Plan for the National Nutrition Monitoring System* (6) and are applicable to each of the five measurement component areas of NNMRRP. In this section, the planned activities are described by component area within each of these overall objectives.

For each planned activity in sections V and VI, the "responsible," "contributing," or "collaborating" Federal organizations are listed alphabetically. Determination of the "responsible organization" was made if the activity is part of the basic mission or the responsibility of an organization. Responsible organizations are accountable for initiating collaboration, organizing activities, and communicating progress to the other involved agencies and IBNMRR. "Contributing" refers to substantial participation in planning, conducting, and evaluating the activity with the responsible organization(s). "Collaborating" agencies will serve as participants and in an advisory, communicative capacity. The planned activities are necessary to achieve a coordinated and comprehensive Nutrition Monitoring Program. They imply a level of activity beyond the current levels.

#### *Objective V-A. Provide for a Comprehensive NNMRRP Through Continuous and Coordinated Data Collection*

The establishment of a focused, comprehensive National Program for Nutrition Monitoring and Related Research involves more than just coordinating current activities in the five measurement component areas. It includes improvement of methodologies for the collection and interpretation of data, timely processing and release of data, expanding coverage of population subgroups, and addressing current nutrition issues. Continuous collection of data in cross-sectional and longitudinal surveys and surveillance systems within NNMRRP is needed to evaluate and monitor the contribution that diet and nutritional status make to the health of the U.S. population. In addition, the expansion and coordination of assessments of knowledge, attitudes and behavior, food composition, and the food supply is critical for an effective NNMRRP.

Specifically, there needs to be increased coordination between NHANES, CSFII and HFCS. Several activities detailed in this Ten-Year Plan address this need. Areas that will be addressed include, but are not limited to, the following:

- Timing of the next NHANES and CSFII for the general population and for selected subgroups of the population to assure adequate coverage of monitoring the dietary status of the population (activities V-A-1.2, V-A-2.1, and V-A-2.2).

- Sampling plans for upcoming surveys to identify the general population and population subgroups (activity V-A-2.1) and defining key population descriptors to be measured across surveys in a comparable manner (activities V-A-2.1, V-B-2.1, and V-B-2.2).

- Methods used for dietary intake assessment (activities V-B-2.3, V-B-2.5, V-B-4.2, and V-C-2.7).

- Uniform reporting guidelines in the publication of survey findings, survey operations, and response rates (activities V-A-2.1 and V-B-2.4).

- Exploration of the development of a joint sampling design between NHANES and CSFII (activities V-A-2.1, V-C-1.1, and V-C-2.3).

- Establishment of a mechanism to combine data from NHANES and CSFII into a single estimation model (activity V-A-2.1, V-B-2.2, V-C-1.1, and V-C-2.3).

#### 1. Nutrition and Related Health Measurements

Nutrition and related health data have a wide variety of policy, research, health and nutrition education, medical care practices, and reference standards applications. These data have been used to establish baseline data for the 1990 and 2000 *Health and Nutrition Objectives for the Nation* (10,11) and to estimate the prevalence of nutrition and related health conditions in the population.

NHANES, conducted by DHHS/CDC/NCHS, provides national data on the nutritional status, dietary intake, and numerous health indices of the U.S. population. Physical measures such as body measurements, blood pressure, dental examinations, and biochemical and hematological tests allow for studying the relationship between diet and nutritional and related health status. Thus, NHANES is the cornerstone of this NNMRRP measurement component. A number of other surveys and surveillance systems, primarily conducted by DHHS/CDC, also contribute nutrition-related health information, particularly for pregnant

women, infants, and children. The National Health Interview Survey (NHIS) provides information about self-reported health conditions annually and about special nutrition and health topics periodically. NHIS has recently been redesigned to produce improved estimates for minority groups in the population.

Nutrition and related health information from these and other surveys and surveillance systems provide data to define mid-course progress toward the Year 2000 Health Objectives. The continuous collection of these data are required for generating reference distributions and for monitoring trends over time.

#### Planned Activities

##### V-A-1.1

Coordinate the planning for coverage, tracking, and reporting of findings from surveys and surveillance systems used to collect nutrition and related health data in NNMRRP to monitor the Year 2000 Health Objectives; coordinate the development of standardized nutrition and related health indicators with those established for the Year 2000 Objectives, as appropriate; release remaining Hispanic HANES nutrition data tapes for public use and publish nutrition-related information from Hispanic HANES.

*Responsible organization:* CDC/NCHS.

*Contributing organizations:* CDC/NCCDPHP, DOD, FDA, HNIS, HRSA, IHS, NIH.

##### V-A-1.2

Develop and implement a plan for improved coverage of subgroups of the population at nutritional risk (for example, low-income populations, American Indians, and Alaska Natives) that would include a compilation of existing surveys, surveillances, and related research information; the assessment of gaps; and recommendations for technical and research-related assistance to Federal, State, and local jurisdictions to improve their coverage of selected subgroups.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* CDC/NCCDPHP, FDA, FNS, IHS, NIH.

*Collaborating organization:* HRSA.

##### V-A-1.3

Publish scientific reports every five years, based on data from NNMRRP. These reports integrate current and planned assessments of nutrition and related health status collected from a wide variety of survey and surveillance activities.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* IBNMRR.

##### V-A-1.4

Publish a report, such as a chartbook, based on data from NNMRRP between releases of NNMRRP scientific reports.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* IBNMRR.

##### V-A-1.5

Publish a revised directory every three years to describe current national nutrition monitoring surveys and activities, expanding to include new IBNMRR members' and States' activities.

*Responsible organization:* CDC/NCHS.

*Contributing organizations:* IBNMRR.

*Collaborating organizations:* IBNMRR Federal-State Relations and Information Dissemination and Exchange Working Group

#### 2. Food and Nutrient Consumption

Food and nutrient consumption measurements include estimations of an individual's intake of foods and beverages (nonalcoholic and alcoholic) and nutritional supplements, as well as levels of non-essential nutrients such as dietary fiber. Data from assessment of the food consumption and dietary status of the population provide information needed for making public policy and research decisions related to food fortification, food safety, food labeling, food production and marketing, military feeding systems, food assistance, public health, and nutrition education.

These data can also be used for trend analysis provided methods of data collection of past, current, and future surveys are comparable.

The USDA's Continuing Survey of Food Intakes by Individuals (CSFII) and DHHS' NHANES, the two cornerstone NNMRRP surveys, provide national estimates of food and nutrient intakes in the general U.S. population and subgroups. The CSFII emphasizes the food and nutrient intake of the general population and subgroups of the population as it relates to various socioeconomic factors. In NHANES, dietary intake is related to health status in the same individuals. USDA's Household Food Consumption Survey (HFCS) provides the only source of collective information on household food use, nutrient availability, and food expenditures. These surveys also provide the potential to assess levels of additives and pesticides in diets consumed.

In addition to the cornerstone surveys, there are other surveys within

NNMRRP that provide valuable food and nutrient intake data. CDC/NCHS' and FDA's Vitamin/Mineral Supplement Intake Survey, incorporated into the 1986 National Health Interview Survey, provided estimates of the prevalence of supplement use, characteristics of users, and quantities of nutrients consumed from supplements. FDA's Total Diet Study provides analysis of foods on an annual basis and resultant estimates of the intakes of nutritional elements and metals. DOD's periodic assessments of food and nutrient consumption of military populations are used to monitor and improve the effectiveness of nutritional initiatives for military food service and health promotion programs.

#### Planned Activities

##### V-A-2.1

Develop a yearly plan to coordinate the planning, conducting, and reporting of findings from CSFII and NHANES for the general population and for selected subgroups of the population defined at increased nutritional risk. The yearly joint plan will include coordination of timing, sample design, subgroup coverage, data collection methods, questionnaire content, use of standardized key population descriptors, and analysis and reporting of survey data.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* Federal data users.

##### V-A-2.2

Develop and implement a plan for improved coverage of subgroups of the population at increased risk for under- and over-consumption of nutrients and food components (including food insufficiency) that would include a compilation of existing survey, surveillance, and related research information; assessment of gaps; and recommendations for technical and related research assistance to Federal, State, and local jurisdictions to improve their coverage of selected subgroups.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* CDC/NCCDPHP, EPA, FDA, FNS, IHS, NIH.

##### V-A-2.3

Incorporate current and planned assessments of food and nutrient consumption data collected from a wider variety of surveys and surveillance activities, such as those from the military populations, into the NNMRRP scientific report every five years (V-A-1.3) and into intermediate reports such as a chartbook (V-A-1.4).

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* IBNMRR.

#### V-A-2.4

Identify the food intake data needed to address food safety issues such as exposures to pesticide residues and recommend methods for meeting these needs.

*Responsible organizations:* EPA, FDA, HNIS.

*Contributing organizations:* AMS, CDC/NCHS, ERS, NMFS.

*Collaborating organization:* FSIS.

### 3. Knowledge, Attitudes, and Behavior Assessments

National surveys that measure knowledge, attitudes, and behavior about diet and nutrition and how these relate to health were added to nutrition monitoring only in the past decade. Consequently, less is known about the knowledge, attitudes, and behavior of the general population than is known about their food consumption and nutritional status. Collection of national data on a continuous basis on awareness of diet and health relationships, knowledge and attitudes toward dietary guidance, and food safety, along with dietary behavior, food choices, and health status are needed. Provided the criteria are met for use of standardized approaches, including sample design, estimation procedures, and population descriptor variables (6), this data collection will allow the linkage of behavior with health measurements as well as with dietary measurements.

In general, the focus of the Health and Diet Surveys conducted by FDA was on people's awareness of relationships between diet and risk for chronic disease and on health-related knowledge and attitudes. The focus of the Diet and Health Knowledge Survey initiated by USDA in 1989 was on the relationship of individuals' knowledge and attitudes about dietary guidance and food safety to their food choices and nutrient intakes. The focus of the Behavioral Risk Factor Surveillance System initiated by DHHS/CDC in 1981 was on personal behavior and its relationship to nutritional and health status. Other surveys in this area are conducted by State and local agencies and by private industry.

Coordinated collection of dietary and health knowledge and attitudes would help to avoid duplication of efforts, to identify and prioritize monitoring needs, and to strengthen linkages between national surveys and programs that use these data for program planning and evaluation purposes. The results of these surveys are used to plan national

strategies for encouraging and assisting people to adopt healthy eating patterns.

#### *Planned Activities*

##### V-A-3.1

Establish and institute a mechanism for improved coordination among Federal agencies that collect and use survey information about knowledge, attitudes, and behavior to assess gaps and duplications in existing surveys.

*Responsible organizations:* FDA, HNIS.

*Contributing organizations:* CDC/NCCDPHP, CDC/NCHS, NIH.

*Collaborating organizations:* DOD, ERS, ES, FSIS, HRSA, IHS.

##### V-A-3.2

Prepare reports on knowledge, attitudes, and behavior using available NNMRP data for the Dietary Guidelines Advisory Committee to use for the 1995 and 2000 revisions of the Dietary Guidelines for Americans.

*Responsible organization:* HNIS.  
*Contributing organizations:* CDC/NCHS, FDA, NIH, ODPHP.

*Collaborating organizations:* CDC/NCCDPHP, ES.

##### V-A-3.3

Conduct surveys of knowledge, attitudes, and behavior to provide better coverage of subgroups of the population and relevant topics.

*Responsible organizations:* FDA, HNIS.

*Contributing organizations:* CDC/NCCDPHP, CDC/NCHS, NIH.

*Collaborating organizations:* DOD, ES, FSIS, HRSA, IHS.

### 4. Food Composition and Nutrient Data Bases

USDA operates the National Nutrient Data Bank (NNDB) for the purpose of deriving representative nutrient values for foods consumed in the United States. Values from NNDB are released in Agriculture Handbook No. 8, "Composition of Foods \* \* \* Raw, Processed, Prepared," and as part of the USDA Nutrient Data Base for Standard Reference. These values are used, in turn, as the core of most nutrient data bases developed in the United States for special purposes, such as those used in the commercially available dietary analysis programs.

USDA produces the Survey Nutrient Data Base from NNDB for analysis of nationwide dietary intake surveys. The Survey Nutrient Data Base contains data for 28 food components and energy for each food item included. A system is in place at USDA to periodically update this Nutrient Data Base with the most current information available from

NNDB. A continuous goal for the Survey Nutrient Data Base is its expansion and improvement to achieve adequate representation of these foods and nutrients for nutrition monitoring purposes. Currently, only a limited number of the foods within NNDB and the Survey Nutrient Data Base have separate entries by brands. A review of the need for more descriptive specificity, including brand name information, needs to be based on the uses of the data.

FDA's Total Diet Study provides information on the levels of selected nutrients and organic and elemental contaminants in the U.S. food supply from core foods. "Core foods" are defined as those foods that are consumed most frequently in NFCS or NHANES, depending on which is most current. These foods are collected from retail markets, prepared for consumption, and analyzed individually for nutrients and other food components at the Total Diet Laboratory.

Food composition data bases must evolve and change continually to respond to the changing food supply and changing public health issues. Additional data may need to be incorporated to strengthen the existing data base, or values may become obsolete as analytical methods are improved or as foods change over time. Food composition values need to be continually evaluated and periodically updated.

#### *Planned Activities*

##### V-A-4.1

Evaluate the specificity of food items on the current Survey Nutrient Data Base in terms of known long-range needs for nutrition monitoring purposes not for only the general population but also for ethnic subgroups and include and update forms of food and brand name items where current level of specificity is inadequate.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* ARS, FDA.

*Collaborating organizations:* EPA, FNS, IHS, NIH, NMFS.

##### V-A-4.2

Develop and implement a plan for prioritizing and adding components to the Survey Nutrient Data Base.

*Responsible organization:* HNIS.

*Contributing organizations:* ARS, CDC/NCHS, FDA.

*Collaborating organizations:* CSRS, FNS, NIH.

## V-A-4.3

Establish a government-industry task force or other mechanism to increase voluntary contribution of food composition information by food industry and to encourage the use of standardized food composition measurements by food industry to facilitate the use of their data for nutrition monitoring purposes.

*Responsible organizations:* ARS, HNIS.

*Contributing organizations:* FDA, FSIS.

*Collaborating organization:* CDC/NCHS.

## V-A-4.4

Evaluate the effectiveness of criteria used for verifying and updating food composition values over time and revise, formalize, and document as appropriate. Verification of values should include evaluation of food recipes or formulas and sampling plans that may be used to generate the values.

*Responsible organization:* HNIS.

*Contributing organizations:* CDC/NCHS, FDA.

*Collaborating organization:* ARS.

## V-A-4.5

Develop, implement, and maintain procedures for tracking changes to the food composition and nutrient data bases that will permit trend analysis of dietary intake data.

*Responsible organization:* HNIS.

*Contributing organizations:* CDC/NCHS, FDA.

*Collaborating organizations:* IBNMRR Working Group on Food Composition Data.

## V-A-4.6

Determine the extent of documentation needed by users to improve interpretation of food component intake data derived from the survey nutrient and food coding data bases and establish procedures to provide the information to users.

*Responsible organization:* HNIS.

*Collaborating organizations:* CDC/NCHS, FDA, FNS.

## V-A-4.7

Develop and implement a plan for establishing and maintaining a nutritional supplements data base.

*Responsible organization:* CDC/NCHS.

*Contributing organization:* FDA.

*Collaborating organization:* HNIS.

## V-A-4.8

Periodically review and evaluate the food composition data component of the NNMRRP to determine, first, its

effectiveness in meeting the needs of the Program and, second, the adequacy of dissemination of the food composition information to the users of NNMRRP data.

*Responsible organizations:* ARS, HNIS.

*Contributing organizations:* IBNMRR Working Group on Food Composition Data.

## 5. Food Supply Determinations

Since the beginning of this century, U.S. food supply estimates have indicated levels of foods and nutrients available for consumption. Thus, changes in the American diet can be evaluated from an historical perspective. These data can also be used to assess the potential of the U.S. food supply to meet the nutritional needs of the population and may also be useful in epidemiological studies. Yet, the dissemination of food supply estimates has not been as widespread as data from other components of the monitoring system. Awareness of the data, their potential uses, and limitations need to be increased. Emphasis must be placed on documentation, interpretation, and usefulness of the data for meeting the needs of researchers, policymakers, program managers, health professionals, and the media.

Primary information used in calculating food supplies comes from a variety of governmental and private sources. Since 1981, data losses regarding commercial production of fresh and processed fruits and vegetables have posed a serious problem for estimating per capita disappearance of produce. Other significant data losses include estimates of stocks and commodity disposition, for example, seeds. Information on cereals and bakery products has always been sparse, the principal source being the rather limited coverage in the quinquennial Census of Manufacturers. Thus, identification of alternative data sources and improved collection of data from current sources is needed to develop food disappearance estimates.

*Planned Activities*

## V-A-5.1

Develop and implement a strategy to increase awareness, understanding, and use of food supply data with emphasis on interpretation and documentation for policy applications.

*Responsible organizations:* ERS,

HNIS.

*Collaborating organizations:* ES, FDA.

## V-A-5.2

Periodically reevaluate methods for obtaining commodity disappearance

data for appropriateness and, if indicated, devise new or modified procedures to improve accuracy or fill data voids using alternative data sources.

*Responsible organization:* ERS.

*Contributing organizations:* HNIS, NMFS.

## V-A-5.3

Seek industry cooperation to improve the accuracy of food supply determinations, including reinstatement of pack data for many processed fruit and vegetable products.

*Responsible organization:* ERS.

*Contributing organizations:* AMS, FDA, HNIS, NMFS.

*Objective V-B. Improve the Comparability and Quality of Data Across NNMRRP*

An integral part of the coordination of nutrition monitoring activities is the use of standardized or comparable methodologies for the collection, quality control, analysis, and reporting of data. Certain basic criteria for sampling designs would allow the ability to compare, link, and combine data between surveys, including those that assess dietary behavior, knowledge and attitudes about food and nutrient consumption, and nutrition-related health status. Comparability would also be enhanced by the identification and use of standardized questions or measurement methods for selected key population descriptors and indicators of nutritional and health status. For example, any NNMRRP survey used to collect information on the use of vitamin and mineral supplements should include a recommended minimum set of supplement usage questions. This minimum set could be augmented by other questions dependent upon the survey's data needs and objectives.

The IBNMRR Working Group on Survey Comparability has begun the process of documenting similarities and differences for selected key population descriptors and nutrition-related health variables across NNMRRP surveys. This activity is the first step in providing recommendations about the common usage, definitions, and reporting of key survey variables, including race, ethnicity, education, income, and self-reported height and weight.

In addition, a recent report entitled *Sampling Designs and Population Descriptors of Nationwide Food Consumption Surveys and National Health and Nutrition Examination Surveys* (6), completed under contract with the Research Triangle Institute, examined the comparability of sampling

designs and selected population descriptors in the two cornerstone surveys. The report recommended options for increasing comparability between the two surveys. These recommendations were taken into consideration in the activities planned in the following sections.

#### 1. Nutrition and Related Health Measurements

Although many of the surveys in NNMRRP include nutrition and related health indicators, there is no standardized set of questions, assessments, and procedures that have been agreed on or used across surveys to measure nutrition and related health status. Without common definitions, the comparison of nutritional and related health findings among different surveys is limited.

Recently, an expert panel convened by LSRO/FASEB identified "Core indicators of nutritional state for difficult-to-sample populations" (24). This report developed a conceptual model but did not describe specific methods, questions, or indicators for nutritional status assessment. Further work is needed to review the applicability of this model to the general population and to identify the specific assessments that constitute a minimum set of indicators to measure nutritional status.

#### Planned Activities

##### V-B-1.1

Establish a consensus and biennially publish key standardized indicators "by nutritional issue" (e.g., overweight or iron status) to be included as a part of several types of NNMRRP surveys that collect nutrition and related health data, and implement recommendations in appropriate surveys.

*Responsible organization:* CDC/NCHS.

*Contributing organizations:* ARS, CDC/NCCDPHP, FDA, NIH.

*Collaborating organizations:* CDC/NCEH, FNS, HNIS, HRSA, IHS.

##### V-B-1.2

Identify the most appropriate laboratory methodologies for key nutritional biochemistry indicators, and publish the results as a reference document to provide comparability and quality with national data.

*Responsible organization:* CDC/NCEH.

*Contributing organizations:* ARS, CDC/NCCDPHP, FDA, NIH.

*Collaborating organizations:* CDC/NCHS, CSRS.

#### 2. Food and Nutrient Consumption

Given the scope of food consumption issues that need to be addressed by NNMRRP, no one survey can provide all the necessary information to comprehensively address the Program needs while at the same time meeting agency-specific needs. An effective system for monitoring food consumption and dietary status should include information from several surveys. For example, household food use and individual food-intake data are needed by such groups as the agricultural, educational, and public health communities. Agricultural groups use these data to assess the impact of changing food intake on food production and marketing.

Educational groups use these data in developing effective nutrition education programs, and public health communities use these data to target groups for nutrition and health intervention programs.

Various methodologies for the collection of food and nutrient consumption information are used in several NNMRRP surveys. Selection of the type of dietary method is dependent on several factors, including the survey's objectives and needs, intended uses of the data, the study population, and operational procedures. An advantage of having several surveys that collect food and nutrient consumption information is the ability to link, combine, or compare data for various groups within the population by characteristics such as age, sex, income, race, ethnicity, and other sociodemographic variables. Linkage through dietary data and standardized population descriptors can facilitate studying the relationship between dietary intake, knowledge and attitudes, and related health status. This linkage will be improved as the data collection methodologies for measuring dietary intake, coding, and analysis become more comparable. Calibration between dietary methods is also needed to improve the usefulness and interpretation of the data derived from various dietary methods.

#### Planned Activities

##### V-B-2.1

Establish a consensus and periodically publish key questions related to food consumption and food assistance program participation to be included as a part of several types of NNMRRP surveys that collect data on the food and nutrient intake of individuals or household food consumption and implement

recommendations in appropriate surveys.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* CDC/NCCDPHP, DOD, EPA, FDA, FNS.

*Collaborating organizations:* Census Bureau, ERS, ES, HRSA, IHS, NIH, NMFS.

##### V-B-2.2

Review the recommendations in the report by the Research Triangle Institute (5) for improving the comparability of sample design and population descriptors in the next NHANES, CSFII and HFCS and develop a plan and implement appropriate recommendations in the next surveys. This includes exploration of a joint sampling design to facilitate linked analysis of data.

*Responsible organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* Federal data users.

##### V-B-2.3

Identify ways to increase comparability within a dietary method such as the 24-hour recall, food record, or food frequency to improve the quality and usefulness of data and implement recommended changes including food coding, probing techniques, proxy reporting, and portion size estimation in order to standardize data collection by method.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* CDC/NCCDPHP, FNS, NIH.

*Collaborating organizations:* ADAMHA, EPA, FDA, IHS.

##### V-B-2.4

Develop a consensus for the standardized reporting of dietary intake measures and survey response rates to set the precedent for other surveys.

*Responsible organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* ARS, CDC/NCCDPHP, CSRS, DOD, FDA, NIH, IHS.

##### V-B-2.5

Establish a consensus and publish key standardized dietary status indicators to be included as part of NNMRRP surveys used to collect food and nutrient consumption data and implement recommendations in appropriate surveys.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* ARS, CDC/NCCDPHP, FDA, FNS, NIH.

*Collaborating organizations:* ADAMHA, EPA.

### 3. Knowledge, Attitudes, and Behavior Assessments

An effective NNMRRP will be able to link surveys used to collect data on knowledge, attitudes, and behavior and surveys used to gather information on dietary intake, food consumption, and nutrition-related health status. Where appropriate, there is a definite need to standardize the questions and methods used to assess the population's dietary and related knowledge, attitudes, and behavior. Questionnaires and indicators need to be evaluated to ensure they are valid and reliable estimators of knowledge, attitudes, and behavior held by the general population and selected subgroups.

#### Planned Activities

##### V-B-3.1

Identify and incorporate key questions for comparability among NNMRRP surveys focused on assessing knowledge, attitudes, and behaviors.

*Responsible organizations:* FDA, HNIS.

*Contributing organizations:* CDC/NCCDPHP, CDC/NCHS, CSRS, EPA, NIH.

*Collaborating organizations:* DOD, ERS, ES, FSIS, HRSA, IHS.

##### V-B-3.2

Compile information on methods used to design and evaluate questionnaires used in Federal surveys of knowledge, attitudes, and behavior and prepare a report with recommendations for improving quality of test instruments.

*Responsible organizations:* FDA, HNIS.

*Contributing organizations:* CDC/NCCDPHP, CDC/NCHS, NIH.

*Collaborating organizations:* DOD, ES, HRSA, IHS.

### 4. Food Composition and Nutrient Data Bases

The USDA Survey Nutrient Data Base (SNDB) is used in national surveys as well as in other research studies and projects requiring nutrient analysis. Since 1982, the same nutrient data base has been used in NCHS and HNIS surveys for analysis and reporting of dietary intakes. However, differences related to how it is used may influence the comparability of the results. There is a need to identify current differences in use among users of SNDB and move toward developing comparable uses.

#### Planned Activities

##### V-B-4.1

Document uses of food codes in the Survey Nutrient Data Base used by CDC/

NCHS and HNIS and ensure comparability.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organization:* FDA.

##### V-B-4.2

Develop and provide coding guidelines regarding such issues as default amounts, partially described foods, and incorporation of new foods and brand name food items into the Survey Nutrient Data Base to improve comparability of dietary intake data.

*Responsible organizations:* CDC/NCHS, HNIS.

*Collaborating organization:* FDA.

#### Objective V-C. Improve the Research Base for Nutrition Monitoring

Research in various areas is needed before the planned activities listed under Objectives V-A and V-B can be implemented. Conducting research in the areas of survey design, questionnaire design, collection methods, laboratory methods, data processing, and data analysis is essential to supporting NNMRRP. Research efforts should focus on the identification and development of methods and the utilization of computer technology that will enhance the monitoring of the nutritional status of the U.S. population and support the timely interpretation and release of information to users.

#### 1. Nutrition and Related Health Measurements

To effectively study the relationships among food consumption, nutritional status, and health and their determinants, our present knowledge concerning the most reliable and valid, as well as cost-effective, measures of nutritional status needs to be improved. Research needed can be categorized into three areas:

- (A) Appropriate methods (such as questionnaires, interviewing procedures, and physical measures) for subgroups at increased nutritional risk;
- (B) Practical and efficient measures of biochemical and clinical parameters; and
- (C) Applied statistical methodologies for the collection and interpretation of NNMRRP data.

#### Planned Activities

##### V-C-1.1

Conduct research on methods for survey sampling, design, and data collection and measurement procedures that permit reliable estimation of nutrition and related health indicators for high-risk subgroups.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* CDC/NCCDPHP, Census Bureau, CSRS, FDA.

*Collaborating organizations:* ADAMHA, ARS, FNS, HRSA, IHS.

##### V-C-1.2

Develop criteria for interpreting selected nutrition and related health indicators for subgroups of the population such as infants and children, adolescents, pregnant women, and the elderly.

*Responsible organizations:* ARS, CDC/NCHS.

*Contributing organizations:* CDC/NCCDPHP, CDC/NCEH, FDA, NIH.

*Collaborating organizations:* ADAMHA, FNS, IHS.

##### V-C-1.3

Conduct research to develop, improve, and validate laboratory measures of nutritional status and conduct studies to establish relationships between biochemical measures of nutritional status and recent and long-term dietary intake. Publish and disseminate the results of these research activities.

*Responsible organizations:* ARS, CDC/NCEH.

*Contributing organizations:* CDC/NCCDPHP, CDC/NCHS, FDA, NIH.

*Collaborating organizations:* ADAMHA, CSRS, DOD, HNIS.

### 2. Food and Nutrient Consumption

There is a widely recognized need for strengthening the scientific base for the collection and interpretation of food consumption and dietary status measurements. Survey methodologies need to be developed to increase the information about the relationship between dietary patterns and chronic disease or health and influential factors. Research falls into two broad categories:

- (A) Methodological research specific to the conduct of surveys and the measurement of dietary status; and
- (B) Research that will improve the interpretation and usefulness of consumption data to policymakers, health professionals, food industry, media, and others in the nutrition community.

#### Planned Activities

##### V-C-2.1

Implement the recommendations in the 1986 report of the National Academy of Sciences (25) for assessing nutrient adequacy by determining the distribution of nutrient requirements among major age-sex groups for nutrients considered to be current or potential public health problems (4).

*Responsible organization:* ARS.

*Contributing organizations:* CSRS, FDA, HNIS.

*Collaborating organizations:* CDC/NCHS, NIH.

#### V-C-2.2

Develop and evaluate procedures for determining usual intakes of foods and nutrients from surveys employing 24-hour recall measures of dietary intake.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* ARS, FDA.

*Collaborating organizations:* EPA, FNS.

#### V-C-2.3

Conduct research on methods for survey sampling, design, and data collection and measurement procedures that permit reliable estimation of dietary status indicators for high-risk subgroups (see Activities V-B-2.2 and V-C-1.1).

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* CDC/NCCDPHP, Census Bureau, CSRS, FDA.

*Collaborating organizations:* ERS, FNS, IHS.

#### V-C-2.4

Recommend a standardized mechanism and instrument(s) for defining and obtaining data on the prevalence of "food insecurity" or "food insufficiency" in the United States and methodologies that can be used across NNMRRP and at State and local levels.

*Responsible organizations:* CDC/NCHS, FNS.

*Contributing organizations:* CDC/NCCDPHP, HNIS.

*Collaborating organizations:* ERS, ES, HRSA, IHS.

#### V-C-2.5

Evaluate the effectiveness of food assistance and Federally supported food service programs on the food consumption patterns and dietary status of population groups and subgroups.

*Responsible organization:* FNS.

*Contributing organizations:* CDC/NCCDPHP, DOD, HNIS.

*Collaborating organizations:* ERS, IHS.

#### V-C-2.6

Review methodologies for assessing data on household food consumption and the money value of food and revise methodologies as appropriate.

*Responsible organization:* HNIS.

*Contributing organizations:* BLS, Census Bureau, ERS, EPA, ES, FNS.

*Collaborating organization:* CDC/NCHS.

#### V-C-2.7

Conduct research to determine the reliability, validity, and reporting biases of methods that measure food and nutrient consumption for the general population and for various cultural and ethnic groups.

*Responsible organizations:* CDC/NCHS, HNIS.

*Contributing organizations:* ARS, CSRS, FDA, NIH.

*Collaborating organizations:* CDC/NCCDPHP.

### 3. Knowledge, Attitudes, and Behavior Assessments

Knowledge, attitudes, and behavior can influence individuals' willingness and ability to put dietary recommendations into practice. These constructs are susceptible to change through appropriately targeted nutrition interventions. It is essential to understand the role that knowledge, attitudes, and behavior about dietary recommendations and diet-health relationships play in determining food choices and, ultimately, nutrient intake and health status. This will aid in the development of public health strategies at Federal, State, and local levels to improve dietary status, promote health, and prevent nutrition-related disease.

#### Planned Activities

##### V-C-3.1

Conduct research to identify the relationship of dietary and health knowledge and attitudes to food-related behavior, food and nutrient intake, health status, and cultural and self-care health practices to examine theories of behavior changes.

*Responsible organizations:* FDA, HNIS.

*Contributing organizations:* CDC/NCHS, CSRS.

*Collaborating organizations:* DOD, ERS, ES, HRSA, IHS, NIH.

##### V-C-3.2

Conduct research to determine consumer use and understanding of the nutrition information on food labels by the general population and selected subgroups of the population.

*Responsible organization:* FDA.

*Contributing organizations:* CSRS, FSIS, HNIS.

*Collaborating organization:* ERS, ES.

##### V-C-3.3

Conduct research to identify the relationship of knowledge and attitude parameters to dietary behavior and nutrient intake, which will contribute to key knowledge, attitudes, and behavior questions.

*Responsible organizations:* FDA, HNIS.

*Contributing organizations:* CDC/NCCDPHP, CSRS, NIH.

*Collaborating organizations:* DOD, ERS, ES.

#### V-C-3.4

Determine information needed on consumer knowledge, attitudes, and behavior about issues regarding food safety and labeling.

*Responsible organization:* FDA.

*Contributing organizations:* FSIS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, CDC/NCHS, DOD, EPA, ERS, ES, HRSA, IHS, NIH.

#### V-C-3.5

Determine the reliability and validity of survey instruments to measure knowledge, attitudes, and behaviors for the general population and for various cultural and ethnic groups.

*Responsible organizations:* FDA, HNIS.

*Contributing organization:* CDC/NCHS.

*Collaborating organizations:* CDC/NCCDPHP, ES.

### 4. Food Composition and Nutrient Data Bases

Sources of analytical data for NNDB include laboratories, the food industry, the scientific literature, and private laboratories under contract with USDA. Even though NNDB contains thousands of individual food composition values, gaps and deficiencies still exist for some foods, food components, and specific nutrients. This will continue for the foreseeable future because of the cost and the lack of reliable measurement systems for certain food components. Therefore, methods for developing food composition values other than analyses of large numbers of samples must be frequently used, such as using data for a limited number of samples, calculating values from other forms of a food, or using a recipe to calculate the nutrient profile of a food composed of several ingredients. These methods need to be evaluated to ensure their appropriate use, and a plan is needed to prioritize needs for the development of measurement systems and the generation of food composition data.

#### Planned Activities

##### V-C-4.1

Evaluate the different approaches (e.g., analytical values, calculations, and imputations) used to produce nutrient values for the Survey Nutrient Data Base and establish criteria for their use.

*Responsible organization:* HNIS.

*Contributing organizations:* ARS, FDA.

*Collaborating organizations:* CDC/NCHS, CSRS.

#### V-C-4.2

Using criteria established in activity V-C-4.1, evaluate the current status of food composition data and develop and implement a plan for the generation of data where deficiencies exist.

*Responsible organization:* HNIS.

*Contributing organizations:* ARS, FDA.

#### V-C-4.3

Develop cost-effective field measurement systems to include analytical methodology and sampling strategy as well as appropriate quality control materials for the generation of reliable, accurate, and precise food composition data. Coordinate methods development and related activities among Federal Government laboratories performing food composition analyses. Initiate a process for new methods to receive "official methods" status by such organizations as Association of Official Analytical Chemists, American Association of Cereal Chemists, or American Oil Chemists Society.

*Responsible organizations:* ARS, FDA.

*Contributing organization:* FSIS.

*Collaborating organization:* HNIS.

### 5. Food Supply Determinations

Estimates of the nutrient content of the U.S. food supply include nutrients naturally present in about 350 primary, mostly unprocessed food commodities as well as nutrients entering the food supply as additives through enrichment and fortification. Quantities of "added" nutrients have been based on six surveys of nutrient producers and importers conducted between 1946 and 1970. Many changes have occurred in the food supply since the last survey in 1970 including an increase in the number and levels of nutrients added in fortification as well as the number of foods that are enriched or fortified. New data are needed to maintain the accuracy of the food supply nutrient series. A review of potential data sources and the development of alternate methods of data collection are needed for determining nutrients added to the food supply for fortification as well as functional purposes.

#### *Planned Activities*

##### V-C-5.1

Evaluate potential sources of information on nutrients added to the food supply for enrichment, fortification, and functional purposes

and determine the most appropriate method to collect these data.

*Responsible organization:* HNIS.

*Collaborating organizations:* ERS, FDA.

##### V-C-5.2

Plan and conduct research on nutrients added for enrichment, fortification, and functional purposes based on the most appropriate method as determined by activity V-C-5.1.

*Responsible organization:* HNIS.

*Collaborating organizations:* ERS, FDA.

##### V-C-5.3

Plan and conduct research on how various factors affect changes in the makeup of food supplies and how changes in processing and marketing practices affect final product characteristics.

*Responsible organization:* ERS.

*Collaborating organizations:* FDA, HNIS.

### VI. State and Local Objectives and Activities

In order to create an effective and comprehensive NNMRRP, it is necessary to enhance State and local capacity to monitor nutritional status and dietary practices in a way that coordinates with and complements national nutrition surveys. In 1990, 40 States participated in the Pediatric Nutrition Surveillance System (PedNSS), 18 States participated in the Pregnancy Nutrition Surveillance System (PNSS) and 43 participated in the Behavioral Risk Factor Surveillance System (BRFSS). Also in 1990, nutrition components were added to the Youth Risk Behavior Survey (YRBS) and BRFSS to enable States to begin to look at nutrition-related issues in the school-aged and adult populations, respectively. These surveys and surveillances are coordinated by the National Center for Chronic Disease Prevention and Health Promotion (CDC/DHHS).

A major program emphasis within USDA's Cooperative Extension Service is nutrition, diet, and health programs. These educational programs are conducted in 3,150 counties in all States and territories, reaching approximately 10-12 million people of all ages and income levels. The Food and Nutrition Service, USDA, also initiates a variety of State and local programs that promote the importance of good nutrition and its relationship to health.

Continued support and expansion of State-based surveillance systems are needed to track State-based nutrition objectives (26) and to enhance program

management. In addition, activities at State and local levels are needed to motivate changes in dietary practice to achieve the planned nutrition objectives.

The Survey of State Nutrition Surveillance Efforts carried out in 1988 by the Association of State and Territorial Public Health Nutrition Directors (ASTPHND) indicated that 80 percent of States rated participation in nutrition monitoring as very important or crucial. Major limitations to full participation in nutrition monitoring included insufficient professional staff, limited funding, and non-automated data collection systems (27).

#### *Objective VI-A: Develop and Strengthen State and Local Capacity for Continuous and Coordinated Nutrition Monitoring Data Collection That Complements National Nutrition Surveys*

State and local data are needed to detect emerging nutrition issues, to monitor trends in nutrition-related health problems, to plan and evaluate nutrition interventions, to measure the quality of nutrition services, and to assess the effectiveness of food assistance and other programs. As States and localities strive to implement strategies and objectives comparable to the nutrition objectives in *Healthy People 2000* (11) and *Healthy Communities 2000: Model Standards* (26), both baseline and continuing data will be necessary to monitor local progress.

A State nutrition-monitoring structure is an integral part of NNMRRP. As national key standardized indicators for population descriptors, dietary status (including food insufficiency), nutritional and related health status, and knowledge, attitudes, and behavior assessments are developed, they will be incorporated into existing (e.g., BRFSS, PedNSS, and PNSS) and planned (e.g., YRBS) surveillance systems. Staff should be trained in the collection, analysis, and application of nutrition data. State laboratories must be able to support State and local monitoring efforts that are compatible with national efforts. State and local monitoring systems should also take advantage of new technology for electronic data transfer.

#### *Planned Activities*

##### VI-A-1

Provide assistance for the development and maintenance of State structure, staff, and programs to support their participation in NNMRRP.

*Responsible organization:* CDC/NCCDPHP.

*Contributing organizations:* CDC/NCEH, ES, FNS, HRSA, IHS.  
*Collaborating organizations:* CDC/NCHS, CSRS.

## VI-A-2

Expand the coverage of current State and local nutrition monitoring activities in selected population groups through technical assistance and grant awards.

*Responsible organization:* CDC/NCCDPHP.

*Contributing organizations:* ES, FNS, HRSA, IHS.

*Collaborating organizations:* CDC/NCEH, CDC/NCHS, CSRS.

## VI-A-3

Develop and implement an adult nutrition surveillance system for use in States and localities to monitor State-based nutrition objectives as well as target subgroups of the population at increased nutritional risk.

*Responsible organization:* CDC/NCCDPHP.

*Contributing organizations:* ES, FNS, HRSA, IHS.

*Collaborating organizations:* CDC/NCEH, CDC/NCHS, CSRS.

## VI-A-4

Develop and test the feasibility of a model school-based nutrition monitoring system to assess the health and nutritional status of school-aged children.

*Responsible organizations:* CDC/NCCDPHP, FNS.

*Contributing organizations:* CDC/NCHS, DOE.

*Collaborating organizations:* HRSA, IHS.

## VI-A-5

Develop and expand State and local laboratory capacity to support nutrition monitoring activities through technical assistance and grant awards.

*Responsible organization:* CDC/NCEH.

*Contributing organizations:* ARS, CDC/NCCDPHP.

*Collaborating organizations:* CDC/NCHS, IHS.

*Objective VI-B: Improve Methodologies to Enhance Comparability of NNMRP Data Across Federal, State, and Local Levels*

In order for States and localities to compare their nutrition and related health data, including food consumption, with that of other States and with national nutrition data, core indicators, standard methodologies, and interpretive criteria must be developed that are consistent across States and comparable to national nutrition surveys.

*Planned Activities*

## VI-B-1

As appropriate laboratory methodologies are identified for nutritional biochemistry indicators (Activities V-B-1.2, V-C-1.3, and VI-C-3), periodically develop, publish, update, and disseminate manuals on model State laboratory programs.

*Responsible organization:* CDC/NCEH.

*Contributing organization:* ARS.

*Collaborating organizations:* CDC/NCCDPHP, CDC/NCHS.

## VI-B-2

Evaluate the feasibility of alternate statistical methodologies for creating State and local estimates based on data from national nutrition surveys, alone or in combination with available data from State-level surveys, as appropriate. Establish, publish, and disseminate such methodologies via computer software.

*Responsible organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, ES, FNS.

## VI-B-3

Develop methodologies and publish guidance materials to link and utilize existing State and local data sets such as vital records data, Medicaid program data, and nutrition program data for nutrition program management and evaluation.

*Responsible organizations:* CDC/NCCDPHP, CDC/NCHS, FNS.

*Contributing organization:* HRSA.

*Collaborating organization:* ES.

## VI-B-4

Establish and implement practical mechanisms to utilize and link existing industry-based food purchasing data with consumption data for monitoring dietary changes at State and local levels.

*Responsible organization:* CDC/NCCDPHP.

*Contributing organizations:* FNS, HNIS.

*Collaborating organizations:* CDC/NCHS, FDA, NMFS.

*Objective VI-C: Improve the Quality of State and Local Nutrition Monitoring Data*

For continuance of data quality at the State and local levels, periodic training in the collection, analysis, and use of nutrition monitoring data will be important. Success in utilizing and disseminating State and local nutrition monitoring data will be key factors in assessing the usefulness of nutrition monitoring efforts. Periodic evaluation

of State and local monitoring systems should be performed in order to assure that State and local needs are met.

*Planned Activities*

## VI-C-1

Provide technical assistance and training to State and local agencies on the collection, analysis, and use of nutrition monitoring data.

*Responsible organization:* CDC/NCCDPHP.

*Contributing organizations:* CDC/NCHS, CSRS, ES, FNS, HNIS, IHS.

## VI-C-2

Develop, publish, and disseminate a practitioner's guide and training programs targeted to advocates, local governments, Cooperative Extension Service (CES), and public health personnel on how to access and use available State-based nutrition monitoring and surveillance data.

*Responsible organization:* CDC/NCCDPHP.

*Contributing organizations:* ES, FNS, HRSA, IHS.

*Collaborating organizations:* CDC/NCHS, HNIS.

## VI-C-3

Develop and carry out a training program to assist States in developing and implementing the model State laboratory program for nutrition monitoring.

*Responsible organization:* CDC/NCEH.

*Contributing organizations:* CDC/NCCDPHP, CSRS, IHS.

## VI-C-4

Develop a summary of the content and extent of nutrition monitoring activities at the State level and incorporate into the updates of *Nutrition Monitoring in the United States: The Directory of Federal and State Nutrition Monitoring Activities*.

*Responsible organization:* CDC/NCCDPHP.

*Contributing organizations:* CDC/NCHS, ES, FNS.

*Collaborating organizations:* IBNMRR Federal-State Relations and Information Dissemination and Exchange Working Group.

### VII. Calendar for Planned IBNMRR, National, and State and Local Objectives and Activities

This section contains a calendar for the required and planned activities of IBNMRR (Tables VII-1 and VII-2), for planned activities for each of the five component measurement areas (Tables VII-3 through VII-7), and for planned activities for States and localities (Table

VII-8). The calendars are designed to provide an overview of when activities will be conducted and to address accountability and timeliness. A coding system was devised to indicate the stage of development for each activity:

"P" indicates that essential planning steps prior to the initiation of an activity are being conducted.

"•" indicates the activity has been initiated, such as awarding a contract or starting a research project.

"X" represents a product such as a publication, workshop, or work plan.

"→" indicates that the activity is ongoing.

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Table VII-1. Calendar of required administrative and reporting activities, as defined by Pub. L. 101-445.

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>IBNMRR</b>											
Quarterly meetings	X										
Periodic meetings		X	X	X	X	X	X	X	X	X	X
Annual budget report	X	X	X	X	X	X	X	X	X	X	X
Policy report to the President	X		X		X		X		X		X
<b>NNMAC</b>											
Periodic meetings	X	X	X	X	X	X	X	X	X	X	X
Annual report to the Secretaries	X	X	X	X	X	X	X	X	X	X	X
New or renewed appointments			X(2)	X(2)	X(1)	X(4)		X(2)	X(2)	X(1)	X(4)
<b>Scientific report</b>											
Contract	P	X	X	X		P	X	X	X		
Report to Congress		*	*	*			*	*	*	*	*

( ): number of new or renewed appointments from the 9-member NNMAC

Table VII-2. Calendar of planned activities for the IBNMRR.

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Review IBNMRR membership		X		X		X		X		X	
Working groups	====> as needed >====										
Directory	X		*	X		*	X		*	X	
Chartbook	*	X			*	X					
Clearinghouse	P	P	P	*	X						
Procedures to solicit input to update plan		*	X								
Annual review and evaluation of ten-year plan accomplishments	X	X	X	X	X	X	X	X	X	X	X
5 and 10-year assessment of comprehensive plan					*	X				*	X
Respond to the NNMAC's recommendations	====> >====										
Independent review and evaluation of NNMRRP surveys			P	P	*						





Table VII-4 continue<sup>3</sup>

Activity 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Research		1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
V-C-2.1	*				X							
V-C-2.2	*				X							
V-C-2.3	P		*		X							
V-C-2.4	P		*	X								
V-C-2.5	X	X	X				X	X	X			
V-C-2.6	*											
V-C-2.7	*				X			X			X	

Table VII-5. Calendar of planned activities for the "knowledge, attitudes, and behavior assessments" component.

Activity 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Continuous and coordinated data collection										
V-A-3.1	*	X		*	X		*	X	*	X
V-A-3.2	*	X				*	X			
V-A-3.3		*	X		*	X		*	X	⇒
Comparability and quality of data										
V-B-3.1					*	⇒	X			
V-B-3.2			*	X						
Research										
V-C-3.1	*	⇒	X	P	⇒	*	⇒	X	⇒	⇒
V-C-3.2	X		X		X		X		X	X
V-C-3.3			*	⇒	X		⇒	⇒	⇒	⇒
V-C-3.4	X		X		X		X		X	X
V-C-3.5			*	X			*	X		

Table VII-6. Calendar of planned activities for the "food composition and nutrient data bases" component.

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Continuous and coordinated data collection</b>											
V-A-4.1		> X		≡ ≡ ≡ > X			≡ ≡ ≡ > X			≡ ≡ ≡ > X	
V-A-4.2		> X		≡ ≡ ≡ > X			≡ ≡ ≡ > X			≡ ≡ ≡ > X	
V-A-4.3			X		≡ ≡ ≡ >						≡ ≡ ≡ >
V-A-4.4					≡ ≡ ≡ >						≡ ≡ ≡ >
V-A-4.5	*		> X		≡ ≡ ≡ >						≡ ≡ ≡ >
V-A-4.6		> X		≡ ≡ ≡ > X			≡ ≡ ≡ > X			≡ ≡ ≡ > X	
V-A-4.7		P		* ≡ ≡ ≡ > X							≡ ≡ ≡ >
V-A-4.8			*	X		X		X			X

Table VII-6 continued.

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Comparability and quality of data</b>											
V-B-4.1	*			> X	>>						>>
V-B-4.2	X			X	>>						>>
<b>Research</b>											
V-C-4.1	*	X		X	>>						>>
V-C-4.2		*	X	X	X		> X	>>	> X	>>	> X
V-C-4.3	X		X	X	X		> X	>>	> X	>>	> X





Table VII-8 continued.

Activity 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Improved quality of data											
VI-C-1	*	↔									
VI-C-2			P	X				X			
VI-C-3				P	*	↔					
VI-C-4	X		*	X		*	X	*		X	

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**Appendix 1—Joint DHHS—USDA Working Group for the Development of the Comprehensive Plan for the National Nutrition Monitoring and Related Research Program**

*Department of Health and Human Services Administration on Aging*

*Centers for Disease Control and Prevention:*

*National Center for Chronic Disease Prevention and Health Promotion*  
*National Center for Environmental Health*  
*National Center for Health Statistics\**

*Food and Drug Administration*  
*Health Resources and Services Administration*

*Indian Health Service*

*National Institutes of Health*

*Office of Disease Prevention and Health Promotion/Office of the Assistant Secretary for Health*

*U.S. Department of Agriculture*

*Agricultural Research Service*  
*Cooperative State Research Service*  
*Economic Research Service*  
*Extension Service*  
*Food and Nutrition Service*  
*Human Nutrition Information Service\**

**Department of Defense**

*U.S. Army Medical Research and Development Command*

**BILLING CODE 4160-18-U**

\*Co-lead organizations

## Appendix 2. Nutrition monitoring activities from 1892 through 1991

Date	Agency	Survey	Target U.S. population
<b>Nutrition and related health measurements</b>			
1915 - continuous	NCHS	Vital Statistics Program	Total U.S. population
1957 - annual	NCHS	National Health Interview Survey (NHIS)	Civilian, noninstitutionalized individuals
1965 - annual	NCHS	National Hospital Discharge Survey	Discharges from non-Federal, general and short-stay specialty hospitals
1968-70	DHEW	Ten State Nutrition Survey	Low-income families in 10 States
1971-74	NCHS	First National Health and Nutrition Examination Survey (NHANES I)	Civilian, noninstitutionalized individuals, 1-74 y
1973	NCHS	National Survey of Family Growth	Ever-married women, 15-44 y
1973-74	NCHS	National Nursing Home Survey	Nursing home residents, current or discharged in past year
Annually, 1973-81	NCHS	National Ambulatory Medical Care Survey	Office visits to non-Federal, office-based physicians
1973 - continuous	CDC/NCCDPHP	Pediatric Nutrition Surveillance System	Low-income, high-risk children, birth-17 y
1974-75	NCHS	NHANES I Augmentation Sample	Civilian, noninstitutionalized individuals, 25-74 y
1976	NCHS	National Survey of Family Growth	Ever-married women, 15-44 y
1976-80	NCHS	Second National Health and Nutrition Examination Survey (NHANES II)	Civilian, noninstitutionalized individuals, 6 mo - 74 y
1977	NCHS	National Nursing Home Survey	Nursing home residents, current or discharged in past year
1979 - continuous	CDC/NCCDPHP	Pregnancy Nutrition Surveillance System	Low-income, high-risk pregnant women
1982	NCHS	National Survey of Family Growth	Women, 15-44 y
1982-84	NCHS	NHANES I Epidemiologic Followup Study	Individuals examined in NHANES I, 25-74 y at baseline
1982-84	NCHS	Hispanic Health and Nutrition Examination Survey (HHANES)	Civilian, noninstitutionalized individuals, 6 mo-74 y Mexican-American (AZ, CA, CO, NM, TX) Cuban (FL) Puerto Rican (CT, NJ, NY)
1984	NCHS	NHIS on Aging	Civilian, noninstitutionalized individuals, 55+ y
1985	NCHS	National Nursing Home Survey	Nursing home residents, current or discharged in past year
1985	NCHS	National Ambulatory Medical Care Survey	Office visits to non-Federal, office-based physicians
1986	NCHS	NHANES I Epidemiologic Followup Study	Individuals examined in NHANES I, 55-74 y at baseline
1986-88	NCHS	National Mortality Followback Survey	Individuals, 25+ y
1987	CDC/NCHS*	NHANES I Epidemiologic Followup Survey	Individuals examined in NHANES I, 25-74 y at baseline
1987	CDC/NCHS*, NIH/NCI	NHIS on Cancer Epidemiology and Control	Civilian, noninstitutionalized individuals, 18+ y

1988	CDC/NCHS*	National Survey of Family Growth	Women, 15-44 y
1988-90	CDC/NCHS*	National Maternal and Infant Health Survey	Women associated with live births, still births, and infant deaths in 1988
1988-94	CDC/NCHS*	Third National Health and Nutrition Examination Survey (NHANES III)	Civilian, noninstitutionalized individuals, 2 mo+ Oversampling of blacks, Mexican-Americans, children, birth-5 y, and individuals, 60+ y
1988-91	CDC/NCHS*, NIH/NIA	NHANES III Supplemental Nutrition Survey of Older Americans	Individuals examined in NHANES III in households w/telephones, 50+ y
1989-90	CDC/ NCCDPHP	Surveillance of Severe Pediatric Undernutrition	Low-income, high-risk children, 6 mo - 5 y
1989 - continuous	CDC/NCHS*	National Ambulatory Medical Care Survey	Office visits to non-Federal, office-based physicians
1990	IHS	Survey of Heights and Weights of American Indian School Children	American Indian children, 5-18 y
1991-92	CDC/NCHS*	Longitudinal Followup to the National Maternal and Infant Health Survey	Women from the 1988 National Maternal and Infant Health Survey two years later
1991-92	IHS	Navajo Health and Nutrition Survey	Persons residing on or near the Navajo reservation in AZ, NM, and UT, 12+ y

#### Food and nutrient consumption

1917 - continuous	DOD	Nutritional Evaluation of Military Feeding Systems and Military Populations	Enlisted personnel of the Army, Navy, Marine Corps and Air Force
1935-36	BHE*, BLS	Household Food Consumption Survey - Household Food Use	Housekeeping households, with husband and wife, native born, nonrelief
1942	BHNHE*, BLS	Household Food Consumption Survey - Household Food Use	Housekeeping households
1948	HERB*	Household Food Consumption Survey - Household Food Use	Urban housekeeping households
1955	HERB*, AMS	Household Food Consumption Survey - Household Food Use	Civilian, housekeeping households
1961 - annual	FDA	Total Diet Study	Representative diets of specific age-sex groups
1965-66	CFERD*	Household Food Consumption Survey - Household Food Use	Civilian, housekeeping households
1965	CFERD*	Household Food Consumption Survey - Individual Intakes	Eligible individuals residing in eligible households (all except half of persons 20-64 y)
1969-70	NOAA/NMFS	Survey of Fish Purchases by Socio-economic Characteristics	Civilian households
1971-74	NCHS	First National Health and Nutrition Examination Survey (NHANES I)	See listing above
1973-74	NOAA/NMFS	National Seafood Consumption Survey	Individuals residing in eligible households
1974-75	NCHS	NHANES I Augmentation Sample	See listing above
1976-80	NCHS	Second National Health and Nutrition Examination Survey (NHANES II)	See listing above
1977-78	HNIS	Nationwide Food Consumption Survey - Household Food Use	Civilian households

1977-78	HNIS	Nationwide Food Consumption Survey - Individual Intakes	Eligible individuals residing in eligible households (All except half of persons over 18 y in summer, fall, and winter)
1977-78	HNIS	Supplemental Nationwide Food Consumption Survey - Household Food Use	Civilian households in Puerto Rico, Alaska, Hawaii, elderly adults in 48 States
1977-78	HNIS	Supplemental Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1977-78	HNIS	Low-Income Nationwide Food Consumption Survey - Household Food Use	Low-income civilian households in 48 States
1977-78	HNIS	Low-Income Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1979-80	HNIS	Low-Income Nationwide Food Consumption Survey - Household Food Use	Low-income civilian households
1979-80	HNIS	Low-Income Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1980	FDA	Vitamin and Mineral Supplement Intake Survey	Civilian, noninstitutionalized individuals, 16+ y
1980-81	FNS	National Evaluation of the School Nutrition Programs	School-aged children, grades 1-12
1980-81	NOAA/NMFS	National Seafood Consumption Survey	Individuals residing in eligible households
1980 - continuous	BLS	Consumer Expenditure Survey	Civilian, noninstitutionalized population and a portion of the institutionalized population in the U.S.
1982	FNS	Food Stamp Program (FSP) Supplemental Security Income (SSI)/Elderly Cash-Out Demonstration	Households whose members were age 65+, FSP-eligible SSI recipients
1982-84	NCHS	NHANES I Epidemiologic Followup Study	See listing above
1983	FNS	An Evaluation of the Special Supplemental Food Program for Women, Infants, and Children (WIC)	Pregnant women in their first two trimesters and their children
1983 - continuous	Census	Survey of Income and Program Participation	Civilian, noninstitutionalized population of the U.S.
1984	HNIS/FNS	Evaluation of the Nutrition Assistance Program (NAP) in Puerto Rico	Puerto Rican civilian, housekeeping households participating in NAP
1985	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - All income households	Women and men, 19-50 y, children, 1-5 y
1985	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - Low-Income Households	Low-income women and men, 19-50 y, children, 1-5 y
1986	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - All income households	Women, 19-50 y, Children, 1-5 y
1986	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - Low-Income Households	Low-income women, 19-50 y, Children, 1-5 y
1986	NCHS, FDA	NHIS on Vitamin and Mineral Supplements	Children, 2-6 y; individuals, 18+ y

1987	FNS	Feeding the Homeless: Does the Prepared Meals Provision Help?	Homeless users and non-users of soup kitchens
1987-88	HNIS	Nationwide Food Consumption Survey - Household Food Use	Civilian households in 48 States
1987-88	HNIS	Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households in 48 States
1987-88	HNIS	Low-Income Nationwide Food Consumption Survey - Household Food Use	Low-income civilian households
1987-88	HNIS	Low-Income Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1988-94	CDC/NCHS*	Third National Health and Nutrition Examination Survey (NHANES III)	See listing above
1988-91	CDC/NCHS* NIH/NIA	NHANES III Supplemental Nutrition Survey of Older Persons	See listing above
1989	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - All income households	Individuals of all ages residing in households in 48 States
1989	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - Low-Income Households	Individuals of all ages residing in eligible households in 48 States
1989	FNS	Evaluation of the Food Distribution Program on Indian Reservations (FDPIR)	American Indian households participating in FDPIR
1989-90	FNS	Child Nutrition Program Operations Study, Year 2	Average National School Lunch Program and School Breakfast Program meals of school-aged children
1990	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - All income households	Individuals of all ages residing in households in 48 States
1990	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - Low-Income Households	Individuals of all ages residing in eligible households in 48 States
1990	FNS	Food Stamp Program (FSP) Cash-out Evaluation in San Diego, Alabama and Washington	FSP households
1991	FNS	WIC Child Impact Field Test	Infants, < 10 mo.
1991	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - All income households	Individuals of all ages residing in households in 48 States
1991	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - Low-Income Households	Individuals of all ages residing in eligible households in 48 States

#### Knowledge, attitudes and behavior assessments

1981 - continuous	CDC/ NCCDPHP	Behavioral Risk Factor Surveillance System	Individuals, 18+ y, residing in participating States in households with telephones
1982	FDA	Health and Diet Survey	Civilian, noninstitutionalized individuals in households with telephones, 18+ y
1982-84	FDA	Point of Purchase Labeling Studies	Grocery store shoppers
1983	NIH/NCI	Cancer Prevention Awareness Survey	Civilian, noninstitutionalized individuals, 18+ y
1983	NIH/NHLBI	Cholesterol Awareness Survey -- Physicians' Survey	Physicians practicing in the conterminous U.S. w/specialties in general & family practice, internal medicine & cardiology

1983-84	FDA, NIH/NHLBI	Health and Diet Survey/Cholesterol Awareness Survey -- Public Survey	Civilian, noninstitutionalized individuals, 18+ y
1984 - continuous	CDC/ NCCDPHP	Behavioral Risk Factor Surveillance System	Individuals, 18+ y, residing in participating States in households with telephones
1985	NCHS	NHIS on Health Promotion/Disease Prevention	Civilian, noninstitutionalized individuals, 18+ y
1985	NIH/NCI	Cancer Prevention Awareness Survey	Civilian, noninstitutionalized individuals, 18+ y
1985-90	FDA	Point of Purchase Labeling Studies	Grocery store shoppers
1986	FDA, NIH/NHLBI	Health and Diet Survey/Cholesterol Awareness Survey -- Public Survey	Civilian, noninstitutionalized individuals in households with telephones, 18+ y
1986	NIH/NHLBI	Cholesterol Awareness Survey -- Physicians' Survey	Physicians practicing in the conterminous U.S. w/specialties in general & family practice, internal medicine & cardiology
1987	ODPHP, CDC/ NCCDPHP, ADAMHA/ NIDA	National Adolescent Student Health Survey	Eighth and tenth grade students
1988	FDA	Health and Diet Survey	Civilian, noninstitutionalized individuals in households with telephones, 18+ y
1989-90	NIH/NCI	National Knowledge, Attitudes, and Behavior Survey	Civilian, noninstitutionalized individuals, 18+ y
1989	HNIS	Diet and Health Knowledge Survey	Main meal-planner/preparers in households participating in the 1989 CSFII
1990	CDC/NCHS'	NHIS on Health Promotion/Disease Prevention	Civilian, noninstitutionalized individuals, 18+ y
1990	HNIS	Diet and Health Knowledge Survey	Main meal-planner/preparers in households participating in the 1990 CSFII
1990	FDA	Health and Diet Survey	Civilian, noninstitutionalized individuals in households with telephones, 18+ y
1990	NIH/NHLBI	Cholesterol Awareness Survey -- Physicians' Survey	Physicians practicing in the conterminous U.S. w/specialties in general & family practice, internal medicine & cardiology
1990-91	NIH/NHLBI	Nationwide Survey of Nurses' and Dietitians' Knowledge, Attitudes, and Behavior Regarding Cardiovascular Risk Factors	Registered nurses and registered dietitians currently active in their profession
1990-91	FDA	Nutrition Label Format Studies	Primary food shoppers, 18+ y
1990 - biennial	CDC/ NCCDPHP	Youth Risk Behavior Survey	Youths attending school in grades 9- 12 in the 50 States, D.C., Puerto Rico, and the Virgin Islands
1991	CDC/NCHS'	1991 NHIS on Health Promotion/Disease Prevention	Civilian, noninstitutionalized individuals, 18+ y
1991	HNIS	Diet and Health Knowledge Survey	Main meal-planner/preparers in households participating in the 1991 CSFII
1991	FDA, NIH/NHLBI	Survey of Weight-Loss Practices	Individuals currently trying to lose weight, in households w/telephones, 18+ y
1991	NIH/NCI	5 A Day Baseline Survey	Individuals with telephones, 18+ y

Food composition and nutrient data bases			
1892 - continuous	ARS	Nutrient Composition Laboratory	NA
1892 - continuous	HNIS	National Nutrient Data Bank	NA
1961 - annual	FDA	Total Diet Study	See listing above
1973 - continuous	FDA	Langual	NA
1977 - biennial	FDA	Food Label and Package Survey	NA
1977 - continuous	HNIS	Survey Nutrient Data Base	NA
Food supply determinations			
1909 - annual	ERS HNIS	U.S. Food and Nutrition Supply Series Estimates of Food Available Estimates of Nutrients	NA
1909 - annual	NOAA/NMFS	Fisheries of the United States	NA
Monthly, 1985 - continuous	ERS, FNS/USDA	A.C. Nielsen Scantrack	NA

\* NCHS became part of CDC in 1987

+ Currently HNIS

## Appendix 3. Current and planned nutrition monitoring activities from 1992-2002

Date	Dept.	Agency	Survey	Target U.S. population
<b>Nutrition and related health measurements</b>				
1988-94	DHHS	CDC/NCHS	Third National Health and Nutrition Examination Survey (NHANES III)	U.S. noninstitutionalized, civilian population, 2+ mo; Oversampling of blacks and Mexican-Americans, children, 0-5 y, and individuals, 60+ y
1988-91	DHHS	CDC/NCHS, NIH/NIA	NHANES III Supplemental Nutrition Survey of Older Persons	Individuals examined in NHANES III, in households w/ telephones, 50+ y
1991-92	DHHS	IHS	Navajo Health and Nutrition Survey	Persons residing on or near the Navajo reservation in AZ, NM, and UT, 12+ y
1992	DHHS	CDC/NCHS	National Home and Hospice Care Survey	A sample of home health agencies and hospices along with a subsample of patients
1992	DHHS	CDC/NCHS	NHANES I Epidemiologic Followup Survey	Individuals examined in NHANES I, 25-74 y at baseline
1992	DHHS	CDC/NCHS, NIH/NCI	NHIS on Cancer Epidemiology and Cancer Control	Individuals, 18+ y
Annual	DHHS	CDC/NCHS	National Health Interview Survey (NHIS)	Civilian, noninstitutionalized individuals
Annual	DHHS	CDC/NCHS	National Hospital Discharge Survey	Discharges from non-Federal general and short-stay specialty hospitals
Continuous	DHHS	CDC/NCHS	Vital Statistics Program	Total U.S. population
Continuous	DHHS	CDC/NCCDPHP	Pregnancy Nutrition Surveillance System	Low-income, high-risk pregnant women
Continuous	DHHS	CDC/NCCDPHP	Pediatric Nutrition Surveillance System	Low-income, high-risk children, birth-17 y
Annual	DHHS	CDC/NCHS	National Ambulatory Medical Care Survey	Office visits to non-Federal, office-based physicians
1992 - continuous	DHHS	CDC/NCHS	NHANES II Mortality Followup Survey	Individuals examined in NHANES II, 35-75 y at baseline
1992 - continuous	DHHS	CDC/NCHS	Hispanic HANES (NHANES) Mortality Followup Survey	Individuals interviewed in NHANES, 20-74 y at baseline
1992 - annual	DHHS	CDC/NCHS	National Hospital Ambulatory Medical Care Survey	Visits to hospital emergency and outpatients departments of non-Federal, short-stay, general and specialty hospitals

1992 - continuous	DHHS	CDC/NCHS	NHANES III Longitudinal Followup Survey	Individuals interviewed and examined in NHANES III, 20+ y at baseline
1992 - continuous	DHHS	CDC/NCHS	Research on statistical methods: Model-based estimates of NHIS items for States	NA
1993	DHHS	CDC/NCHS	National Mortality Followback Survey	Individuals, 25+ y
1994	DHHS	NCHS	National Survey of Family Growth	Women, 15-44 y
1994 - continuous	DHHS	CDC/NCCDPHP	Adult Nutrition Surveillance System	Adults, 18+ y participating in local public health programs
1995	DHHS	CDC/NCHS	NHIS on Health Promotion/Disease Prevention	Individuals, 18+ y
1995	DHHS	CDC/NCHS	NHANES I Epidemiologic Followup Study	Individuals examined in NHANES I, 55-74 y at baseline
(1997 + )	DHHS	CDC/NCHS	National Health and Nutrition Examination Survey (NHANES '97+)	U.S. noninstitutionalized population
Continuous	USDA	ARS	Determination of Nutrient Requirements	U.S. population
Continuous	USDA	ARS	Methods of Assessing Nutritional Status	NA
Continuous	DHHS	CDC/NCEH	Methods of Assessing Nutritional Status	NA or varies
Continuous	USDA	CSRS	Nutrition Research in Support of Nutrition Monitoring	NA or varies
Continuous	DHHS	NIH	Nutrition Research in Support of Nutrition Monitoring	NA or varies
Periodic	DHHS, USDA	TBA	User conferences	NA
<b>Food and nutrient consumption</b>				
1988-94	DHHS	CDC/NCHS, NIH/NIA	NHANES III and NHANES III Supplemental Nutrition Survey of Older Persons	See listings above
1991-92	DOC	NMFS/NOAA	Development of a National Seafood Consumption Survey Model	Individuals residing in eligible households and recreational/subsistence fishermen
1992	USDA	FNS	School Nutrition Dietary Assessment Study	School-aged children, grades 1-12
1992	USDA	FNS	School Food Authority (SFA) Menu Modification Demonstration Projects	Students in elementary schools
1992	USDA	FNS	Adult Day Care Program Study	Adult day care centers and adults participating and not participating in the Child and Adult Care Food Program (CACFP)

1994-96 - annual	USDA	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII)	Individuals of all ages residing in eligible households nationwide. Oversampling of individuals in low-income households.
1996	USDA	HNIS	Household Food Consumption Survey	Civilian households, oversampling of low-income households.
(1997 + )	DHHS	CDC/NCHS	NHAMES '97+	See NHAMES listing above
Annual	DHHS	FDA	Total Diet Study	Representative diets of specific age-sex groups
Continuous	DOD	USARIEH	Nutritional Evaluation of Military Feeding Systems and Military Populations	Enlisted personnel of the Army, Navy, Marine Corps, and Air Force
Continuous	DOL	BLS	Consumer Expenditure Survey	Civilian, noninstitutionalized population and a portion of the institutionalized population in the U.S.
Continuous	DOC	Census	Survey of Income and Program Participation	Civilian, noninstitutionalized population of the U.S.
Continuous	USDA	ERS	Research Program on Food Demand	NA
Periodic	DHHS, USDA	TBA	User conferences	NA
<b>Knowledge, attitudes and behavior assessments</b>				
Biennial	DHHS	CDC/NCCDPHP	Youth Risk Behavior Survey	Civilian, noninstitutionalized adolescents, 12-18 y
1992	DHHS	FDA	Infant Feeding Practices Survey	New mothers and healthy, full-term infants, birth-1 y
1992	DHHS	FDA	Consumer Food Handling Practices and Awareness of Microbiological Hazards Screener	Individuals in households w/telephones, 18+ y
1992	DHHS	CDC/NCHS, CDC/NCCDPHP	NHIS on Youth Risk Behavior	Civilian, noninstitutionalized adolescents, 12-21 y
1994-96	USDA	HNIS	Diet and Health Knowledge Survey	Selected adults, 20+ y in households and noninstitutionalized group quarters participating in the CSFII
Continuous	DHHS	CDC/NCCDPHP	Behavioral Risk Factor Surveillance System	Individuals, 18+ y, residing in participating States in households with telephones
Biennial	DHHS	FDA	Health and Diet Survey	Civilian, noninstitutionalized individuals in households w/telephones, 18+ y
Periodic	DHHS, USDA	TBA	User conference	NA

**Food composition and nutrient data bases**

Annual*	DHHS	FDA	Total Diet Study	See listing above
Biennial*	DHHS	FDA	Food Label and Package Survey	NA
Continuous*	DHHS	FDA	Languag	NA
Continuous*	USDA	HMIS	National Nutrient Data Bank	NA
Continuous*	USDA	HMIS	Survey Nutrient Data Base	NA
Continuous*	USDA	ARS	Nutrient Composition Laboratory	NA
Continuous	DHHS	NIH	Measurement of Nutrients in Foods	NA
Periodic	USDA	TBA	User conferences	NA

**Food supply determinations**

Annual*	DOC	NOAA/NMFS	Fisheries of the United States	NA
Annual*	USDA USDA	ERS HMIS	U.S. Food and Nutrition Supply Series Estimate of Food Available Estimate of Nutrients	NA
Periodic	USDA	TBA	User conferences	NA

Abbreviations: (Date) - tentative date; NA - not applicable; TBA - to be announced

Initiated prior to 1992. See Appendix 2.

#### Appendix 4—Overview of Current NNMRRP Surveys and Surveillance Activities

Nutrition monitoring surveys, surveillance activities, and related nutrition research and program activities (Appendix 3) are described below in alphabetical order within each of the five measurement component areas:

- A. Nutrition and related health measurements;
- B. Food and nutrient consumption;
- C. Knowledge, attitudes, and behavior assessments;
- D. Food composition and nutrient data bases; and
- E. Food supply determinations.

##### A. Nutrition and Related Health Measurements

1. **Adult Nutrition Surveillance System:** The Adult Nutrition Surveillance System will be designed by CDC/NCCDPHP to monitor the prevalence of nutrition-related problems and behavioral risk factors related to the development of chronic diseases among the adult population 18 years of age and over. This system will address State and local needs to have data to measure the Year 2000 nutrition objectives as well as provide information for various Federal program requirements such as those required by the Prevention Block Grant. Personal computer software will be developed to enable States to independently collect, analyze, and report data from the system. This system will consist of two coordinated components. The first component will collect information to describe the prevalence of State and local population-based nutrition and behavioral risk factors in adults. This could be administered as a component of the existing Behavioral Risk Factor Surveillance System or as a stand alone survey or surveillance. The second component, using the same indicators, will be based on data collected from health, nutrition, and such food assistance programs for adults as worksite wellness programs, chronic disease screening, treatment, and education programs and health maintenance organizations. The Adult Nutrition Surveillance System will include nutrition-related problems such as underweight, overweight, high blood pressure, anemia, and hypercholesterolemia, dietary behaviors, and other risk behaviors, such as smoking.

2. **Hispanic HANES Mortality Followup Survey:** The Hispanic HANES Mortality Followup Survey, conducted by CDC/NCHS, is an ongoing mortality followup of the Hispanic HANES adult cohort ages 20–74 years at baseline interview (1982–84).

All adults interviewed in HANES will be followed for vital status and linked to the National Death Index (NDI). The NDI results will be matched to multiple cause-of-death data. It is anticipated that several years of followup will be necessary before enough events have accrued for each of the three Hispanic subgroups studied in HANES.

3. **National Ambulatory Medical Care Survey (NAMCS):** NAMCS, conducted by CDC/NCHS, provides data on the utilization of medical care in physicians' offices such as reasons for visits, diagnoses, and counseling services. Information is collected on

physician-reported hypertension, hypercholesterolemia, and obesity; screening services such as blood pressure checks, oral glucose tolerance tests, and cholesterol measures; and counseling services recommended or provided for diet, exercise, cholesterol reduction, and weight reduction.

4. **National Health and Nutrition Examination Surveys (HANES):** NHANES, conducted periodically by CDC/NCHS, is the cornerstone of Federal efforts to monitor the overall nutritional status of the American people. NHANES consists of a series of surveys of probability samples of the U.S. population comprising over 20,000 persons each. Two national surveys have been completed—NHANES I (1971–74, ages 1–74 years) and NHANES II (1976–80, ages 6 months–74 years). A survey of Hispanic Americans, HHANES, was conducted from 1982 through 1984. The HHANES had three separate components: Mexican Americans in the five Southwestern States; Cuban Americans in the Miami (Dade County), Florida, area; and Puerto Ricans in the New York City metropolitan area.

The surveys include a physical examination, anthropometry, blood cell assessments, biochemical analyses of blood and urine, x-rays, functional assessment, health histories, and dietary intake interviews. They provide national estimates of diseases and health and nutritional characteristics including dietary intake of the U.S. population and selected subgroups and the relationship of diet to nutritional status and health. For example, through NHANES, physical and biochemical measurements are made that provide information about a number of nutrition-related conditions, including growth retardation; anemia; obesity; heart disease; hypertension; cerebral vascular disease; diabetes mellitus; osteoporosis; vitamin, mineral, and trace element deficiency or toxicity; and heavy metal and pesticide exposures.

The third HANES, NHANES III (1988–94), will include 40,000 interviewed and 30,000 examined persons ages 2 months and over. This survey is oversampling infants, children, older persons, and minorities such as black persons and Mexican-Americans to permit reliable estimates of the health and nutritional status of these groups. The nutrition and related health measures in the NHANES III are supported by a number of Federal agencies that use information for policymaking, including FDA and EPA, and NHLBI, NICHD, NIAID, NIA, NIAMS, NIDR, and NIDDK at NIH. The next HANES is tentatively planned to begin in 1997.

The NHANES III Supplemental Nutrition Survey (SNS) of Older Americans is a special dietary study funded by the National Institute on Aging (NIA/NIH). In addition to the 1-day baseline dietary recall obtained during NHANES III examination, SNS participants are contacted by telephone interviewers to provide two additional 1-day dietary recalls approximately 8 and 16 months after the initial recall. The expanded dietary recall data for older persons will be used to estimate the variability and reliability of nutrient intakes (and usual intake of older persons) to explore methodologic issues with respect to dietary data collection and to

determine behaviors and other factors that should be considered in the analysis and interpretation of dietary data for older persons.

5. **NHANES I Epidemiologic Followup Study (NHEFS):** NHEFS is a CDC/NCHS nationwide followup interview survey conducted in 1982–84 of approximately 14,000 persons ages 25–74 years at the time of their participation in NHANES I. Respondents were asked about their food intake and health history and hospitalization history. Measurements of weight and blood pressure were taken, and household data were augmented by data from hospital records and death certificates. Continued followup of the study's elderly cohort (persons ages 55–74 years at the time of NHANES I) was conducted by telephone in 1986. In 1987, contact was made with the full sample by telephone.

6. **NHANES II Mortality Followup Survey:** This survey was initiated in 1987 by CDC/NCHS. This study is an ongoing, passive followup of the vital status and cause of death of NHANES II (1976–80) examinees ages 35–75 years at baseline. In 1989, collateral information about the vital status of persons examined during the period 1976–78 or prior to the introduction of the NDI was obtained. In 1991 an NDI search was conducted for the years 1979–88. Followup through the NDI, receipt of death certificates, and preparation of cause of death data files are ongoing.

7. **NHANES III Longitudinal Followup Study:** Plans for this survey are currently under development by CDC/NCHS. Starting in 1991, records for all sample persons interviewed in NHANES III will be matched with the NDI files to assess vital status. In addition, for those 65 years of age and over, files will be matched against the Health Care Financing Administration's (HCFA) Medicare statistical files. Plans are also being developed for an in-home interview and examination or for a telephone interview. However, the form of the followup contact with the sample persons will depend on the interest and support for such a study by DHHS agencies and organizations.

8. **National Health Interview Survey (NHIS):** NHIS, conducted by CDC/NCHS, provides data on the incidence of illness and injuries; prevalence of chronic diseases and impairments, disability, physician and dental visits, hospitalizations; and other health topics, as well as on the relationships between demographic and socioeconomic characteristics and health status. The survey is conducted annually, and the data are obtained from household interviews with a sample of the Nation's civilian noninstitutionalized population. In addition, each year, special health topics (supplements) are included. Recent and planned supplements relevant to nutrition monitoring include alcohol (1983 and 1988), aging (1984), health promotion and disease prevention (1985, 1990, 1991, and 1995), vitamin and mineral supplement use (1986), cancer epidemiology and control (1987 and 1992), and youth risk behavior (1992).

9. **National Home and Hospice Care Survey (NHHCS):** A new survey planned by CDC/NCHS, NHHCS will begin in 1992.

Information on visits and diagnoses will be collected from institutions that provide home and hospice care. The NHHCS will provide information on the agencies, their patients, and their staff. For the current patients and discharges, admitting and current (or discharge) diagnoses will be provided.

10. National Hospital Ambulatory Medical Care Survey (NHAMCS): NHAMCS began in January 1992. NHAMCS provides data on the utilization of medical services in non-Federal, short-stay hospital emergency and outpatient departments, such as reasons for visits, diagnoses, and services. For outpatient department visits, information is collected on counseling services ordered or provided for diet, exercise, cholesterol reduction, and weight reduction.

11. National Hospital Discharge Survey (NHDS): NHDS, conducted by CDC/NCHS, provides data on the nature and treatment of illnesses of patients discharged from non-Federal, short-stay hospitals.

12. National Mortality Followback Survey: This survey, conducted by CDC/NCHS, is designed to provide data on socioeconomic characteristics of deceased persons, use and payment for hospital and institutional care during the patient's last year of life, and factors associated with health status, such as smoking habits. The data are collected with the use of questionnaires sent to the decedent's next of kin and to the institutions that provided health care, including hospitals, nursing homes, hospices, and other facilities. The survey, conducted during 1986-88, was based on 1986 deaths and is planned again for 1993.

13. National Survey of Family Growth (NSFG): The NSFG is conducted by CDC/NCHS and provides national estimates of data on childbearing; factors that affect childbearing, such as infertility and contraception; and related aspects of maternal and child health, including prenatal care, birthweight, and duration of breastfeeding. Interviews were conducted in 1973 and 1976, with national samples of ever-married women ages 15-44 years. For the 1982 and 1988 surveys, coverage was expanded to include women of all marital status ages 15-44 years. The sample size is about 8,000 women for each survey. The next NSFG is planned for 1994.

14. Navajo Health and Nutrition Survey: This survey was planned by the Indian Health Service to establish prevalence data on nutrition-related chronic diseases and to generate a valid description of nutritional status and dietary behaviors of the Navajo people in general as well as for selected subgroups within that population. The sample size goal was 1,700, and data collection took place over a 5-month period during 1991-92. Information was collected on dietary intake, food frequency, anthropometric measurements, lipid profiles, blood pressure, and full blood chemistry, including glucose tolerance tests.

15. Nutrition Research Programs Related to Health and Nutritional Status Assessment:

—USDA's Agricultural Research Service (ARS) is a major Federal contributor to research on nutritional status and epidemiological nutrition research. ARS contributes principally to research on

nutritional requirements and nutritional status through its five Human Nutrition Research Centers. In particular, the Western Human Nutrition Research Center at Letterman Army Institute of Research, San Francisco, California, conducts research on human nutrition requirements and on nutritional status, surveillance, intervention, and monitoring. The Center focuses on (1) identification of factors, forces, and trends resulting in malnutrition; (2) development of reliable, efficient, and inexpensive methods for defining nutritional status; (3) studies of nutritional requirements; and (4) development of nutritional criteria and methodologies to assist in design and evaluation of action programs.

Two of the Centers focus on specific age groups of the population. The Children's Nutrition Research Center in Houston, Texas, is dedicated to the study of nutritional needs of pregnant and lactating women and of infants and children, with particular attention to the quantification of nutritional allowances and the attainment of optimal nutritional status. The Human Nutrition Research Center on Aging at Tufts University in Boston focuses on the nutritional requirements of the elderly, the role of nutrition in the aging process, and the prevention of the diet-related disorders.

The remaining two Centers have established research programs in nutritional requirements and status. The Beltsville Human Nutrition Research Center is seeking a more complete definition of human requirements for essential nutrients. The Grand Forks Human Nutrition Center develops recommendations for nutrient intakes and is attempting to identify useful nutrient forms, particularly of minerals.

—The Centers for Disease Control and Prevention: The Nutritional Biochemistry Branch, National Center for Environmental Health, provides central nutrition laboratory support to the NCHS-sponsored National Health and Nutrition Examination Surveys, currently NHANES III. Methods are developed, validated, and applied for the measurement of vitamins, essential and toxic elements, and metabolic indicators of nutritional status, under conditions of rigorous quality control. The laboratory's emphasis on quality control is especially important in monitoring trends in the population's nutritional status. The laboratory collaborates with other Public Health Service agencies and academic research centers for studies of the relationships of nutrition to infant and maternal health, birth defects, osteoporosis, age-related eye diseases, cardiovascular disease, diabetes, cancer, and health problems of certain high-risk groups such as minorities and women. Laboratory efforts are also focused on problems related to environmental health and the role that nutrition plays in human exposure to certain environmental toxicants (e.g., lead poisoning in children). This laboratory expertise will provide the technological base for developing and validating laboratory procedures to be transferred to State and local nutrition monitoring programs.

—The human nutrition research program of the Cooperative State Research Service is carried out by academic departments of nutrition under formula, special, and competitive funding. Departments of nutrition within land grant Universities encompass both the State agriculture experiment station and extension systems. Thus, the dissemination of research-based nutrition information is fostered. The research topics are defined by the Federal priority setting process, but the projects are investigator-initiated and approved by a peer review process. Matching funds, often in excess of the amount of Federal funds, are provided by the States. Research activities usually comprise the following major categories: nutrient requirements and health maintenance; nutritional status and food intake; nutrient composition and bioavailability; and food choices.

—Model-based estimates of NHIS Items for States: The statistical methodology to produce State estimates and their error has been developed and applied to NHIS by CDC/NCHS. Research will continue to evaluate model-based State estimates with synthetic estimates for four large States. Other cross-validation techniques will also be applied in the evaluation of the State estimates.

—NIH Research: NIH supports the country's largest program in human nutrition research, including research on the assessment of nutritional status, nutritional epidemiology, and clinical nutrition. Investigator-initiated projects comprise the majority of the NIH Program of Biomedical and Behavioral Nutrition Research.

The Clinical Nutrition Research Units (CNRU) and centers supported by NIDDK and NCI have contributed especially to understanding the effects of disease states on nutritional status. Nutritional status has been examined in healthy and clinical populations as well as in high-risk groups in NIH-supported investigations. Studies have included methodologic development, validation, measurement, and interpretation of biochemical, anthropometric, maturational, and functional indexes of nutritional status. The Strong Heart Study is an example of an NIH-supported research project that is conducted under cooperative agreements with the IHS supported by the NHLBI. The Strong Heart Study was initiated to estimate the morbidity and mortality rates for cardiovascular disease in three geographically diverse groups of American Indians and to estimate the levels of cardiovascular disease risk factors through an examination of 1,500 adult men and women ages 45-74 years in each of the three centers.

Long-term prospective studies of specific high-risk populations are also underway. With their unique perspective, such studies provide insight into potential vulnerable groups (such as minorities and women), indicators, and standards that are useful for NNMRRP's endeavors. For example, insight into nutrition and the aging process have been and continue to be gained from NIA's Gerontology Research Center in Baltimore. Additionally, various institutes at NIH support nutrition monitoring surveys (such as the NHANES and the NHIS) that are sponsored by other agencies.

16. Pediatric Nutrition Surveillance System (PedNSS): PedNSS, conducted by CDC/NCCDPHP, is designed to continuously monitor the prevalence of major nutritional problems among high-risk, low-income infants and children from birth to 17 years of age. The system is based on information routinely collected by health, nutrition, and food assistance programs such as the Special Supplemental Food Program for Women, Infants, and Children (WIC); Early and Periodic Screening, Diagnosis, and Treatment (EPSDT); Head Start; and child health clinics operating under the Maternal and Child Health Block Grant.

Initiated in 1973, PedNSS was designed to improve the management of State child health programs and to allow States to develop and monitor State-based nutrition objectives. Program managers use this information to target high-risk subgroups of the population for interventions and to evaluate the effectiveness of interventions designed to reduce nutrition problems in infants and children.

17. Pregnancy Nutrition Surveillance System (PNSS): PNSS, also conducted by CDC/NCCDPHP, is designed to monitor the prevalence of nutrition-related problems and behavioral risk factors among high-risk prenatal populations that are related to infant mortality and low birth weight. PNSS is based on data collected from health, nutrition, and food assistance programs for pregnant women such as WIC and prenatal clinics funded by the Maternal and Child Health Block grant and State monies.

Nutrition-related problems currently monitored include gravid underweight and overweight and anemia (low hemoglobin/hematocrit). With the enhancement of PNSS in 1989, additional nutritional and behavioral risk factors are being reported to the system. The emphasis is to quantify preventable risk behaviors among low-income pregnant women such as smoking and alcohol consumption as well as to look more closely at the relationship of nutritional status to weight gain during pregnancy and birth outcome.

Trends in the prevalence of these nutrition-related and behavioral risk factors are monitored. Pilot projects have been funded to link PNSS data to birth certificates to assess program coverage and to target and evaluate program impact. Future growth for this program includes the expansion of linkage efforts in all States that wish to develop this capacity.

18. Vital Statistics Program: This program of CDC/NCHS is responsible for the Nation's official vital statistics. Based on records filed in State vital statistics offices, the national program coordinates reporting, coding, and transmission of data on births, deaths, fetal deaths, induced terminations of pregnancy, marriages, and divorces. The vital statistics program produces annual data for the United States and for States, counties, and other local areas and produces monthly provisional data for the United States and each State.

The U.S. Standard Certificate of Live Birth and Report of Fetal Death underwent a major revision for the data year 1989. The revised certificate will be in use for 10 years. Questions on weight gain during pregnancy,

alcohol and tobacco use, anemia and diabetes as medical risk factors for pregnancy, anemia as an abnormal condition of the newborn, and clinical estimate of gestation were added.

#### B. Food and Nutrient Consumption

19. Adult Day Care Program Study: This study, to be conducted by USDA/FNS in 1992, will collect in-person survey and interview observations of the food and beverages eaten during a 24-hour period from a nationally representative sample of 752 adults attending day care centers participating in the Child and Adult Care Food Program (CACFP). The study will also describe the characteristics of adults and adult day care centers participating and not participating in CACFP and provide estimates on the contribution of USDA meals to total dietary intake.

20. Consumer Expenditure Survey: This survey, conducted continuously by the Department of Labor, Bureau of Labor Statistics since 1980, has three major objectives: (1) To provide information on consumer expenditures, (2) to provide data for social and economic analysis, and (3) to provide detailed expenditures and income data for research purposes. Information is collected on average annual food expenditures in the Diary Survey and on Food Stamp participation in the Interview Survey.

21. Continuing Survey of Food Intakes by Individuals (CSFII): USDA/HNIS initiated this survey in 1985 to monitor the dietary status of relatively small national samples in the general and low-income populations in the years between the larger decennial NFCS. The CSFII has now replaced the NFCS as the cornerstone of Federal efforts to monitor overall dietary status of the American people.

The CSFII 1994-96 is the third in the CSFII series. It is responsive to NNMRRP requirements for the continuous collection, processing, and analysis of dietary status data from the U.S. population, including the low-income population. The objectives of the survey are to (1) measure the kinds and amounts of foods eaten by Americans and (2) together with the Diet and Health Knowledge Survey (see item 32) determine how people's attitudes and knowledge about healthy eating affect their food and nutrient intakes.

In each of three survey years, a nationally representative sample of individuals is asked to provide, through personal interviews, food intakes on 2 non-consecutive days and socioeconomic and health-related information. The total number of respondents for the three years is about 15,000. The CSFII 1994-96 differs from earlier CSFII surveys in several ways. Compared with earlier surveys, the 1994-96 surveys include a target population of non-institutionalized individuals in all 50 states rather than 48 conterminous states; the collection of 2 non-consecutive days of food intakes rather than 3 consecutive days; an oversampling of the low-income population rather than a separate low-income survey; a larger sample in selected sex-age categories, specifically young children and elderly; and a subsampling within households rather than the collection of information from all members of a household.

The first CSFII, conducted in 1985 and 1986, included women 19 to 50 years of age and their children 1 to 5 years of age from both general and low-income populations. Individuals were asked to provide 6 days of dietary data over a 1-year period. Day 1 data were collected in a personal interview using a 1-day recall format; subsequent days of data were collected by telephone also using a 1-day recall. The 1985 collection included men ages 19 to 50 as well. In 1985, about 1,500 women, 550 children, and 750 men provided information in the all-income sample. In 1986, about 1,500 women and 550 children provided information in the all-income sample.

The 1989-91 CSFII included the collection of dietary data from all members of sample households for 3 consecutive days. Day 1 data were collected in a personal interview using a 1-day recall and days 2 and 3 were collected with a food record. For each year, the total sample is about 2,250 households including both all-income and low-income households. Data for several years can be combined to provide data for a much larger group.

National Health and Nutrition Examination Surveys: See above.

22. National Seafood Consumption Survey Model Development: This study was conducted in 1991-92 by NMFS/NOAA/DOC. The purpose of this study is (1) to conduct a comprehensive review and scientific analysis of seafood consumption survey models to ascertain their strengths and weaknesses in providing scientifically valid data for use in contaminant risk assessment, and (2) after developing and testing model instruments, to propose seafood consumption model(s) that will allow both national and/or localized consumption surveys to be conducted so as to accrue a data base that can be used for state-of-the-art science risk assessment. A working panel of risk assessment and food consumption experts and industry representatives will provide guidance on the development and testing of the seafood consumption survey instruments.

23. Nationwide Food Consumption Survey (NFCS): USDA's periodic NFCS, conducted by the Human Nutrition Information Service (HNIS), has been the cornerstone of Federal efforts to monitor overall dietary status of the American people. The 1987-88 NFCS is the most recent of many nationwide surveys of food consumption. It included the collection of two types of information: (1) Household use of food—the quantities of foods households used during a 7-day period and the cost of those foods; and (2) Individual food intake—the kinds and amounts of foods actually eaten at home and away from home by individual household members. The NFCS has been discontinued; the collection of two types of information in one survey contributed to a heavy respondent burden and low response rates. The NFCS has been replaced by two separate surveys—the Continuing Survey of Food Intakes by Individuals (see item 21) and the Household Food Consumption Survey (see item 24). The CSFII and the HFCS have the same objectives as the NFCS: To describe food consumption behavior and assess the nutritional content of

diets. The data are used for policies relating to food production and marketing, food safety, food assistance, and nutrition education.

The NFCS, 1987-88, marks the seventh time that nationwide information on household use of food has been collected by USDA. Previous surveys were conducted in 1935-6, 1942, 1948, 1955, 1965-66, and 1977-78. In a supplement to the 1965-66 survey, certain members of households sampled in the spring quarter were asked to recall their dietary intakes for the day prior to the interview. During the 1977-78 and 1987-88 NFCS, dietary intakes were collected for 3 consecutive days using a 1-day recall followed by a 2-day record.

The 1987-88 NFCS consisted of two area probability samples of the 48 conterminous States—one for the general population (basic survey) and one for the low-income population. The basic survey provided information from about 4,500 households and 10,000 individuals; the low income survey was somewhat smaller. Eligibility for the low-income survey was based on household income. Households having income before taxes for the previous month at or below 130 percent of the poverty guidelines were eligible for participation. This income level was selected because nonelderly households that have incomes at this level meet one of the income criteria for participating in the Food Stamp Program.

24. Household Food Consumption Survey (HFCS): The HFCS will be conducted in 1996 for HNIS by the U.S. Bureau of the Census. The HFCS replaces the household food consumption component of the Nationwide Food Consumption Survey. The purpose and general methodology will be similar to that for the NFCS: to collect information on the quantity and money value of food used by households during a 7-day period. However, cognitive testing is being conducted by the Census Bureau to improve the quality of food information collected. The planned target sample is 15,000 completed questionnaires with an oversampling of 5,000 low-income households.

25. Nutritional Evaluation of Military Feeding Systems and Military Populations: Beginning in 1917, the military has conducted periodic nutritional surveys and assessments to monitor the nutritional adequacy of the diet consumed by military personnel in peace-time garrison situations during sustained physically demanding military training exercises at all climactic extremes and, on occasion, during combat operations. The dietary status data are used to monitor and evaluate the effectiveness of nutritional initiatives for military feeding systems and health promotion programs. Since 1985, the U.S. Army Research Institute of Environmental Medicine at Natick, Massachusetts, has been designated as the responsible agency to conduct these studies for the Department of Defense.

26. Research Program on Food Demand: A variety of USDA's Economic Research Service (ERS) activities contribute information about the nature of the national food supply and patterns of consumption. Of particular importance are economic and marketing information studies that permit

evaluation of aggregate shifts in food consumption and price-consumption relationships. Efforts of this kind are important in assessing changing food consumption patterns and may presage nutritional problems. HNIS and ERS use the NFCS data to predict the demands for foods by households of given characteristics (income, race, sex-age composition, food assistance program participation, etc.).

27. School Food Authority (SFA) Menu Modification Demonstration Projects: These projects will enable the Food and Nutrition Service, USDA, to learn more about the processes and effects of reducing the fat and sodium content of foods that are within current school meal patterns to better meet the Dietary Guidelines for Americans. Five elementary schools have been competitively awarded grants to participate in the demonstration project, and each was evaluated before the dietary modifications in the winter of 1990 and were again evaluated after the dietary modifications in the winter of 1992. Results from this study provided information about the nutritional content of menus offered and plate-waste measures in all five SFA's and 24-hour recalls of fifth graders in four of the five sites.

28. Survey of Income and Program Participation (SIPP): SIPP has been conducted continuously by the U.S. Bureau of Census as a household-based survey since 1983. The content of SIPP is developed around a "core" of labor force, program participation, and income questions designed to measure the economic situation of persons in the United States. These core questions are repeated every 4 months for 2 1/2 years. The survey also has "topical modules" containing questions on a variety of topics not covered in the core section. Previous health-related modules have included health status and utilization of health care services, long-term care, and disability status of children. Variables of interest from the topical modules include estimates of: the proportion of children with physical, mental, or emotional disabilities; the number of persons in the population who have a work disability; and the number of persons who need personal assistance to perform the activities of daily living.

29. School Nutrition Dietary Assessment Study (SNDA): In 1992 this study conducted by USDA/FNS, will obtain national estimates of the nutrient composition of USDA meals, the impact of USDA meals on dietary intakes, and the types of food selected by students. The study will also determine which meal preparation factors are significantly affecting the nutrient content of USDA meals and plate waste under offer-vs.-serve (OVS) and non-OVS food systems. The study will collect 24-hour recalls from a nationally representative sample of 3,200 school-age children.

30. Total Diet Study (TDS): This survey is an annual FDA monitoring program which provides national estimates of average dietary intakes for 11 nutritional elements, four toxic metals, and various pesticide residues, industrial chemicals, and radionuclides for selected age-sex groups. The program provides a data base for the levels of the various nutrients and food components in individual foods, and it assesses trends in the

levels of these substances in the food supply and in daily diets over time. The foods are purchased four or more times per year in grocery stores of selected cities in four geographic areas of the U.S. The foods are shipped to the Total Diet Laboratory in Kansas City, MO where they are prepared for consumption and analyzed individually for nutrients and other food components. The Total Diet Study foods are identified as core foods of the U.S. food supply, based on consumption data from national food consumption surveys. The foods include fruits, vegetables, grain products, dairy products, meats, mixed dishes, desserts, beverages, fats, and sweeteners. The composition data for the Total Diet Study foods are merged with national food consumption data to assess daily intakes of the substances for selected age-sex groups. The Total Diet Study began in 1961 using consumption data from the 1955 USDA HFCS. The study was subsequently revised to reflect food consumption data from the 1965 HFCS. The Total Diet Studies conducted from 1982 until 1991 were based on food consumption data of the 1977-78 NFCS and the NHANES II. These studies included 234 foods for 8 age-sex groups. Beginning in 1991, the Total Diet Studies will reflect updated food consumption data for 265 foods for 14 age-sex groups.

#### C. Knowledge, Attitudes, and Behavior Assessments

31. Behavioral Risk Factor Surveillance System (BRFSS): BRFSS is designed to permit States to collect information regarding the prevalence of self-reported health behaviors using relatively low-cost telephone survey methodology. The behaviors surveyed relate to the 10 leading causes of death and include height, weight, smoking, alcohol use, weight control practices, diabetes, mammography, pregnancy, and cholesterol screening practices, awareness, and treatment.

Participating States conduct monthly interviews for a year or longer using a core questionnaire developed by CDC/NCCDPHP. States typically add questions at the end of the questionnaire to provide more detailed information on issues of special interest. The interviews are short, taking about 10 minutes, and administered to adults 18 years of age and over.

32. Consumer Food Handling Practices and Awareness of Microbiological Hazards Screener: This 1993 FDA telephone survey of 1,500 adults will include information about eating habits (whether respondent eats breakfast, lunch, dinner; number of meals eaten away from home), food handling practices (items measure adequate cooking, handling of leftovers including adequate reheating, cross contamination, room temperature holding of perishable foods), eating dangerous raw foods, sources of food handling information, knowledge of ways to prevent food poisoning, reasons for not following food safety recommendations, label reading, knowledge of specific microorganisms, perceived sources of food contamination, and foodborne illness experience. The sample will be split in half, with one group asked food handling

questions related to meat and poultry and the other group asked the same questions related to fish and shellfish.

33. Diet and Health Knowledge Survey (DHKS): In 1989, USDA/HNIS initiated the DHKS, which is conducted annually during CSFII years. The DHKS is the first survey designed to provide nationally representative data with which to determine directly how attitudes and knowledge about healthy eating affect dietary status. This capability comes from a survey design that links the CSFII with the DHKS. In each of the approximately 2,250 CSFII households, one member is identified as the main meal planner or preparer. This individual is the respondent for the DHKS. About 6 weeks after the CSFII, this person is recontacted in a telephone followup, and the DHKS interview is conducted. Individuals without telephones are interviewed at home.

The DHKS provides data on knowledge and attitudes about dietary guidance, food preparation practices, use of nutrition information on food labels, and food safety concerns. Knowledge and attitude parameters covered include the accuracy of perceptions about how one's own diet rates relative to current dietary guidance, attitudes toward the importance of dietary guidance, and potential barriers to following the types of dietary guidance supported by Federal nutrition policy. The CSFII provides information on food and nutrient intakes in the conterminous United States, health-related behaviors (e.g., salt use, dieting behavior, physical activity, weight status), and demographic and socioeconomic information.

Together these data sets can be used to show relationships between knowledge and attitude parameters and dietary status of main meal planners and preparers in U.S. households.

34. Health and Diet Survey (HDS): The FDA Health and Diet Study consists of biennial telephone surveys of nationally representative samples of American households. Surveys were conducted in 1982, 1983-84, 1986, 1988, and 1990. Some comparable data are also available from studies done in the 1970s. HDS contains a core set of topics and items on health and nutrition that are repeated from survey to survey and additional topics and items that provide timely information on current health and diet issues or special topics. Key topics covered by the surveys include perceptions of specific dietary components such as cholesterol, sodium, and fats; knowledge of fats and cholesterol; self-reported health-related behaviors such as dieting, sodium avoidance, and efforts to lower blood cholesterol; perceptions and use of food labels; and beliefs about diet-health relationships including the relationships between diet and cancer, high blood pressure, and heart disease. HDS data have been used to evaluate progress and identify needed improvements in the public education initiatives of various Federal agencies within the Public Health Service, such as, NHLBI/NIH.

35. Infant Feeding Practices Survey: This FDA study will provide detailed time-specific information about feeding practices

during the first 12 months of life. Pregnant women will be identified from a large commercial consumer mail panel, and approximately 1,200 participants will receive a series of mail questionnaires (1 prenatal, 9 postnatal). The prenatal questionnaire will cover prenatal health care, WIC participation, employment, and prenatal plans for feeding the new baby. A neonatal questionnaire will cover birth experience, hospital practices, feeding practices, living arrangements, and WIC participation. The postnatal series will cover feeding practices, including foods fed to the infant; mothers' reasons for stopping breast feeding; variables related to allergy development; breast feeding characteristics; formula feeding characteristics; reasons for choosing and switching formula brands; sources of feeding information; information about handling formula, baby foods, and expressed milk; and employment and day care arrangements. As a panel study, it will provide detailed feeding and health data not feasible in a retrospective survey and will permit analysis of relationships between feeding patterns over time and other variables such as demographics, mothers' characteristics, market factors, infant health, and child care arrangements.

36. NHIS on Youth Risk Behavior: This survey is part of a CDC/NCHS surveillance system that monitors the behaviors of adolescents. It focuses on activities that result in the greatest morbidity and mortality for that age group. National and State samples of schools are administering the same questions that will be used in the NHIS component of the survey. The school-based surveys are administered to students in grades 9-12 in both public and private systems. The NHIS supplement is for ages 12-21 years and includes an oversample of out-of-school youth. The school-based surveys began in 1990. The NHIS Youth Risk Behavior Survey will begin in 1992. The six broad areas of study are: tobacco use, alcohol and drug use, physical activity, nutrition, unintentional injuries, and sexual behavior. The NHIS version includes questions on runaway experience and homelessness. The surveillance system is supported by CDC/NCCDPHP. The questions on homelessness are for the Administration on Children, Youth, and Families.

37. Youth Risk Behavior Survey (YRBS): YRBS is designed to permit State and local departments of education to collect information regarding the prevalence of self-reported health behaviors such as fruit and vegetable consumption, fat intake, exercise, body-image perception, and smoking and alcohol use. These behaviors relate to the overall assessment of healthy adolescent lifestyles and enable departments of education to target programs at those problems most prevalent in their school.

A systematic random sample of schools with probability proportional to enrollment size for State and local YRBS are drawn using a computer program. This program generates individualized sampling instructions for the random selection of classes or students from each sampled school. The final sample of students is self-weighting.

The Division of Adolescent and School Health, CDC/NCCDPHP, conducted the first

YRBS in the spring of 1990, with a second survey completed in the spring of 1991. It is anticipated that this survey will continue to be conducted in the spring of odd numbered years.

#### D. Food Composition and Nutrient Data Bases

38. Food Label and Package Survey (FLAPS): This biennial FDA survey, initiated in 1977, monitors the labeling practices of U.S. food manufacturers. FLAPS provides label and package information recorded from the packages of a scientifically derived sample of food products representative of the U.S. processed packaged food industry. The sample is based on sales data provided by the A.C. Nielsen Company, initially through its syndicated national data base of grocery store warehouse withdrawals and, since 1985, through a more comprehensive Universal Product Codes (UPC) scanner-based system (SCANTRACK). FLAPS has been used to quantify the prevalence of sodium and nutrition labeling, determine the extent of quantitative labeling for cholesterol and fatty acid content, examine the use of and contents of product ingredient lists, and detail the extent and types of nutrition claims on food products. The on-line data base (1977-88) has been useful both for planned tracking and special requests. It will provide a mechanism for tracking market response to food label changes promulgated under the Nutrition Labeling and Education Act (e.g., mandatory nutrition labeling; definitions for cholesterol and fatty acid levels; revised nutrition label formats; and quantitative labeling of fresh fruits, vegetables, and seafood).

39. Languag: Languag is a standardized vocabulary for food product description initiated by FDA. It is composed of 14 different viewpoints or factors: product type; food source; part of plant or animal; physical state, shape or form; extent of heat treatment; cooking method; treatment applied; preservation method; packing medium; container or wrapping; food contact surface; consumer group dietary use; geographic places and regions; and adjunct characteristics of food. A food product is described by one or more terms from each of these factors. That information is stored in the food monitoring data base. Each stored descriptor may be used as a retrieval term for food product names. The bibliographic, nutritional, or toxicological data associated with those food names may then be accessed. Languag provides definitions to explain what a term is or how it is used and synonyms for scientific nomenclature or vernacular usage. Retrieval terms are arranged in a hierarchy that arrays terms conceptually from broader to narrower. Nine diverse food data bases are indexed using Languag. Six of these files are from sources outside the FDA. They are the USDA Nutrient Database for Standardized Reference (Handbook No. 8), the 1987-88 Nationwide Food Consumption Survey, food names from the Codex Alimentarius, a carotenoid food file, a French food file, and a Greek food file. The three remaining food files are FDA-based. They are the Total Diet Study (TDS), the Food Labeling and Product Survey (FLAPS), and the Scientific

Information Retrieval and Exchange Network (SIREN). More than 24,000 food products are indexed by Languag and searchable in the Food Monitoring Database.

**40. Measurement of Nutrients in Foods:** NIH has supported food composition data acquisition and research on improved methodology through interagency agreements with the HNIS Nutrient Data Research Branch, which maintains the National Nutrient Data Bank and the ARS Nutrient Composition Laboratory. This support has increased the availability of data on nutrients associated with chronic diseases, including heart disease and cancer. In addition, NIH has supported extramural research to develop methods of analysis for various food components as well as to conduct the analysis.

**41. National Nutrient Data Bank (NNDB):** The USDA/HNIS National Nutrient Data Bank is the major mechanism for collection, evaluating, storing, and collating nutrient composition data for individual foods. The task is substantial because of the large number of food items in the U.S. food supply, the rapidly changing nature of the food supply, and the many nutrients and other food components (over 100 different components when available) for which data are collected for the data bank. Data are being collected and entered into the NNDB on a continual basis, but the availability of data is limited for some nutrients because suitable or affordable methods of analysis are lacking. Sources of data include Federal Government laboratories such as USDA's Nutrient Composition Laboratory (NCL) and DHHS' FDA; university research and commercial laboratories under government sponsorship; and analyses of nutrients in foods conducted

by industry, primarily in support of the nutrition labeling program. The ongoing maintenance of the NNDB is keyed to the process of continually updating Agriculture Handbook No. 8, Composition of Foods . . . Raw, Processed, Prepared, which is the standard reference table of nutrient composition, and its companion computer data set, the USDA Nutrient Data Base for Standard Reference. The handbook consists of 21 sections, each covering 1 to 3 food groups. Annual supplements are issued to replace those data that need updating and to add data for new food items.

**42. Survey Nutrient Data Base:** A nutrient data base especially designed for use with nationwide dietary intake surveys is maintained in conjunction with the NNDB operations. Updated versions of the Survey Nutrient Data Base are generated as needed to accommodate surveys at HNIS and NCHS. They include data for foods in the forms in which they are generally consumed, and foods are organized to facilitate summarization of dietary intake data by food groups. Revisions in this data base reflect changes that occur in food usage as well as changes resulting from improved food composition data. It contains information for food energy and 28 nutrients or food components.

Additional components can be added as needs are identified and data become available.

Total Diet Study: See above.

#### **E. Food Supply Determinations**

**43. Fisheries of the United States:** The Bureau of Census NMFS estimates annually the quantities of various finfish and shellfish foods that "disappear" into domestic

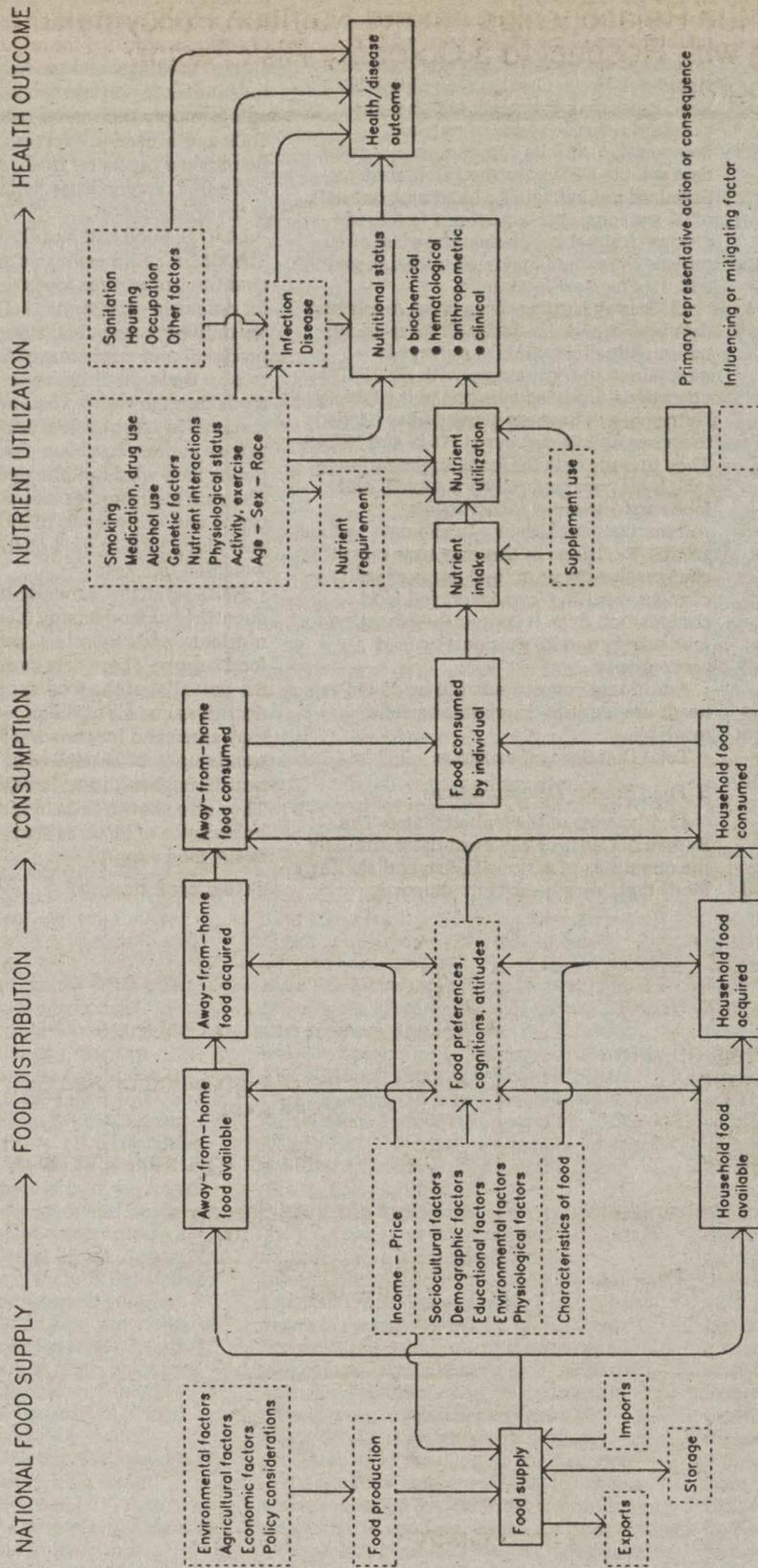
consumption. These estimates are derived from fisheries statistics on domestic landings of seafood, adjusted for imports, exports, cold storage holdings, and producers' canned inventories for certain species. The U.S. edible supply time series extends back to 1909 and is used to express consumption in pounds per capita for fresh, frozen, canned, and cured commodities, with limited detail at the species level.

**44. U.S. Food and Nutrition Supply Series:** The USDA's ERS estimates annually the quantities of various foods that are available for domestic consumption. These estimates are derived from public statistics on the production or marketing of farm products, foreign trade, stock changes, and the flow of foods through warehouse and/or retail markets. In recent years, information from private sources has been used to augment public data where public data gaps exist. They are expressed as national averages per capita and show levels of food supplies each year since 1909 in food quantities and price-weighted indexes.

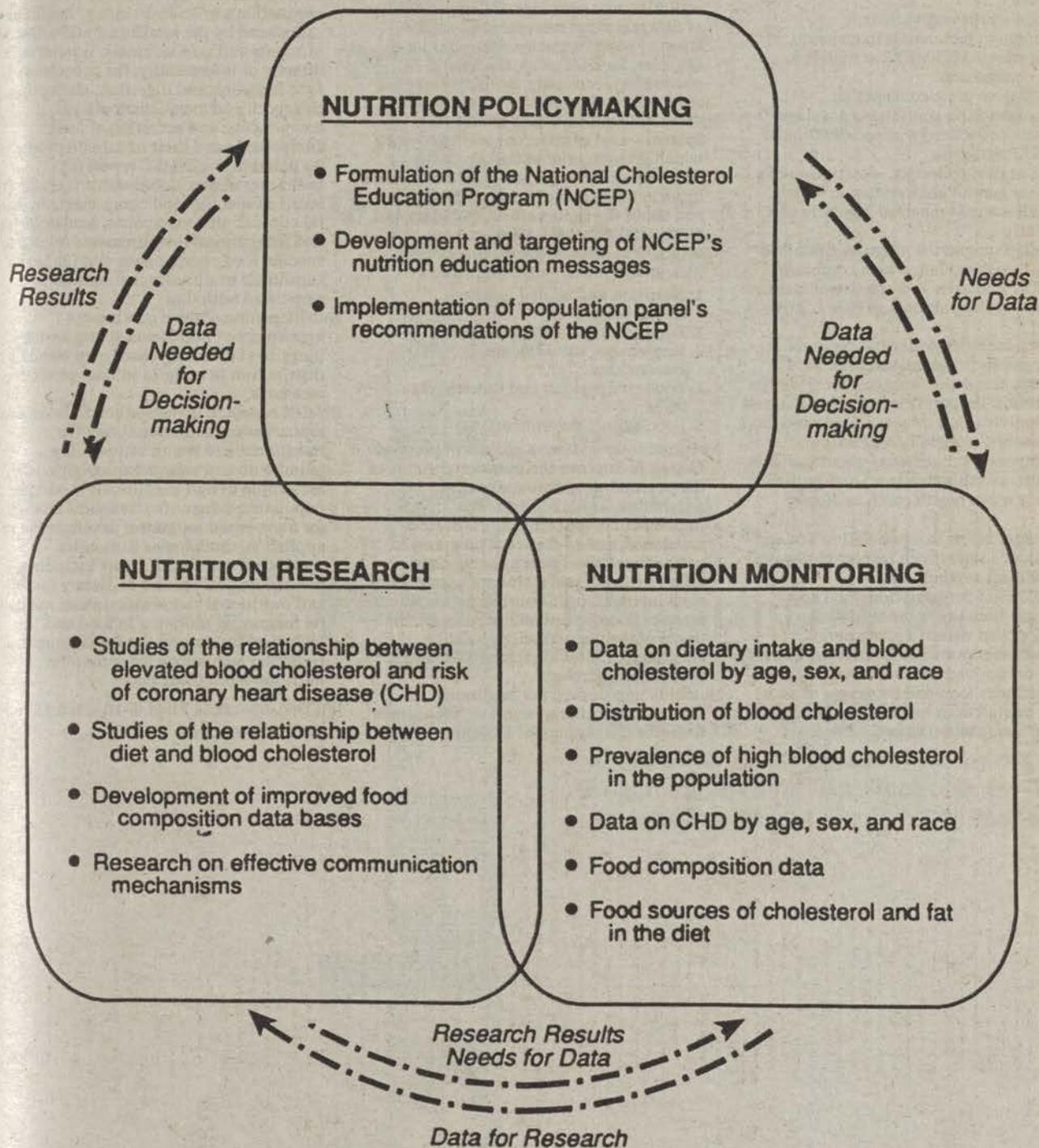
HNIS estimates annually the per capita quantities of food energy (calories), 23 nutrients, and cholesterol provided by the food supply. These data can be used to assess the potential of the food supply to satisfy the nutritional needs of the population. Also they are useful for showing food and nutrient trends since 1909 relative to statistics on nutritional health and incidence of disease. They also show trends in the relative importance of foods as sources of nutrients in the food supply.

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# Appendix 5 Detailed conceptual model of food to health



Appendix 6. Illustration of the Relationships among Nutrition Policymaking, Research, and Monitoring with Respect to a Coronary Risk Factor, Biomedical Education Program



**X. Glossary**

**Chartbook:** a publication that provides graphical and tabular display of data and information with minimal text

**Clearinghouse:** a central institution designed to promote the cooperative exchange of publications and information about Federal and non-Federal nutrition monitoring activities

**Comparability:** having sufficient measurement parameters in common among selected NNMRRP activities to afford comparison

**Comprehensive plan:** concept that incorporates both continuous coverage (i.e., data collection) and coordination of NNMRRP activities

**Continuous data collection:** description of a survey or surveillance system in which data collection is repeated regularly and frequently

**Coordinated program:** a program, described by the Ten-Year Plan, which combines NNMRRP activities in a consistent manner to carry out the purposes of Pub. L. 101-445 (1)

**Data users:** includes policymakers, public health and nutrition researchers, food industry, academia, State and local groups

**Dietary status:** the condition of a population's or an individual's intake of foods and food components, especially nutrients (3)

**Food components:** nutrients (macronutrients, vitamins, and minerals) and non-nutrients that may affect health (such as dietary fiber)

**Health status:** refers to a population's or an individual's status with respect to physical state or disease condition

**Household food consumption:** food and beverages from the household food supplies used within a given period of time, whether purchased, provided in the home, or received without direct expense. This includes food and beverages eaten at home, carried from home in packed meals, thrown away, or fed to pets

**NNMRRP:** National Nutrition Monitoring and Related Research Program defined by Pub. L. 101-445, means the set of activities necessary to provide timely information about the role and status of factors that bear on the contributions that nutrition makes to the health of the U.S. population; the Program includes the five measurement component areas, related research activities, and exchange and dissemination of data and other relevant information among Federal agencies, State and local agencies, food industry, the health community, consumer industry groups, academia, and professional organizations

**NNMS:** National Nutrition Monitoring System—a set of interconnected activities which provide information about the contribution that diet and nutritional status make to the health of the U.S. population and about the factors affecting dietary and nutritional status (6). Measurement component areas in the comprehensive plan and NNMRRP are categorized by:

1. Nutrition and related health measurements
2. Food and nutrient consumption
3. Knowledge, attitudes, and behavior assessments
4. Food composition and nutrient data bases
5. Food supply determinations

**Nutrition intervention:** a process of planned change to improve the nutritional status of the population, subgroups of the population, or individuals. The implementation of clinical trials, food assistance, and educational programs to promote positive dietary changes and improve nutritional status are examples of such intervention. Strategies for nutrition intervention depend on the problem, the needs of the population, population subgroup, or individual involved, and available resources

**Nutrition monitoring:** the assessment of dietary or nutritional status at intermittent times for the purpose of detecting changes

in the dietary or nutritional status of the population

**Nutritional risk:** an increased probability of an existing nutritional imbalance arising from insufficient or excessive intake of one or more nutrients or food components that could lead to adverse health consequences; or arising from an existing health condition

**Nutritional status:** the condition of a population's or an individual's health as influenced by the intake and utilization of nutrients and non-nutrients. It reflects, directly or inferentially, the processes of food ingestion and digestion; absorption, transport, and metabolism of food components; and excretion of food components and their metabolic products. As noted in the JNMEC report (2), indicators of nutritional status include: (1) levels of specific food components in diets; (2) clinical, anthropometric, hematological, and biochemical measurements related to specific food components; and (3) health conditions or diseases that may be associated with diet

**Nutrition surveillance:** continuous assessment of nutritional status for the purpose of detecting changes in trend or distribution in order to initiate corrective measures

**Related research:** investigation of issues and topics pertinent to monitoring the nutritional and health status of the population and selected subgroups, such as: sample design for difficult-to-sample population subgroups; statistical modeling for State-based estimates; development of applied methodologies to monitor nutritional and health status including methodological studies of dietary intake and nutritional status assessment; methods for measuring nutrients in food and biological fluids; and the development of computer technology for compiling nutrition monitoring data

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# Federal Register

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Friday  
June 11, 1993

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Part III

## Department of Education

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Demonstration Projects for the Integration  
of Vocational and Academic Learning  
Program; Inviting Applications for New  
Awards for Fiscal Year 1994; Notice

## DEPARTMENT OF EDUCATION

[CFDA No.: 84.248]

**Demonstration Projects for the Integration of Vocational and Academic Learning Program; Inviting Applications for New Awards for Fiscal Year (FY) 1994**

*Note to Applicants:* This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

*Purpose of Program:* The Demonstration Projects for the Integration of Vocational and Academic Learning Program provides financial assistance to projects that develop, implement, and operate programs using different models of curricula that integrate vocational and academic learning. The Secretary wishes to highlight for potential applicants that this program helps further the National Education Goals. The integration of vocational and academic learning directly supports National Education Goal 5—ensuring that every adult American will be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

*Eligible Applicants:* Institutions of higher education, area vocational education schools, secondary schools funded by the Bureau of Indian Affairs, State boards of vocational education, public or private nonprofit organizations, local educational agencies, and consortia composed of these entities.

*Deadline for Transmittal of Applications:* July 30, 1993.

*Deadline for Intergovernmental Review:* September 28, 1993.

*Available Funds:* \$4,000,000 for the first 12 months. Funding for the second, third, and fourth years is subject to the availability of funds and to a grantee meeting the requirements in 34 CFR 75.253.

*Estimated Range of Awards:* \$300,000–\$500,000 (funding for the first 12 months).

*Estimated Average Size of Awards:* \$400,000 (funding for the first 12 months).

*Estimated Number of Awards:* 10.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months (four 12-month grant cycles).

*Applicable Regulations:* (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).

(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 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR Part 81 (General Education Provisions Act—Enforcement).

(7) 34 CFR Part 82 (New Restrictions on Lobbying).

(8) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(9) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations for this program in 34 CFR Parts 400 and 425.

*Invitational Priority:* Under 34 CFR 75.105(c)(1), the Secretary is particularly interested in applications that focus primarily on one or more of the following areas. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

(a) Including both vocational and academic faculty in the design of integrated curricula and courses that are targeted at the eleventh and twelfth grades or postsecondary levels of instruction.

For example: A project that proposes to involve both vocational and academic teachers in the design of an allied health occupations curriculum for at-risk eleventh and twelfth grade inner-city high school students.

For example: A project that proposes to use teams of vocational and academic instructors from a community college to jointly develop an integrated sequence of health and medical diagnostic and treatment services courses for adults seeking to become electrocardiograph technicians.

(b) Involving the entire education community in providing inservice training for teachers of vocational education students and administrators in the planning, implementation, and operation of integrated curricula and/or programs.

For example: A project that proposes to conduct on-site workshops for teachers and counselors of students as well as school administrators regarding how to jointly plan, implement, and operate programs that integrate vocational and academic learning strategies.

(c) Dissemination of information and materials regarding effective strategies for integrating vocational and academic learning to national audiences.

For example: A project that proposes to produce a multi-media package of best practices and programs for integrating vocational and academic learning and to market this information to vocational and academic educators at a variety of local, State, and national conferences and workshops throughout the grant period.

(d) Evaluation of programs that integrate vocational and academic learning through the use of experimental and control group samples.

For example: A project that proposes to conduct a rigorous, independent evaluation of vocational student outcomes by comparing outcomes for a sample of program participants to corresponding measures for a non-participant sample control group.

*Selection Criteria:* The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses. For this competition, the Secretary assigns the fifteen points, reserved in 34 CFR 425.20(b), as follows:

*Educational significance* (34 CFR 425.21(b)). Five points are added to this criterion for a possible total of 15 points.

*Evaluation plan* (34 CFR 425.21(d)). Five points are added to this criterion for a possible total of 20 points.

*Demonstration and dissemination* (34 CFR 425.21(e)). Five points are added to this criterion for a possible total of 15 points.

(a) *Program factors.* (10 points) The Secretary reviews each application to assess the quality of the proposed project, including—

(1) The extent to which the project involves creative or innovative methods for integrating vocational and academic learning; and

(2) The quality of the services that the project will provide to—

(i) Individuals who are members of special populations;

(ii) Vocational students in secondary schools and at postsecondary institutions;

(iii) Individuals enrolled in adult programs; or

(iv) Single parents, displaced homemakers, and single pregnant women.

(b) *Educational significance.* (15 points) The Secretary reviews each application to determine the extent to which the applicant—

(1) Bases the proposed project on successful model vocational education programs that include components similar to the components required by this program, as evidenced by empirical data from those programs in such factors as—

(i) Student performance and achievement;

(ii) High school graduation;

(iii) Placement of students in jobs, including military service; and

(iv) Successful transfer of students to a variety of postsecondary education programs;

(2) Proposes project objectives that contribute to the improvement of education; and

(3) Proposes to use unique and innovative techniques that address the need to integrate vocational and academic learning, and produce benefits that are of national significance.

(c) *Plan of operation.* (15 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the project design, especially the establishment of measurable objectives for the project that are based on the project's overall goals;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project over the award period;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(d) *Evaluation plan.* (20 points) The Secretary reviews each application to determine the quality of the project's evaluation plan, including the extent to which the plan—

(1) Carries out the requirements in 34 CFR 425.30;

(2) Is clearly explained and is appropriate to the project;

(3) To the extent possible, is objective and will produce data that are quantifiable;

(4) Includes quality measures to assess the effectiveness of the curriculum developed by the project;

(5) Identifies expected outcomes of the participants and how those outcomes will be measured;

(6) Includes activities during the formative stages of the project to help guide and improve the project, as well as a summative evaluation that includes recommendations for replicating project activities and results;

(7) Will provide a comparison between intended and observed results, and lead to the demonstration of a clear link between the observed results and the specific treatment of project participants; and

(8) Will yield results that can be summarized and submitted to the Secretary for review by the Department's Program Effectiveness Panel, as defined in 34 CFR 400.4(b).

(e) *Demonstration and dissemination.* (15 points) The Secretary reviews each application for information to determine the effectiveness and efficiency of the plan for demonstrating and disseminating information about project activities and results throughout the project period, including—

(1) High quality in the design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(2) Identification of the audience to which the project activities will be disseminated and provisions for publicizing the project at the local, State, and national levels by conducting, or delivering presentations at, conferences, workshops, and other professional meetings and by preparing materials for journal articles, newsletters, and brochures;

(3) Provisions for demonstrating the methods and techniques used by the project to others interested in replicating these methods and techniques, such as by inviting them to observe project activities;

(4) A description of the types of materials the applicant plans to make available to help others replicate project activities and the methods for making the materials available; and

(5) Provisions for assisting others to adopt and successfully implement the methods, approaches, and techniques developed by the project.

(f) *Key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications, in relation to project requirements, of the project director;

(ii) The qualifications, in relation to project requirements, of each of the other key personnel to be used in the project;

(iii) The appropriateness of the time that each person referred to in paragraphs (f)(1) (i) and (ii) will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability.

(2) To determine personnel qualifications under paragraphs (f)(1) (i) and (ii), the Secretary considers—

(i) The experience and training of key personnel in project management and in fields related to the objectives of the project; and

(ii) Any other qualifications of key personnel that pertain to the quality of the project.

(g) *Budget and cost effectiveness.* (10 points) The Secretary reviews each application to determine the extent to which the budget—

(1) Is cost effective and adequate to support the project activities;

(2) Contains costs that are reasonable and necessary in relation to the objectives of the project; and

(3) Proposes using non-Federal resources available from appropriate employment, training, and education agencies in the State to provide project services and activities and to acquire project equipment and facilities, to ensure that funds awarded under this part are used to provide instructional services.

(h) *Adequacy of resources and commitment.* (5 points)

(1) The Secretary reviews each application to determine the extent to which the applicant plans to devote adequate resources to the project. The Secretary considers the extent to which—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(2) The Secretary reviews each application to determine the commitment to the project, including whether the—

(i) Uses of non-Federal resources are adequate to provide project services and activities, especially resources of community organizations and State and local educational agencies; and

(ii) Applicant has the capacity to continue, expand, and build upon the project when Federal assistance under this part ends.

*Additional Factors:* (a) After evaluating the applications according to

the selection criteria, the Secretary determines whether the most highly rated applications—

- (1) Are equitably distributed throughout the Nation;
- (2) Offer significantly different approaches to integrating vocational and academic curricula; and
- (3) Serve—
  - (i) Individuals who are members of special populations;
  - (ii) Vocational students in secondary schools;
  - (iii) Vocational students at postsecondary institutions;
  - (iv) Individuals enrolled in adult programs; or
  - (v) Single parents, displaced homemakers, and single pregnant women.

(b) The Secretary may select other applications for funding if doing so would improve the geographical distribution of, diversity of approaches in, or the diversity of populations to be served by projects funded under this program.

**Intergovernmental Review of Federal Programs:** This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the *Federal Register* on April 23, 1993 (58 FR 21872-73).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA#84.248, U.S. Department of

Education, room 4161, 400 Maryland Avenue, SW., Washington, DC 20202—0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

**Instructions for Transmittal of Applications:** (a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and six copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.248), Washington, DC 20202-4725, or

(2) Hand deliver the original and six copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.248), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

**Notes:** (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708-9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

**Application Instructions and Forms:** To apply for an award under this program competition, your application must be organized in the following order and include the following five parts:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)).

Part II: Budget Information.

Part III: Budget Narrative.

Part IV: Program Narrative.

Part V: Additional Assurances and Certifications:

a. Estimated Public Reporting Burden.

b. Assurances—Non-Construction Programs (Standard Form 424B).

c. Certification regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80-0013) and Instructions.

d. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80-0014, 9/90) and Instructions.

(Note: ED 80-0014 is intended for the use of grantees and should not be transmitted to the Department.)

e. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and Instructions, and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

All forms and instructions are included as Appendix A of this notice. Questions and answers pertaining to this program are included, as Appendix B, to assist potential applicants.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances and SIX copies of the application. Please mark each application as original or copy. Local or State agencies may choose to submit two copies with the original. No grant may be awarded unless a complete application form has been received. (20 U.S.C. 1241-1391)

**For Further Information Contact:** Richard F. DiCola, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4512—MES), Washington, DC 20202-7242. Telephone (202) 205-9962. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**Program Authority:** 20 U.S.C. 2420

Dated: June 3, 1993.

**Ricky Takai,**  
*Acting Assistant Secretary, Office of  
Vocational and Adult Education.*

BILLING CODE 4000-01-P



## INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry:   | Item: | Entry:   |
|-------|--|-------|--|
| 1.    | Self-explanatory.  | 12.   | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.    | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable):  | 13.   | Self-explanatory.  |
| 3.    | State use only (if applicable).  | 14.   | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.    | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.  | 15.   | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5.    | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.   | 16.   | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6.    | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.  | 17.   | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7.    | Enter the appropriate letter in the space provided.  | 18.   | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8.    | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>— "New" means a new assistance award.<br>— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |       |  |
| 9.    | Name of Federal agency from which assistance is being requested with this application.   |       |  |
| 10.   | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.  |       |  |
| 11.   | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.  |       |  |

PART II - BUDGET INFORMATION

## SECTION A - Budget Summary by Categories

	A	B	C	D
1. Personnel				
2. Fringe Benefits (Rate %)				
3. Travel				
4. Equipment				
5. Supplies				
6. Contractual				
7. Other				
8. Total, Direct Cost (lines 1 through 7)				
9. Indirect Cost (Rate %)				
10. Training Costs/Stipends				
11. TOTAL, Federal Funds Requested (lines 8 through 10)				

## SECTION B - Cost Sharing Summary (if appropriate)

	A	B	C	D
1. Cash Contribution				
2. In-Kind Contribution (only costs specifically for this project)				
3. TOTAL, Cost Sharing (Rate %)				

## NOTE:

For FULLY-FUNDED PROJECTS use Column A to record the first 12-month budget period; Column B to record the second 12-month budget period; and Column C to record the total.

For MULTI-YEAR PROJECTS use Column A to record the first 12-month budget period; Column B to record the second 12-month budget period; Column C to record the third 12-month budget period; and Column D to record the fourth 12-month budget period.

## SECTION C - Budget Estimates (Federal Funds Only) For Balance of Project

Budget Periods

Second	Third	Fourth	Fifth

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

## SECTION A - Budget Summary by Categories

1. Personnel: Show salaries to be paid to project personnel.
2. Fringe Benefits: Indicate the rate and amount of fringe benefits.
3. Travel: Indicate the amount requested for both inter- and intra-State travel of project staff. Include funds for at least one trip for two people to attend a project director's meeting in Washington, D.C.
4. Equipment: Indicate the cost of non-expendable personal property that has a useful life of more than one year and a cost of \$300 or more per unit (\$5,000 or more if State, Local, or Tribal Government).
5. Supplies: Include the cost of consumable supplies and materials to be used during the project.
6. Contractual: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment; and (2) sub-contracts.
7. Other: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.
8. Total, Direct Cost: Show the total for lines 1 through 7.
9. Indirect Costs: Indicate the rate and amount of indirect costs. NOTE: For training grants, the indirect cost rate cannot exceed 8%.
10. Training/Stipend Cost: (if allowable)
11. TOTAL, Federal Funds Requested: Show total for lines 8 through 10.

## SECTION B - Cost Sharing Summary

Indicate the actual rate and amount of cost sharing when there is a cost sharing requirement. If cost sharing is required by program regulations, the local share required refers to a percentage of TOTAL PROJECT COST, not of Federal funds.

## SECTION C - Budget Estimates (Federal Funds Only) for Balance of Project

If the project period exceeds 12 months, include cost estimates for the continuation budget periods, as appropriate. This SECTION does not apply to projects that are full-funded.

#### *Instructions for Part III—Budget Narrative*

The budget narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Please limit this section to no more than five pages. Be sure that each page of your application is numbered consecutively.

#### *Instructions for Part IV—Program Narrative*

The program narrative will comprise the largest portion of your application. This part is where you spell out the who, what, when, where, why, and how of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is the selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and regulations of the program, eligibility requirements, information on any priority set by the Secretary, and the selection criteria for this competition.

Your program narrative should be clear, concise, and to the point. Begin the narrative with a one page abstract or summary of your proposed project. Then describe the project in detail, addressing each selection criterion in order.

The Secretary strongly requests you limit the program narrative to no more than 30 double-spaced, typed pages (on one side only), although the Secretary will consider your application if it is longer. Be sure to number consecutively all pages in your application.

You may include supporting documentation as appendices. Be sure that this material is concise and pertinent to this program competition.

You are advised that:

(a) The Department considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels. (EDGAR Sec. 75.217)

(b) The technical review panel evaluates each application solely on the basis of the established technical review criteria. Letters of support contained in the application will strengthen the application only insofar as they contain commitments which pertain to the

established technical review criteria, such as commitment and resources.

#### *Additional Materials: Instructions for Estimated Public Reporting Burden*

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 90 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project, OMB 1830-0513, Washington, DC 20503. (Information collection approved under OMB control number 1830-0013. Expiration date: 2/28/95.)

BILLING CODE 4000-01-P

OMB Approval No. 0348-0040

**ASSURANCES — NON-CONSTRUCTION PROGRAMS**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)  
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check  if there are workplaces on file that are not identified here.

#### DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

## Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

### Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

### Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR. AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE



**INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Approved by OMB  
0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

Authorized for Local Reproduction  
Standard Form - 111-A

## Appendix B

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants the Department has assembled the following most commonly asked questions.

**Q.** Can we get an extension of the deadline?

**A.** No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the Federal Register and apply to all applications. Waivers for individual applications cannot be granted regardless of the circumstances.

**Q.** How many copies of the application should I submit and must they be bound?

**A.** Our new policy calls for an original and six copies to be submitted. The binding of applications is optional.

**Q.** We just missed the deadline for the XXX competition. May we submit under another competition?

**A.** Yes, however, the likelihood of success is not good. A properly prepared application must meet the requirements of the competition to which it is submitted.

**Q.** I'm not sure which competition is most appropriate for my project. What should I do? **A.** We are happy to discuss any questions with you and provide clarification on the unique elements of the various competitions.

**Q.** Will you help us prepare our application?

**A.** We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand that this previous preapplication consultation is not required, nor will it in any way influence the success of an application.

**Q.** When will I find out if I'm going to be funded?

**A.** You can expect to receive notification within 3 to 4 months of the application closing date, depending on the number of applications received and the number of competitions with closing dates at about the same time.

**Q.** Once my application has been reviewed by the review panel, can you tell me the outcome?

**A.** No. Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants

need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the review with anyone.

**Q.** Will my application be returned if I am not funded?

**A.** We no longer return unsuccessful applications. Thus, applicants should retain at least one copy of the application.

**Q.** Can I obtain copies of reviewers' comments?

**A.** Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

**Q.** Is travel allowed under these projects?

**A.** Travel associated with carrying out the project is allowed. Because we will request the project directors and evaluators of funded projects to attend an annual project directors meeting, you should include annual trips for each to Washington, D.C., in the travel budget. Travel to conferences is sometimes allowed when it is for purposes of dissemination.

**Q.** If my application receives high scores from the reviewers, does that mean that I will receive funding?

**A.** Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications and other relevant factors, determines the applications that can be funded.

**Q.** What happens during negotiations?

**A.** During negotiations technical and budget issues may be raised. These are issues that have been identified during the panel and staff reviews that require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because there is inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be

made until all negotiation issues have been resolved.

**Q.** How do I provide an assurance?

**A.** Except for SF-424B, "Assurances—Non-Construction Programs," simply state in writing that you are meeting a proscribed requirement.

**Q.** Where can copies of the Federal Register, program regulations, and Federal statutes be obtained?

**A.** Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 783-3238. When requesting copies of regulations or statutes, it is helpful to use the specific name, public law number, or part number. The material referenced in this notice should be referred to as follows:

(1) Carl D. Perkins Vocational and Applied Technology Education Act (Perkins Act) (Pub. L. 101-392, 104 Stat. 753 (1990)).

(2) State Vocational and Applied Technology Education Programs and National Discretionary Programs of Vocational Education Final Regulations, 34 CFR Parts 400 and 425.

(3) Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

**Q.** What are the Department of Education's Program Effectiveness Panel and National Diffusion Network?

**A.** The Program Effectiveness Panel (PEP) is the Department of Education's primary mechanism for validating the effectiveness of educational programs developed by schools, universities, and other agencies. The National Diffusion Network (NDN) is a Federally funded dissemination system that helps public and private schools, colleges, and other educational institutions improve by sharing successful education programs, products, and processes.

Regulations governing PEP and NDN are codified at 34 CFR parts 785-789. For information about PEP, prospective applicants may wish to read *Making the Case: Evidence of Effectiveness in Schools and Classrooms*, which contains criteria and guidelines for submitting project results to PEP. This publication, as well as information about NDN, is available from RMC Research Corporation, 1000 Market Street, Portsmouth, New Hampshire 03801. Telephone 1-800-258-0802. RMC Research Corporation can also provide information about consultants

who have conducted evaluations that have been approved by PEP.

[FR Doc. 93-13775 Filed 6-10-93; 8:45 am]

BILLING CODE 4000-01-P

# federal register

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Friday  
June 11, 1993

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Part IV

## Department of Education

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34 CFR Part 776

Library Education and Human Resource  
Development Program; Proposed Rule

## DEPARTMENT OF EDUCATION

## 34 CFR Part 776

RIN 1850-AA48

## Library Education and Human Resource Development Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to amend the regulations governing the Library Education and Human Resource Development Program (formerly the Library Career Training Program). These proposed amendments are needed to implement the Higher Education Amendments of 1992 (1992 Amendments), to reflect changes in the Education Department General Administrative Regulations (EDGAR), and to clarify and restructure certain provisions in the existing regulations governing the program.

**DATES:** Comments must be received on or before July 12, 1993.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Louise V. Sutherland or Frank A. Stevens, U.S. Department of Education, 555 New Jersey Avenue, NW., room 404, Washington, DC 20208-5571.

A copy of any comments that concern information collection requirements also should be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

**FOR FURTHER INFORMATION CONTACT:**

Louise V. Sutherland or Frank A. Stevens. Telephone: (202) 219-1315. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Under the Library Education and Human Resource Development Program, the Secretary provides grants to institutions of higher education and library organizations or agencies to recruit, educate, and train persons, and to establish, develop, or expand programs, through courses of study or staff development (including institutes), fellowships, or traineeships in library and information science.

By promoting high quality library and information science education, this program furthers all of the National Education Goals. In particular, it supports Goal Five, which calls for every adult American to be literate and to possess the knowledge and skills

necessary to compete in a global economy.

This program is authorized by section 222 of title II, part B of the Higher Education Act of 1965, as amended (HEA). Section 222 was amended most recently by the 1992 Amendments (Pub. L. 102-325, enacted on July 23, 1992). These proposed regulations would incorporate into the existing regulations governing this program the changes made to section 222 by the 1992 Amendments and otherwise modify or clarify existing provisions based on program experience. The amendments to the statute and the proposed changes to the regulations are summarized below.

**Summary of Statutory Changes**

- Section 222, paragraph (a), which describes the purpose of the program, has been revised to replace the term "training" with the term "educating and training," to replace the term "librarianship" with the term "library and information science," and to add the phrase "particularly in areas of critical needs, such as the recruitment and retention of minorities."

- Section 222, paragraph (a)(1), which authorizes institute projects, has been revised to replace the term "training" with the term "staff development."

- Section 222, paragraph (a)(2), which authorizes fellowship and traineeship projects, has been revised to require that stipends be provided only to fellows "who demonstrate need and who are working toward a graduate degree" and to remove "others undergoing training" from eligibility for stipends.

**Summary of Proposed Changes to the Regulations (34 CFR Part 776)**

- Throughout part 776, the term "librarianship" would be replaced with the term "library and information science" to reflect technological developments in the field and to be consistent with the 1992 Amendments. Similarly, the phrase "train or retrain" would be replaced with the phrase "educate, train or retrain," consistent with the 1992 Amendments.

- Section 776.5 would be revised to clarify that the Secretary considers all possible priorities that are identified in the existing regulations governing this program to be critical needs and to add the recruitment, education and retention of minorities in library and information science as an additional critical need, as required by the 1992 Amendments.

- Section 776.7 would be revised to add a definition of the term "library and information science" and to revise the definition of "institute" in response to statutory changes. The proposed

definition of "library and information science" is based on a definition that was developed by the American Library Association. The proposed revision of the definition of "institute" incorporates the statutory change that replaces the term "training" with the term "staff development."

- Section 776.7 also would be revised to add definitions for the terms "financial need," "stipend," and "participation costs" and to revise the existing definition of "fellowship" in order to implement the statutory requirement that stipends be awarded only to fellows who demonstrate need and who are working toward a graduate degree. The proposed definition of "financial need" incorporates the standards in title IV-F of the HEA and is consistent with the definition of the term used by other higher education financial assistance programs. The proposed definition of "stipend" would make it clear that stipends are available only for fellows who meet certain criteria and that the amount of the stipend will vary according to the amount of demonstrated need. A definition of the term "participation costs" would be added to clarify that although traineeship and institute participants are no longer eligible for stipends under the 1992 Amendments, grantees may pay for the actual travel and subsistence costs associated with a participant's participation in a traineeship or institute. Finally, the existing definition of "fellowship" would be revised to clarify that a fellowship provides tuition assistance that is separate from the stipend. The Secretary notes that a fellowship may be awarded without regard to financial need, as long as stipends are awarded to fellows only on the basis of need.

- Section 776.8 would be revised to remove the one-year limitation on the duration of fellowship projects, which would provide the Secretary flexibility to make non-competitive continuation awards for doctoral and post-masters fellowship project grants for up to three years. This change would help to avoid a situation where a fellow loses funding midway through a degree program because the institution that awarded the fellowship did not qualify under the grant competition for a fellowship project grant in a subsequent year.

- Section 776.10 would be revised to limit applicants for new fellowship project grants to one application for each degree level. There would be no limit on the number of fellowship requests that could be included in the single application. This change in application procedure is proposed because the Secretary believes it is

important for peer reviewers to review an applicant's overall fellowship project at a degree level in order to evaluate the impact of the project on the applicant's library and information science program. A new selection criterion is also proposed, as discussed below, to evaluate project impact.

- A new § 776.11 would be added to require applicants for fellowship projects to provide an assurance that they will attempt to continue funding for fellows in the event that federal funding is discontinued or inadequate. This provision is similar to assurances that are required in other fellowship programs and is designed to increase the likelihood that fellows will complete the program and receive their degrees.

- Section 776.21 would be revised to add a provision regarding continuation awards for fellowship projects to clarify that continuation awards for existing fellows will be funded separately and prior to new fellowship projects.

- Section 776.21 would also be revised to add an additional selection criterion for new fellowship projects. The Secretary proposes to award up to ten points based on a determination of the extent to which the proposed fellowship project will expand and strengthen the applicant's library and information science degree programs. This provision is designed to better implement one of the purposes of this program—to establish, develop, or expand programs of library and information science, including new techniques of information transfer and communication technology.

- Section 776.21 also would be revised to add an "Other considerations" paragraph that would authorize the Secretary, in considering applications for new fellowship project grants that are of substantially the same quality, to give priority to applications that will contribute to an appropriate balance of fellowships among the priorities.

- Section 776.30 would be revised both to increase the institutional support provided to fellowship project grantees and to increase the maximum stipend levels available for fellows. The proposed level of institutional support reflects increases in tuition and increases in the level of institutional support provided under other Department programs. The proposed increase in the stipend level responds to indications in the legislative history of the 1992 Amendments that Congress was concerned that the stipends were too low. The proposed \$14,000 stipend is consistent with the stipend awarded by the National Science Foundation and

with stipends awarded under other graduate fellowship programs.

- Section 776.30 also would be revised to clarify that grant funds may be used under both institute and traineeship projects to cover both the costs of providing the training and the participation costs of participants. The Secretary believes it is necessary to clarify how grant funds may be used because under the 1992 Amendments stipends are no longer available for traineeship and institute participants.

- Section 776.33 would be revised to conform the requirements governing the removal, withdrawal, and substitution of participants to revisions in other sections of the regulations. These changes would clarify that grantees would only be required to prorate stipends of fellowship participants that do not complete a project (since traineeship and institute participants are no longer eligible to receive stipends and participation costs are not awarded to participants directly), but grantees would be required to return to the Federal Government the unused portion of participation costs, as well as stipends.

#### Executive Order 12291

These proposed 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 Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities, because they largely affect major institutions of higher education and nonacademic libraries. The entities that would be affected by these proposed regulations are a limited number of small and medium sized academic and nonacademic libraries. However, the regulations would not have a significant economic impact on the small and medium sized academic and nonacademic libraries because the regulations would not impose excessive regulatory burdens or require unnecessary federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

#### Paperwork Reduction Act of 1980

Sections 776.21, 776.22 and 776.23 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of

Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Public and private nonprofit institutions of higher education and nonacademic libraries are eligible to apply for grants under these regulations. Annual public reporting burden for this collection of information is estimated to average 30 hours per response for approximately 150 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

#### Intergovernmental Review

These programs are 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 these programs.

#### Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. The Secretary particularly requests comments on:

- The proposed areas of critical needs from which the Secretary will establish priorities.

- The proposed financial need test for the determination of stipends for fellows.

- The proposal to increase the flexibility of the Secretary to make non-competitive continuation awards for doctoral and post-masters fellowship projects for a period of up to three years.

- The proposed increases of the institutional support and stipend levels for fellowships.

- The proposal to permit institute and traineeship grantees to use grant funds to cover the participation costs of institute and traineeship participants without regard to financial need.

All comments submitted in response to these proposed regulations will be available for public inspection, during

and after the comment period, in room 404, 555 New Jersey Avenue, NW., suite 404, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

#### Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulation 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.

#### List of Subjects in 34 CFR Part 776

Education, Government contracts, Grant programs—education, Libraries.

Dated: June 7, 1993.

Richard W. Riley,  
Secretary of Education.

(Catalog of Federal Domestic Assistance Number: 84-036B—Library Education and Human Resource Development Program)

The Secretary proposes to amend title 34 of the Code of Federal Regulations by revising part 776 to read as follows:

### PART 776—LIBRARY EDUCATION AND HUMAN RESOURCE DEVELOPMENT PROGRAM

#### Subpart A—General

Sec.

776.1 What is the Library Education and Human Resource Development Program?

776.2 Who is eligible for a grant?

776.3 Who is eligible to participate in a project?

776.4 What types of projects may the Secretary fund?

776.5 What priorities may the Secretary establish?

776.6 What regulations apply?

776.7 What definitions apply?

776.8 What is the duration of a project?

#### Subpart B—What Are the Application Requirements?

776.10 How does one apply for a grant?

776.11 What assurance must an applicant for a fellowship project provide?

#### Subpart C—How Does the Secretary Make an Award?

776.20 How does the Secretary evaluate an application?

776.21 How does the Secretary evaluate an application for a fellowship project?

776.22 What selection criteria does the Secretary use to evaluate an application for an institute project?

776.23 What selection criteria does the Secretary use to evaluate an application for a traineeship project?

#### Subpart D—What Conditions Must Be Met After an Award?

776.30 How may a grantee use grant funds?

776.31 What are the restrictions on costs for participants?

776.32 What are the allowances for assistance under other Federal programs?

776.33 What requirements govern the removal, withdrawal, and substitution of participants?

776.34 What agencies must be informed of activities funded under this program?

Authority: 20 U.S.C. 1021, 1031, 1032, unless otherwise noted.

#### Subpart A—General

##### § 776.1 What is the Library Education and Human Resource Development Program?

The Secretary awards grants under the Library Education and Human Resource Development Program to—

(a) Educate and train persons in library and information science through fellowships, institutes, or traineeships, particularly in areas of critical needs; and

(b) Establish, develop, and expand programs of library and information science, including new techniques of information transfer and communication technology.

(Authority: 20 U.S.C. 1021, 1032)

##### § 776.2 Who is eligible for a grant?

Eligible applicants are—

(a) Institutions of higher education;

(b) Library organizations; or

(c) Library agencies.

(Authority: 20 U.S.C. 1032)

##### § 776.3 Who is eligible to participate in a project?

In order to be selected by a grantee as a participant in a project, an individual must—

(a)(1) Be a United States citizen or national;

(2) Provide evidence from the United States Immigration and Naturalization Service that he or she—

(i) Is a permanent resident of the United States; or

(ii) Is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(3) Be a permanent resident of the Republic of Palau (until the Compact of Free Association with Palau takes effect);

(b) Be engaged in or preparing to engage in a profession or other occupation involving library or information science; and

(c) Meet the selection criteria of the grantee.

(Authority: 20 U.S.C. 1032)

##### § 776.4 What types of projects may the Secretary fund?

A grantee may conduct one or more fellowship projects, institute projects, and traineeship projects with funds under this program.

(Authority: 20 U.S.C. 1032)

##### § 776.5 What priorities may the Secretary establish?

(a) The Secretary may give priority to applications that address one or more of the following critical needs:

(1) To educate, train or retrain library personnel in areas of library specialization where there are currently shortages, such as school media, children's services, young adult services, science reference, and cataloging.

(2) To educate, train or retrain library personnel in new techniques of information acquisition, transfer, and communication technology.

(3) To educate, train or retrain library personnel to serve the information needs of the elderly, the illiterate, the disadvantaged, or residents of rural America.

(4) To increase excellence in library leadership through advanced training in library management.

(5) To increase excellence in library education by encouraging study in library and information science and related fields at the doctoral level.

(6) To provide advanced training in the development, structure, and management of new library organizational formats, such as networks, consortia, and information utilities.

(7) To recruit, educate, train, retrain and retain minorities in library and information science.

(b) The Secretary establishes priorities by publishing a notice in the *Federal Register*, in accordance with 34 CFR 75.105.

(Authority: 20 U.S.C. 1032)

##### § 776.6 What regulations apply?

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, Hospital, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 82 (New Restrictions on Lobbying).

(6) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 776.

(Authority: 20 U.S.C. 1021)

#### § 776.7 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant  
Application  
Award  
Contract (includes definition of Subcontract)  
Department  
EDGAR  
Grant  
Grantee  
Private  
Project  
Project period  
Public  
Secretary

(b) *Other definitions.* The following definitions also apply to this part:

*Act* means the Higher Education Act of 1965, as amended.

*Disadvantaged* means those persons whose socio-economic or educational deprivation or whose cultural isolation from the general community may preclude them from benefiting from library services to the same extent as the general community benefits from these services.

*Fellowship* means an award of financial assistance for tuition to an individual who has been accepted for admission to an institution of higher education and who is or will be enrolled full-time in a graduate program of library and information science, working toward or completing the requirements for a specific degree in some aspect of library and information science.

*Financial need* means the fellow's financial need as determined under title IV, part F, of the Act for the period of the fellow's enrollment in the graduate program for the specific degree in library and information science for which the fellowship was awarded.

*Institute* means a specialized long-term or short-term group training project in library and information science that—

- (i) Is separate from the regular academic program of the applicant;
- (ii) Has an innovative curriculum; and

(iii) Either provides persons with the skills needed to enter the library and information science field or provides library and information science personnel—including library educators—an opportunity to strengthen or increase their knowledge and skills.

*Institution of higher education* means an institution of higher education as defined in section 1201 of the Act.

*Library and information science* means the study of recordable information and knowledge and the services and technologies to facilitate their management and use. The term encompasses information and knowledge creation, communication, identification, selection, acquisition, organization, description, storage, retrieval, preservation, analysis, interpretation, evaluation, synthesis, dissemination, and management.

*Library organization or agency* means a public or private organization or agency that provides library services or programs.

*Participant* means a person who is enrolled in a project funded under this part.

*Participation costs* means the costs associated with participation in a traineeship or institute, including the costs of travel and subsistence, for which the grantee pays directly or reimburses the trainee or institute participant.

*State agency* means the State agency designated under section 1203 of the Act.

*Stipend* means an award of money from a grantee to a fellow, the amount of which is determined on the basis of the fellow's demonstrated financial need.

*Traineeship* means a training project in library and information science that—

- (i) Is separate from the regular academic program of the applicant;
- (ii) Is designed to meet the individual needs of mid-level library and information science professionals; and
- (iii) Provides individualized instruction, usually through an internship.

(Authority: 20 U.S.C. 1021, 1032)

#### § 776.8 What is the duration of a project?

(a) A fellowship must provide at least one academic year of training.

(b) A long-term institute project must provide at least one academic year but no more than 12 months of training.

(c) A short-term institute project must provide at least one week but no more than six weeks of training.

(d) A traineeship project may not exceed 12 months.

(Authority: 20 U.S.C. 1021, 1032)

### Subpart B—What Are the Application Requirements?

#### § 776.10 How does one apply for a grant?

(a) An applicant must submit separate applications for fellowship, institute, and traineeship projects.

(b) An applicant must submit separate applications for fellowship projects at the master's, post-master's, and doctoral levels, limited to one application per level for new fellowships.

(c) An applicant must include all of its requests for new fellowships at a particular level within the single application for that level.

(Authority: 20 U.S.C. 1021, 1032)

#### § 776.11 What assurance must an applicant for a fellowship project provide?

An applicant for a fellowship project must provide an assurance that in the event funds made available to a participant under this program are insufficient to provide the assistance due a participant under the commitment entered into between the applicant and the participant, the applicant will endeavor, from any funds available to it, to fulfill the commitment to the participant.

(Authority: 20 U.S.C. 1032)

### Subpart C—How Does the Secretary Make an Award?

#### § 776.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a fellowship project on the basis of the provisions in § 776.21 and awards up to 110 possible points for these criteria.

(b) The Secretary evaluates an application for an institute project on the basis of the criteria in § 776.22 and awards up to 100 possible points for these criteria.

(c) The Secretary evaluates an application for a traineeship project on the basis of the criteria in § 776.23 and awards up to 100 possible points for these criteria.

(d) The maximum score for each criterion is indicated in parentheses.

(Authority: 20 U.S.C. 1032)

#### § 776.21 How does the Secretary evaluate an application for a fellowship project?

(a) *Continuation awards.* Before considering applications to support new fellowships, the Secretary provides funds to continue support for qualified students who were awarded fellowships under this program in the previous two years and who are maintaining satisfactory progress as determined by the institution.

(b) *Selection criteria for new fellowship projects.* The Secretary evaluates an application for a new fellowship project based on the following selection criteria:

(1) *Project description* (20 points). The Secretary reviews each application to determine the quality of the applicant's project, including the extent to which—

(i) The project addresses one or more of the critical needs announced by the Secretary as a priority or priorities under § 776.5(a);

(ii) The project objectives are clearly stated, realistic, and satisfy a current training need;

(iii) The required courses meet standards that are recognized by the library and information science profession; and

(iv) The student field experience component (if included) is well designed.

(2) *Plan of operation* (20 points). The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program; and

(iv) The quality of the applicant's plans to use its resources and personnel to achieve each objective.

(3) *Quality of key personnel.* (10 points)

(i) The Secretary reviews each application to determine the quality of the key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project; and

(C) The time that these key personnel will commit to the project.

(ii) To determine the qualifications of these key personnel the Secretary considers—

(A) Experience, training, and professional productivity in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(4) *Selection of fellows* (15 points). The Secretary reviews each application to determine the effectiveness of the applicant's method of selecting fellows including—

(i) Conformance with program priorities in § 776.5(a); and

(ii) Evidence that admissions standards for fellows are comparable to

those for other students admitted to the library and information science education program.

(5) *Applicant characteristics* (20 points). The Secretary reviews each application to determine the applicant's commitment to library and information science education, including—

(i) The adequacy of the description in the applicant's catalog of the specific library education program in which participants will be enrolled;

(ii) The extent to which the amount the applicant spends per student for education in library and information science is comparable to that of other education programs;

(iii) The extent to which the ratio of degrees awarded to total enrollment in the applicant's library education program is comparable to that of other library education programs;

(iv) The extent to which the ratio of requested fellowships to other fellowships and scholarships in library and information science supported by the applicant is comparable to that of other library education programs; and

(v) The extent to which the academic level of the project is appropriate to the applicant's capabilities or experience.

(6) *Budget and cost effectiveness* (5 points). The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(7) *Evaluation plan* (5 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation are—

(i) Appropriate to the project;

(ii) Objective; and

(iii) Designed to produce data that are quantifiable.

Cross-Reference: See 34 CFR 75.590 Evaluation by the grantee.

(8) *Adequacy of resources* (5 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(9) *Project impact* (10 points). The Secretary reviews each application to determine the extent to which the project will expand and strengthen the applicant's library and information science degree programs.

(c) *Other considerations.* The Secretary may give priority among applications for new fellowship projects that are of substantially the same quality to applications that will contribute to an

appropriate balance of fellowships among the priorities announced under § 776.5.

(Authority: 20 U.S.C. 1021, 1032)

§ 776.22 *What selection criteria does the Secretary use to evaluate an application for an institute project?*

(a) *Project description* (20 points). The Secretary reviews each application to determine the quality of the applicant's project, including the extent to which—

(1) The project addresses one or more of the critical needs announced by the Secretary as a priority or priorities under § 776.5(a);

(2) The subject matter of the project is significant, timely, well described, appropriate for an institute, and is not duplicated in the applicant's regular curriculum;

(3) The project duration is appropriate for presenting the subject matter;

(4) The project content satisfies rigorous educational standards;

(5) The blend of theoretical and practical training is suitable to the subject matter and the needs of the participants; and

(6) The training methods are innovative and imaginative.

(b) *Plan of operation* (20 points). The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program; and

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the quality of the key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that these key personnel will commit to the project.

(2) To determine the qualifications of these key personnel, the Secretary considers—

(i) Experience, training, and professional productivity in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(d) *Selection of institute participants* (15 points). The Secretary reviews each application to determine the effectiveness of the method of participant selection, including the extent to which—

- (1) Participants will be selected according to their ability, experience, current responsibilities, and training needs; and
- (2) The number of participants is appropriate to the training methods and project resources.

(e) *Budget and cost effectiveness* (5 points). The Secretary reviews each application to determine the extent to which—

- (1) The budget is adequate to support the project; and
- (2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan* (8 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation are—

- (1) Appropriate to the project;
- (2) Objective; and
- (3) Designed to produce data that are quantifiable.

Cross-Reference: See 34 CFR 75.590 Evaluation by the grantee.

(g) *Adequacy of resources* (7 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(h) *Project effectiveness* (10 points). The Secretary reviews each application to determine the effectiveness of the project, including the extent to which—

- (1) The project will increase the number of librarians with specialized skills; and
- (2) The project includes plans for disseminating promising results and high quality materials to other institutions or agencies.

(Authority: 20 U.S.C. 1032)

**§ 776.23** What selection criteria does the Secretary use to evaluate an application for a traineeship project?

(a) *Project description* (15 points). The Secretary reviews each application to determine the quality of the applicant's project, including the extent to which—

- (1) The project addresses one or more of the critical needs announced by the Secretary as a priority or priorities under § 776.5(a);

(2) The training needs to be met by the project are significant, of current interest to the library and information science community, and well described;

(3) Project activities are designed to meet the individual needs of each participant; and

(4) Other library agencies or institutions will cooperate with the applicant in providing appropriate and high quality internship opportunities.

(b) *Plan of operation* (20 points). The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

- (1) The quality of the design of the project;
- (2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;
- (3) How well the objectives of the project relate to the purpose of the program; and
- (4) The quality of the applicant's plans to use its resources and personnel to achieve each objective.

(c) *Quality of key personnel*. (15 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

- (i) The qualifications of the project director (if one is to be used);
- (ii) The qualifications of each of the other key personnel to be used in the project; and
- (iii) The time that these key personnel plan to commit to the project.

(2) To determine the qualifications of these key personnel, the Secretary considers—

- (i) Experience, training, and professional productivity in fields related to the objectives of the project; and
- (ii) Any other qualifications that pertain to the quality of the project.

(d) *Selection of trainees* (15 points). The Secretary reviews each application to determine the effectiveness of the applicant's method of trainee selection, including the extent to which trainees will be selected on the basis of their stated career goals and on their potential for high level advancement and continued professional growth within the field of library and information science.

(e) *Budget and cost effectiveness* (10 points). The Secretary reviews each application to determine the extent to which—

- (1) The budget is adequate to support the project; and
- (2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan* (10 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicants methods of evaluation are—

- (1) Appropriate for the project;
- (2) Objective; and
- (3) Are designed to produce data that are quantifiable.

Cross-Reference: See 34 CFR 75.590 Evaluation by the grantee.

(g) *Adequacy of resources* (15 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(Authority: 20 U.S.C. 1021, 1032)

#### Subpart D—What Conditions Must Be Met After an Award?

**§ 776.30** How may a grantee use grant funds?

(a)(1) A grantee may use grant funds in the following amounts to cover the cost of providing fellowship training:

- (i) For each fellowship awarded at the master's level—\$6,400 for an academic year plus \$1,600 for a summer session.
- (ii) For each fellowship awarded at postmaster's and doctoral levels—\$8,000 for an academic year plus \$2,000 for a summer session.

(2) A grantee shall use grant funds to pay stipends to fellows, based on the amount of demonstrated financial need up to a maximum of \$14,000 a year.

(b)(1) A grantee may use grant funds to cover the costs of providing institute training.

(2) A grantee may use grant funds to assist in covering the participation costs of institute training.

(c)(1) A grantee may use grant funds to cover the costs of providing traineeship training.

(2) A grantee may use grant funds to assist in covering the participation costs of traineeship training.

(Authority: 20 U.S.C. 1032)

**§ 776.31** What are the restrictions on costs for participants?

A grantee may not charge tuition or fees to a participant in a project funded under this program.

(Authority: 20 U.S.C. 1032)

**§ 776.32** What are the allowances for assistance under other Federal programs?

(a) Any amount paid a participant from any other Federal grant program for educational purposes (except veterans', war orphans', and widows' educational assistance under title 38, United States Code) must be deducted from the amount that participant would receive under this part.

(b) If a participant receives a federally assisted educational loan, the amount of the loan and any interest paid may not be deducted from the amount received by the participant under this part.

(Authority: 20 U.S.C. 1021, 1032 and 38 U.S.C. 1700)

**§ 776.33 What requirements govern the removal, withdrawal, and substitution of participants?**

(a) A grantee shall remove a participant from a project if the grantee determines that the participant has ceased to maintain academic proficiency.

(b) If a grantee removes the participant or if a participant withdraws, the grantee—

(1) May replace the participant if the new participant can successfully complete the fellowship, traineeship, or institute at no additional cost to the Department; and

(2) Must notify the Secretary in writing—

(i) Within 30 days of the removal or withdrawal; or

(ii) Within 30 days of a substitution if the grantee substitutes another participant.

(c) The date of removal or withdrawal is—

(1) The date the grantee determined that the participant had ceased to maintain academic proficiency; or

(2) The last date the participant attended class.

(d)(1) If a grantee removes a fellowship participant or if a fellowship participant withdraws, the grantee shall prorate the participant's stipend, according to the number of weeks the participant has completed in the project.

(2) For purposes of paragraph (d)(1) of this section, the grantee shall count attendance in any part of a week as a full week.

(e) If a grantee does not substitute a participant for the participant who has been removed or who has withdrawn from a fellowship, traineeship, or institute, the grantee shall return to the Federal Government the unused portion of the stipend and any participation costs.

(Authority: 20 U.S.C. 1032)

**§ 776.34 What agencies must be informed of activities funded under this program?**

Each institution of higher education that receives a grant under this part shall annually inform the agency designated under section 1203 of the Act of its project activities.

(Authority: 20 U.S.C. 1022)

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**H.R. 1723/P.L. 103-36**  
 Central Intelligence Agency Voluntary Separation Pay Act (June 8, 1993; 107 Stat. 104; 3 pages)

**H.R. 2126/P.L. 103-37**  
 To amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994. (June 8, 1993; 107 Stat. 107; 1 page)

**H.J. Res. 78/P.L. 103-38**  
 Designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week". (June 8, 1993; 107 Stat. 108; 2 pages)

**H.J. Res. 135/P.L. 103-39**  
 To designate the months of May 1993 and May 1994 as "National Trauma Awareness Month". (June 8, 1993; 107 Stat. 110; 2 pages)

**S. 564/P.L. 103-40**  
 Government Printing Office Electronic Information Access Enhancement Act of 1993 (June 8, 1993; 107 Stat. 112; 3 pages)

**S.J. Res. 43/P.L. 103-41**  
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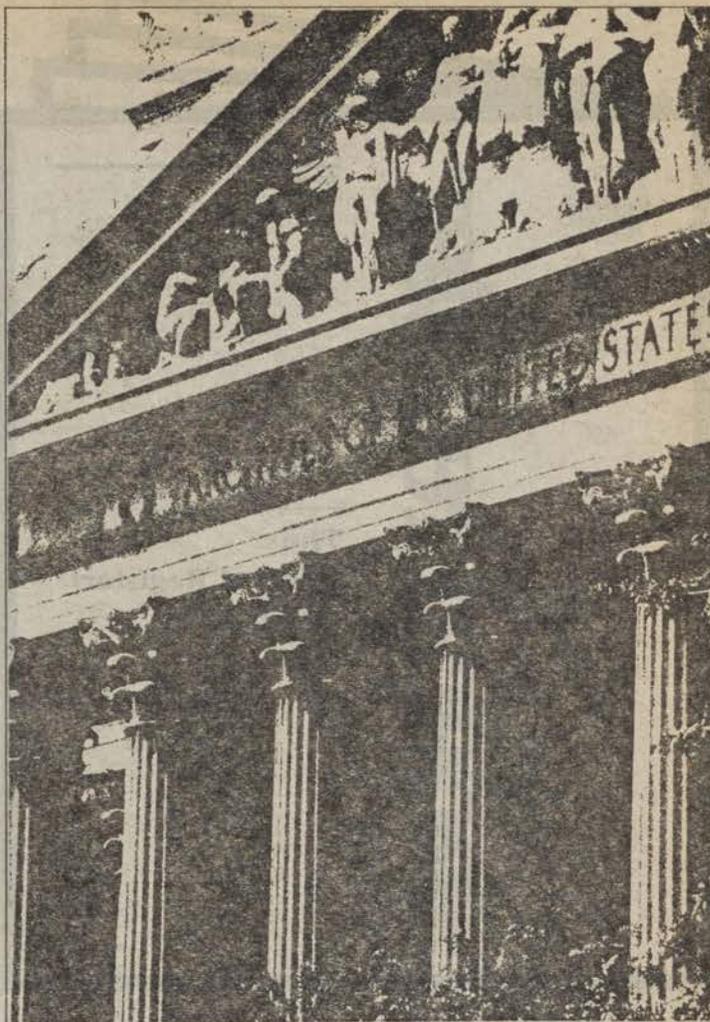
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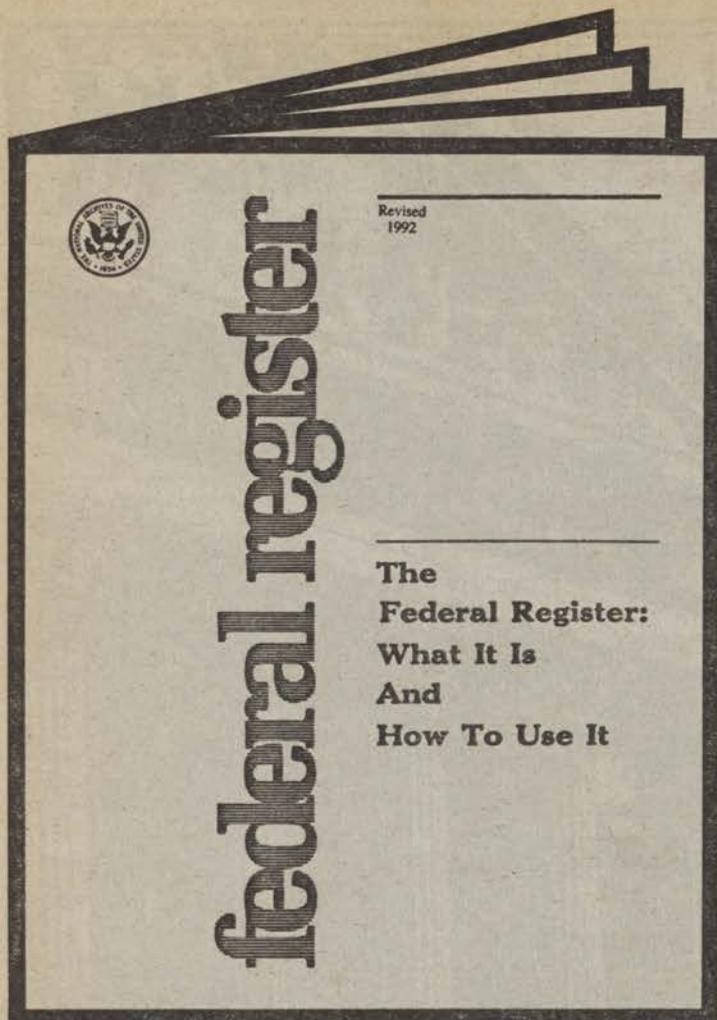
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