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

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Presidential Documents

Title 3—

The President

Proclamation 6573 of June 17, 1993

Father's Day, 1993

By the President of the United States of America

A Proclamation

Traditionally, the third Sunday in June is nationally designated as Father's Day. This year, on June 20th, I call upon all Americans to thank and honor fathers across the land for the love, nurturing, guidance, and sacrifices they have made in behalf of our Nation's daughters and sons.

A key prescription for building strong families is honoring one's parents. As Americans know and as history has witnessed, the acts of dedication to family are essential to our Nation's endurance and spiritual growth. Reaffirming our commitment to fathers is an invaluable element in nurturing the health of our Nation's families.

Fathers perform many roles, and they profoundly influence their children and our society. As co-creators of life, fathers—accepting responsibility for the welfare of their offspring—serve as economic providers, role-models, nurturers, coaches, counselors, and lifelong friends. They also help define and set standards for their children for personal, academic, and professional accomplishments.

Because fathers hold a very special place in our lives, it is fitting that we pay tribute to all fathers now living, as well as the memory of those now deceased. In that spirit, let us as Americans express and demonstrate to our fathers—through word and action—our appreciation for their love and for the contributions they have made to us and our Nation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972 (36 U.S.C. 142a), do hereby proclaim Sunday, June 20, 1993, as "Father's Day." I call upon all Americans to observe this day by demonstrating our respect for and our gratitude to our fathers.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93-14716
Filed 6-17-93; 3:28 pm]
Billing code 3195-01-P

Rules and Regulations

Federal Register
Vol. 58, No. 117
Monday, June 21, 1993

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

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

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2641

RIN 3209–AA14

Post-Employment Conflict of Interest Restrictions; Revision of Agency Component Designations for the Executive Branch

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule; amendments.

SUMMARY: At the request of two agencies, the Office of Government Ethics is issuing this rule to revoke the designation of an agency component and to change the name of another agency's component for purposes of the one-year statutory post-employment restriction applicable to former "senior" employees of the executive branch. These changes reflect the current organizational structure of the two agencies.

EFFECTIVE DATE: This rule is effective June 21, 1993, except for the removal of the listing for the Federal Emergency Management Agency which will be effective September 20, 1993.

FOR FURTHER INFORMATION CONTACT: Julia Loring Eirinberg, Office of Government Ethics, telephone (202/FTS) 523–5757, FAX (202/FTS) 523–6325.

SUPPLEMENTARY INFORMATION:

A. Substantive Discussion

The Director of OGE is authorized by 18 U.S.C. 207(h) to designate separate departmental and agency components in the executive branch for purposes of 18 U.S.C. 207(c), the one-year post-employment restriction applicable to former "senior" employees of the executive branch. The representational bar of 18 U.S.C. 207(c) usually extends to any department or agency in which a former senior employee served in any capacity during the one-year period prior to termination from senior service. However, eligible senior employees may be permitted to communicate to or appear before components of their former department or agency if those components have been designated as separate agencies or bureaus by OGE. Relevant criteria relating to designation are set forth in § 2641.201(e)(6).

Section 2641.201(e)(3)(ii) provides that a designated agency ethics official may recommend to the Director of OGE that a current component designation be revoked. Section 2641.201(e)(iii) states that the Director "shall by rule . . . revoke a component designation after considering the recommendation of the designated agency ethics official."

By letter of November 24, 1992, the designated agency ethics official for the Federal Emergency Management Agency (FEMA) recommended the revocation of the separate component status of the United States Fire Administration, FEMA's sole separate designated component. After reviewing FEMA's request in light of the criteria set forth in § 2641.201(e)(6), the Director of OGE has determined to revoke the designation of the United States Fire Administration as a distinct and separate FEMA component. As provided in § 2641.201(e)(4), the revocation of this designation shall be effective 90 days after the effective date of this rule, but shall not be effective as to any individuals who terminate senior service prior to the expiration of that 90-day period.

At the request of the Department of Transportation, appendix B of this part has also been amended to indicate that the name of the Urban Mass Transit Administration has been changed to the Federal Transit Administration.

B. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553, the Director of OGE finds that good cause exists for waiving the general notice of proposed rulemaking and 30-day delayed effective date. It is important that the designation or revocation by OGE of separate agency components be published in the Federal Register as promptly as possible. Furthermore, since this rule is interpretive in nature, it is exempt from the notice and delayed effectiveness requirements of 5 U.S.C. 553.

E.O. 12291, Federal Regulation

As Director of the OGE, I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291.

Regulatory Flexibility Act

As Director of the OGE, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects current and former Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rule does not contain an information collection requirement that requires the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2641

Conflict of interests, Government employees.

Approved: May 11, 1993.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending part 2641 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations as follows:

PART 2641—[AMENDED]

1. The authority citation for part 2641 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978, secs. 402 and 404); 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. Appendix B is amended by removing the listing for the Federal Emergency Management Agency and the sole component thereunder, and by revising the listing for the Department of Transportation to read as follows:

Appendix B to 5 CFR Part 2641—Agency Components for Purposes of 18 U.S.C. 207(c)

* * * * *

Parent: Department of Transportation

Components:

Federal Aviation Administration
Federal Highway Administration
Federal Railroad Administration

Federal Transit Administration
Maritime Administration
National Highway Traffic Safety Administration
Saint Lawrence Seaway Development Corporation
United States Coast Guard

* * * * *

[FR Doc. 93-14353 Filed 6-18-93; 8:45 am]

BILLING CODE 6345-01-U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV93-905-2]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule will authorize expenditures and establish an assessment rate for the 1993-94 fiscal year under Marketing Order No. 905. Authorization of this budget enables the Citrus Administrative 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 August 1, 1993, through July 31, 1994. Comments received by July 21, 1993, will be considered prior to any finalization on this interim 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 2523-S, Washington, DC 20090-6456 or by Facsimile (202) 720-5698. Three copies of all written material shall be submitted, and they will be made available for public inspection in 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: John R. Toth, Officer-In-Charge, Southeast Marketing Field Office, Fruit & Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883-2276; telephone (813) 299-4770; or Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone: (202) 690-0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 905, as amended [7 CFR part 905], regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 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, oranges, grapefruit, tangerines, and tangelos grown in Florida are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable citrus fruit during the 1993-94 fiscal year, beginning August 1, 1993, through July 31, 1994. 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 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 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 100 citrus handlers subject to regulation under the marketing order covering fresh oranges, grapefruit, tangerines, and tangelos grown in Florida, and approximately 10,200 producers of these fruits in Florida. 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 minority of these handlers and a majority of these producers may be classified as small entities.

This marketing order, administered by the Department, requires that the assessment rate for a particular fiscal period shall apply to all assessable citrus fruit handled from the beginning of such period. An annual budget of expenses and assessment rate is prepared by the committee and submitted to the Department for approval. The committee members are handlers and producers of Florida citrus. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate appropriate budgets. 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 the expected cartons (4/5 bushels) of fruit shipped. 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 annual budget and assessment rate are usually recommended by the committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committee will have funds to pay its expenses.

The committee met April 27, 1993, and unanimously recommended a budget with expenditures of $200,000 for the 1993-94 fiscal year, which is the same expenditure amount approved for 1992-93 fiscal year. The expense items

in the 1993–94 budget are for the administration of the marketing order, and include such major expenditure items as employee salaries, telephone and facsimile use, and office operations expenses.

The committee also recommended a 1993–94 assessment rate of $0.00285 per 4/5 bushel carton of fresh fruit shipped, compared with $0.0003 established for 1992–93. Assessment income for 1993–94 is expected to total $182,400, based on estimated shipments of 64,000,000 cartons of assessable fruit. The 1992–93 comparable assessment income total was $187,500, based upon shipments of 60,500,000 cartons of assessable fruit. Interest income for 1993–94 is estimated at $2,500, compared with $4,000 estimated for the 1992–93 fiscal year. Funds in the reserve at the end of the 1993–94 fiscal year, estimated at $15,000, will be within the maximum permitted by the order of one fiscal 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 would be significantly 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 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 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) this fiscal year begins on August 1, 1993, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable oranges, grapefruit, tangerines, and tangelos handled during the fiscal year; (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 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

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

2. New § 905.232 is added to read as follows:

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

§ 905.232 Expenses and assessment rate.

Expenses of $200,000 by the Citrus Administrative Committee are authorized, and an assessment rate of $0.00285 per 4/5 bushel carton of assessable fruit is established for the fiscal year ending July 31, 1994. Any unexpended funds may be carried over as a reserve.

Dated: June 14, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–14548 Filed 6–18–93; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Parts 911 and 915

[Docket No. FV92–911–1FIR]

Expenses and Assessment Rates for the Marketing Orders Covering Limes and Avocados Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, with appropriate changes, the provisions of the interim final rule authorizing expenditures and establishing assessment rates for the Florida Lime Administrative Committee and Avocado Administrative Committee (committees) under M. O. Nos. 911 and 915. This final rule authorizes an increased level of expenditures for the 1993–94 fiscal year. Authorization of these budgets enable the committees to incur expenses that are reasonable and necessary to administer their respective programs. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATE: April 1, 1993, through March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 911 (7 CFR part 911) regulating the handling of limes grown in Florida and 915 (7 CFR part 915) regulating the handling of avocados grown in Florida. These agreements and orders 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, limes and avocados grown in Florida are subject to assessments. It is intended that the assessment rates specified herein will be applicable to all assessable limes and avocados handled during the 1993–94 fiscal year, beginning April 1, 1993, through March 31, 1994. This 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 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 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 20 handlers of limes and 40 handlers of avocados regulated under the marketing orders each season and approximately 260 lime and 300 avocado producers in Florida. 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 these handlers and producers may be classified as small entities.

The lime and avocado marketing orders, administered by the Department, require that the assessment rates for a particular fiscal year apply to all assessable limes and avocados handled from the beginning of such year. Annual budgets of expenses are prepared by the committees, the agencies responsible for local administration of their respective marketing orders, and submitted to the Department for approval. The members of the committees are lime and avocado handlers and producers. They are familiar with the committees' needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The committees' budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rates recommended by the committees are derived by dividing the anticipated expenses by expected shipments of limes and avocados (in bushels). Because those rates are applied to actual shipments, they must be established at rates which will provide sufficient income to pay the committees' expected expenses.

The Florida Lime Administrative Committee initially met on December 9, 1992, and unanimously recommended total expenditures for the 1993–94 fiscal year of $106,346 with an assessment rate of $0.16 per bushel. The committee anticipates shipments of 450,000/55 lb. bushels of limes into fresh market channels, which should generate an estimated income of $72,000.

The Avocado Administrative Committee also met initially on December 9, 1992, and unanimously recommended total budget expenditures of $106,346 and an assessment rate of $0.16 per bushel for the 1993–94 fiscal year. Avocado shipments into fresh market channels are anticipated by the committee at 150,000/55 lb. bushels, generating an estimated income of $24,000.

This action was published as an interim final rule in the **Federal Register** (58 FR 8533, February 16, 1993) and provided a 30-day comment period which ended March 18, 1993. The following comment was received from the committees.

Each committee met again February 11, 1993, and unanimously recommended to increase budgeted expenditures for both limes and avocados to $108,346. The assessment rate for each commodity will remain the same. This $2,000 increase in expenditures for each committee is necessary to finance an aerial survey on which a tree count can be conducted, scheduled for March 1994. This survey is necessary due to the hurricane that hit the production area last August. The strong winds uprooted many lime and avocado trees and they needed to be set upright. The aerial survey will give a better idea of crop size for assessment and estimating purposes by the committees.

The projected crop estimate for limes has decreased from 450,000/55 lb. bushels to 400,000/55 lb. bushels which has caused the estimated income to decrease by $8,000 from $72,000 to $64,000. Also, the projected deficits for the lime and avocado committees are now $42,346 and $83,346, respectively; however, their available reserve funds plus earned interest are sufficient to cover their deficits.

In addition, this final rule corrects the effective date of the budgets to April 1, 1993, from February 1, 1993, as inadvertently misstated in the interim final rule.

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 should be significantly offset by the benefits derived from the operation of the marketing orders. 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 committees 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.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S. C. 553). The committees need to have sufficient funds to pay their expenses. Such expenses are incurred on a continuous basis. The 1993–94 fiscal year for the committees begins April 1, 1993. Marketing Orders Nos. 911 and 915 require that any rates of assessment for a fiscal year apply to all assessable limes and avocados handled during that fiscal year. In addition, handlers are aware of this action which was recommended by the committees at public meetings. Comments received concerning the interim final rule have been incorporated into the final rule.

List of Subjects

7 CFR Part 911

Marketing agreements, Limes, Reporting and recordkeeping requirements.

7 CFR Part 915

Marketing agreements, Avocados, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 911 and 915 are amended as follows:

PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 911 continues to read as follows:

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

2. Section 911.232 is revised to read as follows:

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

§ 911.232 Expenses and assessment rate.

Expenditures of $108,346 by the Florida Lime Administrative Committee are authorized and an assessment rate of $0.16 per bushel of assessable limes is established for the fiscal year ending March 31, 1994. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR part 915 continues to read as follows:

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

2. Section 915.232 is revised to read as follows:

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

§915.232 Expenses and assessment rate.

Expenses of $108,346 by the Avocado Administrative Committee are authorized and an assessment rate of $0.16 per bushel of assessable avocados is established for the fiscal year ending March 31, 1994. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

Dated: June 14, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–14549 Filed 6–18–93; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 928

[Docket No. FV93–928–2]

Expenses and Assessment Rate for Papayas Grown in Hawaii

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule will authorize expenditures and establish an assessment rate for the 1993–94 fiscal year under Marketing Order No. 928. Authorization of this budget enables the Papaya Administrative 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 21, 1993, will be considered prior to any finalization of this interim 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 2523–S, Washington, DC 20090–6456, or by Facsimile (202) 720–5698. Three copies of all written material shall be submitted, and they will be made available for public inspection in 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: Kurt J. Kimmel, Officer-In-Charge, California Marketing Field Office, Fruit & Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102 B, Fresno, California 93721, telephone (209) 487–5901; or Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 928, as amended (7 CFR part 905), regulating the handling of papayas grown in Hawaii, 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 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, papayas grown in Hawaii are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable papayas handled during the 1993–94 fiscal year, beginning July 1, 1993, through June 30, 1994. 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 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 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 120 papaya handlers subject to regulation under the marketing order covering fresh papayas grown in Hawaii, and approximately 300 producers of these fruits in Hawaii. 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 minority of these handlers and a majority of these producers may be classified as small entities.

This marketing order, administered by the Department, requires that the assessment rate for a particular fiscal period shall apply to all assessable papayas handled from the beginning of such period. An annual budget of expenses and an assessment rate is prepared by the committee and submitted to the Department for approval. The committee members are handlers and producers of Hawaii papayas. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate appropriate budgets. 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 the expected pounds of fruit shipped. 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 annual budget and assessment rate are usually recommended by the committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment

rate approvals must be expedited so that the committee will have funds to pay its expenses.

The Papaya Administrative Committee met April 30, 1993, and on a vote of 7 in favor, 3 opposed, and 2 abstaining, recommended a budget with expenses of $700,580 for the 1993–94 fiscal year and an assessment rate of $0.0085 per pound of fresh papayas shipped. Three committee members were opposed to the expense amount and requested that it be lowered to $592,460 and to also lower the assessment rate to $.0065 per pound. Their request was defeated by the above vote. Budgeted expenses for the 1993–94 fiscal year are $122,870 less than the 1992–93 expense amount of $823,450, while the assessment rate remains unchanged.

The 1993–94 budget contains $352,220 for program administration, $303,360 for advertising and promotion, and $45,000 for research and development. In comparison, budgeted expenses for 1992–93 were $368,450 for program administration, $410,000 for advertising and promotion, and $45,000 for research and development.

Program income for 1993–94 is expected to total $701,660, with assessment income estimated at $493,000, based on projected shipments of 58,000,000 pounds of assessable papayas. Other income includes $120,000 in promotional grants from the Hawaii Department of Agriculture, $63,360 from the USDA's Foreign Agricultural Service, $7,800 from the Japan Inspection Program, and $17,500 from miscellaneous sources including interest income. The projected 1993–94 income over expenses ($1,080) will be placed in the committee's operational reserve. This reserve is projected at $78,845 on June 30, 1994, an amount well within the maximum authorized under the marketing order.

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 would be significantly 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 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 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) this fiscal year begins on July 1, 1993, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable papayas handled during the fiscal year; (3) handlers are aware of this action which was 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 905

Marketing agreements, Papayas, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 928 is amended as follows:

PART 928—PAPAYAS GROWN IN HAWAII

1. The authority citation for 7 CFR part 928 continues to read as follows:

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

2. New § 928.223 is added to read as follows:

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

§ 928.223 Expenses and assessment rate.

Expenses of $700,580 by the Papaya Administrative Committee are authorized, and an assessment rate of $0.0085 per pound of assessable papayas is established for the fiscal year ending June 30, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 14, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–14550 Filed 6–18–93; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 947

[Docket No. FV93–947–31FR]

Oregon-California Potatoes; 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 $43,600 and establishes an assessment rate of $0.005 per hundredweight under Marketing Order No. 947 for the 1993–94 fiscal period. Authorization of this budget enables the Oregon-California 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 21, 1993, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. 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 No. 114 and Order No. 947, both as amended (7 CFR part 947), regulating the handling of Irish potatoes grown in Oregon-California. 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-California potato handlers are subject to assessments. Funds to administer the Oregon-California potato order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes 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 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 550 producers of Oregon-California potatoes under this marketing order, and approximately 40 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-California potato producers and handlers may be classified as small entities.

The budget of expenses for the 1993–94 fiscal period was prepared by the Oregon-California 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 Oregon-California 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 Oregon-California 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 March 10, 1993, and unanimously recommended a 1993–94 budget of $43,600, $1,150 less than the previous year. Major expense items include Oregon Potato Commission contract agreement, annual report, Committee compensation, Committee expense, inspection fees, investigation and compliance, staff travel, office supplies, postage, and telephone. The Commission provides certain services to the Committee as specified in a memorandum of understanding.

The Committee also unanimously recommended an assessment rate of $0.005 per hundredweight, the same as last season. This rate, when applied to anticipated shipments of 7,425,000 hundredweight, will yield $37,125 in assessment income. This, along with $6,475 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 $10,500, 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 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 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 947

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 947 is amended as follows:

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

1. The authority citation for 7 CFR part 947 continues to read as follows:

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

2. A new § 947.244 is added to read as follows:

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

§ 947.244 Expenses and assessment rate.

Expenses of $43,600 by the Oregon-California 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 14, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93-14551 Filed 6-18-93; 8:45 am]

BILLING CODE 3410-02-P

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7 CFR Part 948

[Docket No. FV93-948-2IFR]

Irish Potatoes Grown in Colorado; 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 $59,106 and establishes an assessment rate of $0.0036 per hundredweight of potatoes under Marketing Order No. 948 for the 1993-94 fiscal period. Authorization of this budget enables the Colorado Potato Administrative Committee, San Luis Valley Office (Area II) (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 September 1, 1993, through August 31, 1994. Comments received by July 21, 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, Oregon 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. 97 and Marketing Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. 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, Colorado potatoes are subject to assessments. Funds to administer the Colorado potato marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes during the 1993-94 fiscal period beginning September 1, 1993, through August 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 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 285 producers of Colorado Area II potatoes under the marketing order and approximately 118 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 Colorado Area II potato producers and handlers may be classified as small entities.

The budget of expenses for the 1993-94 fiscal period was prepared by the Colorado Potato Administrative Committee, San Luis Valley Office (Area II), 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 Colorado Area II potatoes. 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 Colorado Area II 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.

In Colorado, both a State and a Federal marketing order operate simultaneously. The State order authorizes promotion, including paid advertising, which the Federal order does not. All expenses in this category are financed under the State order. The jointly operated programs consume about equal administrative time and the two orders continue to split administrative costs equally.

The Committee met on May 20, 1993, and unanimously recommended a 1993-94 budget of $59,106, which is $1,866 more than the previous year. This increase of $1,866 is for staff salaries, and is the only change from the 1992-93 approved budget.

The Committee also unanimously recommended an assessment rate of $0.0036 per hundredweight, the same as last season. This rate, when applied to anticipated potato shipments of 13,250,000 hundredweight, will yield

$47,700 in assessment income. This, along with $11,406 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds of $83,437 in the Committee's authorized reserve at the beginning of the 1992–93 fiscal period were within the maximum permitted by the order of two fiscal periods' 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 September 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 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

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

2. A new § 948.210 is added to read as follows:

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

§ 948.210 Expenses and assessment rate.

Expenses of $59,106 by the Colorado Potato Administrative Committee, San Luis Valley Office (Area II) are authorized, and an assessment rate of $0.0036 per hundredweight of assessable potatoes is established for the fiscal period ending August 31, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 14, 1993.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 93–14547 Filed 6–18–93; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8479]

RIN 1545–AN42

Returns Relating to Cash in Excess of $10,000 Received in a Trade or Business

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that require a person who currently must report the receipt of cash in excess of $10,000 with respect to a transaction to make a report each time that cash payments received within any 12-month period with respect to the same transaction or a related transaction total more than $10,000. These regulations enable the Internal Revenue Service to ascertain the magnitude of large transfers of cash with respect to the same transaction. The regulations affect trades or businesses that are currently required to report large receipts of cash.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Philip Scott, 202–622–4960 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1545–0892. The estimated annual burden per respondent varies from 11 minutes to 26 minutes, depending upon individual circumstances, with an average of 18 minutes.

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

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

Background

On July 9, 1990, the Internal Revenue Service published in the **Federal Register** a notice of proposed rulemaking by cross-reference to temporary regulations (55 FR 28061) and temporary regulations (55 FR 28021) amending the Income Tax Regulations (26 CFR part 1) under section 6050I of the Internal Revenue Code (Code).

Written comments responding to the notice were received. One request for a public hearing was received, but that request was withdrawn. After consideration of all comments, the temporary regulations are adopted as final regulations without substantive change by this Treasury Decision. However, some clarifying changes and changes in organization have been made.

Explanation of Provisions

In General

As amended by this Treasury decision, the regulations require a person engaged in a trade or business who receives, in the course of that trade or business, multiple cash payments with respect to a transaction (or two or more related transactions) to make a report each time that the person receives more than $10,000 in cash in any 12-month period. Thus, a person must make a report each time that the person receives a single cash payment of more than $10,000 and each time that the person receives a cash payment of

$10,000 or less that, combined with all previously unreportable cash payments received with respect to the same transaction (or a related transaction) within the preceding 12-month period, exceeds $10,000. The regulations apply to amounts received after December 31, 1989.

Comments

One commentator suggested that aggregation of payments of $10,000 or less for purposes of reporting under section 6050I should be based on a calendar year to facilitate recordkeeping by recipients. The Service is concerned, however, that such an aggregation rule might enable some persons to avoid reporting. Therefore, the suggestion has not been adopted.

Other comments addressed matters that pertain to portions of the existing regulations under section 6050I that do not relate to multiple payments and, therefore, are not pertinent to this document. The Service will consider those comments in the context of its continuing review of the rules promulgated under section 6050I and will provide additional guidance where necessary or appropriate.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Act Analysis is not required. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking for the regulations was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Philip Scott of the Office of Assistant Chief Counsel (Income Tax and Accounting), Internal Revenue Service. However, personnel from other offices of the Service and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

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

PART 1—INCOME TAXES

Paragraph 1. The heading for part 1 is revised to read as set forth above.

Par. 2. The authority citation for part 1 is amended by removing the entry for "Section 6050I–1T". The authority citation for part 1 continues to read in part as follows:

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

Section 6050I–1 also issued under 26 U.S.C. 6050I. * * *

Par. 3. Section 1.6050I–1 is amended by revising paragraphs (b) and (e)(1) to read as follows:

§ 1.6050I–1 Returns relating to cash in excess of $10,000 received in a trade or business.

* * * * *

(b) *Multiple payments.* The receipt of multiple cash deposits or cash installment payments (or other similar payments or prepayments) on or after January 1, 1990, relating to a single transaction (or two or more related transactions), is reported as set forth in paragraphs (b)(1) through (b)(3) of this section.

(1) *Initial payment in excess of $10,000.* If the initial payment exceeds $10,000, the recipient must report the initial payment within 15 days of its receipt.

(2) *Initial payment of $10,000 or less.* If the initial payment does not exceed $10,000, the recipient must aggregate the initial payment and subsequent payments made within one year of the initial payment until the aggregate amount exceeds $10,000, and report with respect to the aggregate amount within 15 days after receiving the payment that causes the aggregate amount to exceed $10,000.

(3) *Subsequent payments.* In addition to any other required report, a report must be made each time that previously unreportable payments made within a 12-month period with respect to a single transaction (or two or more related transactions), individually or in the aggregate, exceed $10,000. The report must be made within 15 days after receiving the payment in excess of $10,000 or the payment that causes the aggregate amount received in the 12-month period to exceed $10,000. (If more than one report would otherwise be required for multiple cash payments within a 15-day period that relate to a single transaction (or two or more related transactions), the recipient may make a single combined report with respect to the payments. The combined report must be made no later than the date by which the first of the separate reports would otherwise be required to be made.) A report with respect to payments of $10,000 or less that are reportable under this paragraph (b)(3) and are received after December 31, 1989, but before July 10, 1990, is due July 24, 1990.

(4) *Example.* The following example illustrates the application of the rules in paragraphs (b)(1) through (b)(3) of this section:

Example. On January 10, 1991, M receives an initial cash payment of $11,000 with respect to a transaction. M receives subsequent cash payments with respect to the same transaction of $4,000 on February 15, 1991, $6,000 on March 20, 1991, and $12,000 on May 15, 1991. M must make a report with respect to the payment received on January 10, 1991, by January 25, 1991. M must also make a report with respect to the payments totalling $22,000 received from February 15, 1991, through May 15, 1991. This report must be made by May 30, 1991, that is, within 15 days of the date that the subsequent payments, all of which were received within a 12-month period, exceeded $10,000.

* * * * *

(e) *Time, manner, and form of reporting*—(1) *Time of reporting.* The reports required by this section must be filed with the Internal Revenue Service by the 15th day after the date the cash is received. However, in the case of multiple payments relating to a single transaction (or two or more related transactions), see paragraph (b) of this section.

* * * * *

§ 1.6050I–1T [Removed]

Par. 4. Section 1.6050I–1T is removed.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 5. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 6. Section 602.101(c) is amended by removing from the table "1.6050I–1T * * * 1545–0892".

David G. Blattner,

Acting Commissioner of Internal Revenue.

Approved: June 4, 1993.

Leslie Samuels,

Assistant Secretary of the Treasury.

[FR Doc. 93–14467 Filed 6–18–93; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1 93-062]

Safety Zone: Boston Harborfest Fireworks Skyconcert, Boston Inner Harbor, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Boston Harborfest Fireworks Skyconcert. The safety zone will be in effect in the vicinity of the Coast Guard Support Center Boston, Boston Inner Harbor, on Friday, July 2, 1993, from 7:15 p.m. until 10:30 p.m. This safety zone in Boston Inner Harbor is needed to protect the boating public from the hazards associated with the exploding of pyrotechnics. The affected portion of the Boston Inner Harbor channel, and its intersection with the Charles and Mystic Rivers, is closed to vessel traffic while this zone is in effect. Entry into the zone is prohibited unless authorized by the Captain of the Port (COTP) Boston.

EFFECTIVE DATE: This regulation becomes effective on July 2, 1993, at 7:15 p.m. when the fireworks barge OCEAN 125 proceeds by tow from Mystic Pier 1, Charlestown, MA to a location just off the Coast Guard Support Center Boston in approximate position 42°22'13" N., 071°03'00" W. It terminates on July 2, 1993, at 10:30 p.m. local time, when the tug and barge are safely moored at Mystic Pier 1, Charlestown, MA, unless sooner terminated by the Captain of the Port Boston. A rain date of July 3, 1993, is planned, with all times remaining the same.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander E.O. Coates or MST1 Daniel Dugery, Coast Guard Marine Safety Office Boston, at (617) 223-3000.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principle persons involved in drafting this document are Lieutenant Commander E.O. Coates, project officer for the Captain of the Port Boston, and Lieutenant Commander Jeffrey Steib, project attorney, First Coast Guard District Legal Office.

Regulatory History

As amended by 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent injury and damage to the persons and vessels involved. The interest in the community in celebrating the 4th of July holiday is best served by proceeding with this temporary final rule. This action has been analyzed in accordance with principles and criteria of E.O. 12612, and it has been determined that there are not sufficient federalism implications to warrant other preparation of a federalism assessment.

Background and Purpose

On May 5, 1993, the Boston Harborfest Committee submitted a request to hold a fireworks program in Boston Inner Harbor on July 2, 1993. The fireworks display will take place from 10 p.m. to 10:30 p.m. in approximate position 42°22'13" N., 071°03'00" W. The safety zone will extend for two hundred yards in all directions around the fireworks barge OCEAN 125 and its attending tug while the vessels proceed to, from, and while on site for the fireworks display. The zone will be in effect from 7:15 p.m. July 2, 1993, to 10:30 p.m. local time, July 2, 1993. The zone is needed to protect the fireworks barge OCEAN 125 and its attending tug, spectator vessels, and personnel in the area from the safety hazard associated with the explosives on board the fireworks barge and with the fireworks display itself. Implementation of this zone will close to vessel traffic the affected portion of the Boston Inner Harbor, and its intersection with the Charles and Mystic Rivers. Entry into the zone is prohibited unless authorized by the COTP Boston. Coast Guard patrol craft will be on scene to enforce the safety zone. Details of this event will be published in the Local Notice to Mariners and in a Safety Marine Information Broadcast.

Regulatory Evaluation

This rule is not major under Executive Order 12291 on Federal Regulation and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary. Costs to the shipping industry from these regulations, if any, will be minor and have no significant adverse financial effect on vessel operators as the event will be of less than two hours duration. Commercial vessel traffic, fishing vessels, and tour boats may experience slight delays in departures or arrivals during the display; however, mariners can time their movements just ahead or just after the fireworks display.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded under section 2.B.2.c of Commandant Instruction M16475.1B this proposal is categorically excluded from further environmental documentation. Implementation of this rulemaking should help to reduce the risk of collision or other marine accidents. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES".

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulation

In consideration of the foregoing, 33 CFR part 165, is amended as follows:

1. The authority citation for part 165 continues to read:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5, 49 CFR 1.46.

2. A temporary § 165.T01–062 is added to read as follows:

§ 165.T01–062 Safety Zone: Boston Harborfest Fireworks Skyconcert, Boston Inner Harbor, Boston, MA.

(a) *Location.* The safety zone includes all waters around the fireworks barge OCEAN 125 and its attending tug—two hundred yards in all directions while the tug and barge proceed from Mystic Pier 1, Charlestown, MA to a location in the vicinity of the Coast Guard Support Center Boston Pier 2, in approximate position 42°22'13" N., 071°03'00" W., until the fireworks program is completed and the barge and tugs have returned to Mystic Pier 1, Charlestown, MA.

(b) *Effective date.* This regulation becomes effective on July 2, 1993, at 7:15 p.m. or when the fireworks barge OCEAN 125 and its attending tug depart Mystic Pier 1, Charlestown, MA. It terminates on July 2, 1993, at 10:30 p.m. or when the vessels return and are safely moored at Mystic Pier 1, Charlestown, MA, unless sooner terminated by the Captain of the Port Boston. A rain date of July 3, 1993 is planned, with all times remaining the same.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in this safety zone during the effective period of regulation unless participating in the event as authorized by the Coast Guard Captain of the Port, Boston.

(2) All persons and vessels shall comply with instructions of the COTP or the designated on scene personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard.

(3) The general regulations governing safety zones in section 165.23 apply.

Dated: June 8, 1993.

G.W. Abrams,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 93–14556 Filed 6–18–93; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AG11

Civil Liberties Act Amendments of 1992

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its rules concerning exclusions from income for the purposes of the section 306 and old law pension programs. This amendment will implement the provisions of the Civil Liberties Act Amendments of 1992, which provided that certain restitution payments made to Japanese-Americans interned by the United States during World War II are excluded from consideration as income or in determining net worth under any program administered by VA.

EFFECTIVE DATE: This regulation is effective August 10, 1988, the date authorized by Public Law 102–371.

FOR FURTHER INFORMATION CONTACT: Steven Thornberry, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, telephone (202) 233–3005.

SUPPLEMENTARY INFORMATION: Title I of Public Law 100–383, the Civil Liberties Act of 1988, provided redress in the amount of $20,000.00 to certain individuals of Japanese ancestry who were interned or relocated by the Federal government during WWII. The bill expressly provided that these payments shall not be included as income or resources for determining eligibility to benefits described in 31 U.S.C. 3803(c)(2)(C). An opinion of VA's General Counsel (O.G.C. *Prec. 3–92*) held that these payments are not countable as income or for net worth determinations for the purposes of improved pension and parents' DIC, which are found in those chapters of title 38 U.S.C. referenced by the cited section of title 31. The opinion further stated that these payments were countable as income and net worth under 306 pension and old law pension, because these benefits are no longer in force under title 38, but under the savings provision (section 306) of Public Law 95–588, which introduced improved pension. In a previous regulatory amendment (RIN 2900–AD97) we amended 38 CFR §§ 3.261, 3.263, 3.262, 3.272, and 3.275 to implement Public Law 100–383 and the opinion of the General Counsel.

On September 27, 1992, the President signed Public Law 102–371, the Civil Liberties Act Amendments of 1992. This law amended Public Law 100–383 by extending the income exemption of the Japanese-American restitution payments to include exclusion from countable income or in determining net worth for any program administered by VA, effective August 10, 1988, the date of the original law. Our current rulemaking implements these provisions of Public Law 102–371. Since these amendments simply implement the provisions of the law, publication as a proposed rule for comment is not required.

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

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

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

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

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

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.105.

List of subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: February 5, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended to read as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

§ 3.261 [Amended]

2. In § 3.261(a)(36), remove the word "Included" from the fourth and fifth columns of the table and add in its place in each column the word "Excluded."

3. In § 3.262, paragraph (u) and the authority citation are revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(u) *Restitution to individuals of Japanese ancestry.* Effective August 10, 1988, for the purposes of old law pension, section 306 pension, parents' death compensation, and parents' dependency and indemnity compensation, there shall be excluded from income computation any payment made as restitution under Public Law 100–383 to individuals of Japanese ancestry who were interned, evacuated, or relocated during the period December 7, 1941, through June 30, 1946, pursuant to any law, Executive order, Presidential proclamation, directive, or other official action respecting these individuals.

(Authority: Sec. 105, Pub. L. 100–383; 102 Stat. 905; Sec. 6, Pub. L. 102–371; 106 Stat. 1167, 1168)

4. In § 3.263, paragraph (f) and the authority citation are revised to read as follows:

§ 3.263 Corpus of estate; net worth.

* * * * *

(f) *Restitution to individuals of Japanese ancestry.* Effective August 10, 1988, for the purposes of section 306 pension and parents' death compensation, there shall be excluded from the corpus of estate or net worth of a claimant any payment made as restitution under Public Law 100–383 to individuals of Japanese ancestry who were interned, evacuated, or relocated during the period December 7, 1941, through June 30, 1946, pursuant to any law, Executive order, Presidential proclamation, directive, or other official action respecting these individuals.

(Authority: Sec. 105, Pub. L. 100–383; 102 Stat. 905; Sec. 6, Pub. L. 102–371; 106 Stat. 1167, 1168)

[FR Doc. 93–14492 Filed 6–18–93; 8:45 am]
BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME–6–1–5521; A–1–FRL–4662–5]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Amendments to Chapter 100 "Definitions Regulation"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision consists of amendments to Maine's Chapter 100 "Definitions Regulation." The intended effect of this action is to approve of these amendments which clarify Maine's PM_{10} SIP and which revise Maine's definition of "volatile organic compound (VOC)" to be consistent with EPA's definition of this term. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective August 20, 1993, unless notice is received by July 21, 1993, that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Jerry Kurtzweg, U.S. Environmental Protection Agency, 401 M Street, SW., (ANR–443), Washington, DC 20460; and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 565–3166.

SUPPLEMENTARY INFORMATION: On April 20, 1992, the State of Maine submitted a formal revision to its State Implementation Plan (SIP). This SIP revision consists of amendments to Maine's Chapter 100 "Definitions Regulation." This revision was submitted in response to recent revisions to the federal definition of VOC (57 FR 3941) and due to the need for the terms "PM_{10} emissions" and "particulate matter emissions" to be defined in order to clarify Maine's PM_{10} SIP.

Maine's Revision

Maine's revision consists of amendments to Chapter 100 which include changes to the definitions of "federally enforceable" and "volatile organic compound (VOC)," as well as the adoption of the following two new terms: "particulate matter emissions" and "PM_{10} emissions."

The definition of "volatile organic compound (VOC)" was revised by adding five halocarbon compounds and four classes of perfluorocarbons to the list of organic compounds which are considered negligibly reactive and do not contribute to violations of the national ambient air quality standard (NAAQS) for ozone. The definition of "federally enforceable" was revised by adding specific reference to part 51 for clarification of the citation 40 CFR part 51, subpart I. The definitions of "particulate matter emissions" and "PM_{10} emissions" were added to Chapter 100 to clarify Maine's PM_{10} SIP.

EPA has evaluated these four definitions and has found that they are consistent with the applicable federal definitions codified at 40 CFR 51.100 paragraphs (pp), (rr), and (s), and 40 CFR 51.166(b)(17). The "PM_{10} emissions" and "particulate matter emissions" definitions are also consistent with SIP requirements codified at 40 CFR 51.212(c) and with EPA's "Interim Guidance on Emission Limits and Stack Test Methods for Inclusion in PM–10 SIPs," as stated in a December 24, 1990, memorandum from John Calcagni and William Laxton.

Maine's amendments to Chapter 100 and EPA's evaluation are detailed in a memorandum, dated May 14, 1992, entitled "Technical Support Document—Maine—Amendments to Chapter 100 Definitions Regulation." Copies of that document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this notice.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective August 20, 1993, unless by July 21, 1993, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on August 20, 1993.

Final Action

EPA is approving amendments to Maine's Chapter 100 "Definitions Regulation" which include revisions to the definitions of "federally enforceable" and "volatile organic compound," as well as the adoption of the following two new terms:

"particulate matter emissions" and "PM_{10} emissions."

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214).

EPA has submitted a request for a permanent wavier for Tables 2 and 3 SIP Revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 20, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Particulate matter.

Note: Incorporation by reference of the State Implementation Plan for the State of Maine was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 24, 1992.

Paul Keough,

Acting Regional Administrator, Region I.

Editorial Note: This document was received in the Office of the Federal Register on June 15, 1993.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(31) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(31) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 20, 1992.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated April 8, 1992 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 100(54)(b) "particulate matter emissions," Chapter 100(57)(b) "PM_{10} emissions," and revisions to Chapter 100(28) "federally enforceable" and to Chapter 100(76) "volatile organic compound (VOC)" effective in the State of Maine on January 18, 1992.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

3. Table 52.1031 is amended by adding a new entry to state citation "100" to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	Federal Register	52.1020	
*	*	*	*	*	*	*
100	Definitions Regulations.	11/26/91	June 21, 1993.	[Insert *FR* citation from published date].	(c)(31)	Revised "volatile organic compound (VOC)" and "federally enforceable." Added "particulate matter emissions" and "PM_{10} emissions."
*	*	*	*	*	*	*

[FR Doc. 93–14468 Filed 6–18–93; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 52

[AL-030-2-5594; FRL-4668-8]

Approval and Promulgation of Implementation Plans Alabama: Prevention of Significant Deterioration (PSD) Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rule.

SUMMARY: On April 22, 1993 (58 FR 21542), EPA published a document to approve without prior proposal the October 22, 1990, version of the revisions made by Alabama to the Alabama State Implementation Plan (SIP). These revisions established significance levels for Arsenic and Benzene for Prevention of Significant Deterioration (PSD) permit review. Although the Clean Air Act as amended in 1990 (CAA) exempts listed hazardous air pollutants (HAPs), including arsenic and benzene from federal PSD requirements, section 116 of the CAA allows states to continue to regulate selected HAPs under PSD if they so choose. EPA has subsequently received significant comments on the action. Upon further consideration, the State of Alabama has withdrawn the SIP revision and the Agency is withdrawing its direct-final approval.

EFFECTIVE DATE: The effective date of this withdrawal is June 21, 1993.

ADDRESSES: Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations:

Public Information Reference Unit, Attn: Jerry Kurtzweg (AN-443), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Region IV Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365

Air Division, Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36109

FOR FURTHER INFORMATION CONTACT: Diane Altsman of the EPA Region IV Air Programs Branch at (404) 347-2864 and at the above address.

SUPPLEMENTARY INFORMATION: On October 22, 1990, the Alabama Department of Environmental Management (ADEM) submitted to EPA for approval revisions to the significance levels for Arsenic and Benzene for PSD permit review. These revisions were adopted by the Alabama Environmental Management Commission on September 19, 1990. The revisions became state effective November 1, 1990. The EPA reviewed this request for revision of the federally approved SIP for conformance with the 1990 CAA and determined that the actions conformed with the requirements of the CAA irrespective of the fact that the submittal preceded the date of enactment. EPA therefore published a notice to approve the revisions without prior proposal (58 FR 21542, April 22, 1993).

In the final rulemaking, EPA advised the public that the effective date of the action was deferred for 60 days (until June 21, 1993) to provide an opportunity to submit comments. EPA announced that if notice was received within 30 days of the publication of the final rule that someone wanted to submit adverse or critical comments, the final action would be withdrawn and a new rulemaking would begin by proposing a 30 day comment period. EPA had earlier published a general notice explaining this special procedure (56 FR 44477, September 4, 1991).

EPA has received comments on this action that address the fact that the revisions were submitted prior to the 1990 CAA and that the CAA exempts listed HAPs, such as arsenic and benzene, from the federal PSD requirements and that the revisions, therefore, are more stringent than what is federally required. In response to these comments, the ADEM withdrew the submitted revisions on May 28, 1993, in a letter from Leigh Pegues to Patrick Tobin. Accordingly, the EPA is today withdrawing its approval. No new rulemaking will be initiated with this request since it has been withdrawn by ADEM.

EPA is withdrawing this action without providing prior notice and opportunity for comment. The Agency finds that it has good cause within the meaning of 5 U.S.C. 553(b) to proceed without notice and comment. Notice and comment would be impracticable in this case because EPA needs to withdraw its approval as quickly as possible in order to consider the comments the public has submitted or may wish to submit. Moreover, further notice is not necessary because EPA has already informed the public that it would follow this procedure if it received a request for an opportunity to comment. For the same reasons, EPA finds that it has good cause under 5 U.S.C. 553(d) to make this withdrawal effective immediately.

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 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 14, 1993.

Patrick M. Tobin,

Acting Regional Administrator.

Therefore the addition of new paragraph (c)(59) in § 52.520 appearing at 58 FR 21543, April 22, 1993, which was to become effective on June 21, 1993, is withdrawn.

[FR Doc. 93–14631 Filed 6–18–93; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Parts 72 and 73

[FRL-4667-1]

Acid Rain Allowance Allocations and Reserves; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction to final regulations.

SUMMARY: Title IV of the Clean Air Act Amendments of 1990 directs the EPA to establish an Acid Rain Program. The centerpiece of this control program is the allocation of allowances, or authorizations to emit SO_2, as published in the **Federal Register** of March 23, 1993. This document contains corrections to the final regulations (FRL-4603-8) for 40 CFR parts 72 and 73, which were published Tuesday, March 23, 1993, (58 FR 15634).

EFFECTIVE DATE: These corrections are effective June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Janice Wagner, (202) 233-9170. The mailing address is US EPA, (6204J), 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Background

The final regulations that are the subject of this action correct portions of 40 CFR parts 72 and 73 on the effective date. 40 CFR parts 72 and 73 were added to the CFR pursuant to Title IV of the Clean Air Act, 42 U.S.C. 7401, as amended by Pub. L. 101-549 (November 15, 1990).

II. Need for Correction

As published the final regulations contain errors which may prove to be

misleading and are in need of clarification.

EPA notes that the Marcus Hook Refinery in Pennsylvania was erroneously included in § 73.10 Table 2. This unit is an existing simple combustion turbine and should not be affected by the Acid Rain Program requirements. Therefore, this correction removes the unit from Table 2.

Also, § 73.10 Table 4 contained several erroneous transcriptions from Table 2. Those values are corrected today.

III. Correction of Publication

Accordingly, the publication on March 23, 1993 of the final regulations for 40 CFR parts 72 and 73 is corrected as follows:

PART 72—[CORRECTED]

§ 72.2 [Corrected]

1. On page 15647, third column, in § 72.2, the definition for *Independent Power Production Facility*, paragraph (2), lines 3 through 6, the language beginning with the first semicolon and ending with the word "percent" is removed and added to paragraph (3), line 3, following the word "Act".

PART 73—[CORRECTED]

§ 73.10 [Corrected]

1. On page 15687, Table 2 of § 73.10, line 4 of the table for the "Marcus Hook Refinery" in Pennsylvania, remove the entry.

2. On page 15704, § 73.10, Table 4, in entirety, is corrected to read as follows:

TABLE 4. -- PHASE II ALLOWANCE ALLOCATIONS FOR §405(i)(2) ELIGIBLE UNITS [1]

State	Plant Name	Boiler	Allowances for years 2000–2009			Allowances for years 2010 and thereafter		
			(A) [2]	(B)	(C) [3]	(D) [4]	(E)	(F) [5]
			Unadjusted basic	Increment for §405(i)(2)	Unadjusted basic, less §405(i)(2) increment	Unadjusted basic	Increment for §405(i)(2)	Unadjusted basic, less §405(i)(2) increment
Florida	Anclote	1	11,740	1,403	10,337	11,737	1,403	10,334
Florida	Anclote	2	12,421	1,529	10,892	12,418	1,529	10,889
Michigan	Monroe	1	27,243	198	27,045	27,243	198	27,045
Michigan	Monroe	2	28,273	495	27,778	28,273	495	27,778
Michigan	Monroe	3	26,466	445	26,021	26,466	445	26,021
Michigan	Monroe	4	29,065	930	28,135	29,065	930	28,135

Notes:

[1] The unadjusted allowances shown in columns (A) and (D) for the units in this table and in columns (A) and (F) of Table 2 assume that these units fully qualify for §405(i)(2). If they do not, then they will receive the unadjusted basic allowances shown in columns (C) and (F) of this table. Please note that the unadjusted basic allowances shown will be adjusted to reach the 8.9 million ton overall cap on allowances, and furthermore that deductions for the Conservation and Renewable Energy Reserve, the Repowering Reserve, and the Special Allowance Reserve will also be deducted from the allowances shown herein.

[2] Equal to the Unadjusted basic allowances shown in column (A) of Table 2.

[3] Equal to column (A) minus column (B).

[4] Equal to the Unadjusted basic allowances shown in column (F) of Table 2.

[5] Equal to column (D) minus column (E).

§ 73.90 [Corrected]

1. On page 15716, first column, § 73.90, paragraph (a) introductory text, line 9, the citation "§ 72.13" is corrected to read "§ 73.13".

Dated: June 10, 1993.

Penelope Hansen,

Deputy Director, Acid Rain Division, Office of Air and Radiation, U.S. Environmental Protection Agency.

[FR Doc. 93–14568 Filed 6–18–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[PP 8F3580/R2001; FRL–4626–9]

RIN No. 2070–AB78

Pesticide Tolerances for Carbon Disulfide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the nematicide, insecticide, and fungicide carbon disulfide in or on the raw agricultural commodities (RACs) grapefruit, grapes, lemons, and oranges at 0.1 part per million (ppm) from the application of sodium tetrathiocarbonate. This regulation to establish the maximum permissible level of residues of the pesticide in or on these commodities was requested in a petition submitted by Unocal Corp.

EFFECTIVE DATE: This regulation becomes effective June 21, 1993.

ADDRESSES: Written objections, identified by the document control number, [PP 8F3580/R2001], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., St., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Product Manager (PM) 22, Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 229, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5540.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of October 12, 1988 (53 FR 39783), which announced that Unocal Corp., 461 S. Boyston C5, Los Angeles, CA 90017, had submitted a pesticide petition (PP 8F3580) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish a tolerance for residues of the nematicide, insecticide, and fungicide carbon disulfide in or on the raw agricultural

commodities (RACs) grapefruit, grapes, lemons, oranges, potatoes, and tomatoes at 0.1 part per million (ppm) from the application of sodium tetrathiocarbonate.

Sodium tetrathiocarbonate stoichiometrically converts to carbon disulfide, sodium hydroxide, hydrogen sulfide, and sulfur in the soil after application to the RACs. Carbon disulfide is the pesticide's active compound.

Unocal Corp. subsequently amended PP 8F3580 to delete the proposed tolerance for potatoes. The Agency is not at this time establishing a tolerance for tomatoes since this RAC is not proposed for registration with the concurrent application for registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. Unocal Corp. will have to petition the Agency for establishment of a tolerance in tomatoes when it makes an application for registration under FIFRA for use on this RAC.

There were no comments received in response to the notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The toxicology data considered in support of the tolerances include:

1. A rat acute oral study with an LD_{50} of 587 milligrams (mg)/kilogram (kg) for females and 631 mg/kg for combined sexes for sodium tetrathiocarbonate. The LD_{50} for carbon disulfide is 456 mg/kg.

2. A developmental toxicity study in rats for sodium tetrathiocarbonate with a maternal no-observed-effect level (NOEL) of 150 mg/kg, and a lowest effect level (LEL) of 400 mg/kg (death), and a developmental NOEL of 450 mg/kg.

3. A developmental toxicity study in rabbits for sodium tetrathiocarbonate with a maternal NOEL of 75 mg/kg, and an LEL of 150 mg/kg (convulsions and prostration), and a developmental NOEL of 150 mg/kg, and an LEL of 185 mg/kg (increased resorption, post implantation loss, increase incidence 13th rib).

4. Sodium tetrathiocarbonate was negative in a bacterial gene mutation study with and without S9 activation, unscheduled mammalian DNA synthesis, and *in vitro* chromosomal aberration without S9 activation, but weakly positive with S9 activation.

5. In a 90-day rat inhalation study with carbon disulfide there was no NOEL for brain effects.

6. In a 90-day mouse inhalation study with carbon disulfide the NOEL was 300 ppm and the LEL was 800 ppm (lesions of peripheral nerves, spinal cord, kidney, and spleen).

The nature of residues is understood. Unocal has documented that the level of free or bound carbon disulfide or parent sodium tetrathiocarbonate is extremely low in the treated crops (less than 50 ppb). Carbon disulfide is a naturally occurring compound found in grapes and citrus at 5 to 20 parts per billion and up to 1 to 73 ppm in Shiitake mushrooms. The analytical method has been validated. A tolerance for carbon disulfide is established at the analytical level of quantification of 0.1 ppm. Dietary exposure to carbon disulfide from treatment of the RACs with sodium tetrathiocarbonate will not be appreciably different than the natural background levels. Therefore, further toxicity testing for carbon disulfide was not required, and the standard risk assessment approach of using the Reference Dose (RfD) based on systemic toxicity is not relevant to this petition.

The metabolism of carbon disulfide and sodium tetrathiocarbonate in plants is adequately understood. There is no reasonable expectation of secondary residues occurring in milk, eggs, and meat of livestock or poultry. An adequate analytical method, gas chromatography, is available for enforcement purposes. Because of the long lead time from establishing these tolerances 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), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 242, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703-305-4432).

The pesticide is considered useful for the purposes for which the tolerances are sought. Based on the information and data considered, the Agency concludes that the establishment of the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fees provided by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, and the requestor's contentions on each such issue, and a summary of the evidence relied upon by the objection (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: there is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve on or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

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

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 raising tolerance levels 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 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: June 10, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is 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. In subpart C, by adding new § 180.467, to read as follows:

§ 180.467 Carbon disulfide; tolerances for residues.

Tolerances are established for the nematicide, insecticide, and fungicide carbon disulfide, from the application of sodium tetrathiocarbonate, in or on the following raw agricultural commodities:

Commodity	Parts per million
Grapefruit	0.1
Grapes	0.1
Lemons	0.1
Oranges	0.1

[FR Doc. 93-14562 Filed 6-18-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 1E3965/R1197; FRL-4585-4]

RIN 2070-AB78

Pesticide Tolerance for Pendimethalin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for residues of the herbicide pendimethalin and its metabolite in or on the raw agricultural commodity dry bulb onions. This regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: This regulation becomes effective June 21, 1993.

ADDRESSES: Written objections, identified by the document control number, [PP 1E3965/R1197], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505W), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: No. 1, Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 14, 1993 (58 FR 19390), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 1E3965 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), propose to establish a tolerance for residues of pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodity dry bulb onions at 0.1 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

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

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 raising tolerance levels 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 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: June 10, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is 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. In § 180.361, paragraph (a) table is amended by adding and alphabetically inserting the raw agricultural commodity dry bulb onions, to read as follows:

§ 180.361 Pendimethalin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Onions, dry bulb	0.1
* * * * *	

* * * * *

[FR Doc. 93-14566 Filed 6-18-93; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6983

[OR-943-4210-06; GP3-163; OR-19025, OR-19032]

Partial Revocation of Two Executive Orders Dated July 2, 1910, and Opening of Lands Subject to Section 24 of the Federal Power Act; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two executive orders insofar as they affect 362.17 acres of public lands withdrawn for the Bureau of Land Management's Powersite Reserve Nos. 26 and 66. This action will open approximately 82.17 acres to surface entry. This action will also open approximately 280 acres within Power Project No. 2030 to surface entry, subject to the provision of section 24 of the Federal Power Act. The

revocation and opening are needed to permit conveyance of the lands to the State of Oregon. The lands have been and will remain open to mineral leasing. The lands have been and will remain open to mining, except for the lands within Power Project No. 2030.

EFFECTIVE DATE: July 21, 1993.

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

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), and pursuant to the determination by the Federal Energy Regulatory Commission in DVOR-618, it is ordered as follows:

1. The Executive Order dated July 1, 1910, which established Powersite Reserve No. 26, is hereby revoked insofar as it affects the following described land:

Willamette Meridian

T. 11 S., R. 12 E.,
Sec. 27, lot 2 and SW¼NW¼.

The area described contains 69.53 acres in Jefferson County.

2. The Executive Order dated July 2, 1910, which established Powersite Reserve No. 66, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

T. 11 S., R. 12 E.,
Sec. 22, lots 1, 2, and 3, and NE¼SE¼;
Sec. 28, lots 1, 2, 3, and 4.

The areas described aggregate 292.64 acres in Jefferson County.

3. At 8:30 a.m. on July 21, 1993, the lands described in paragraphs 1 and 2, except as provided in paragraph 4, will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m. on July 21, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 8:30 a.m. July 21, 1993, those portions of the following described lands that lie within the boundary of Power Project No. 2030 will be opened to conveyance to the State of Oregon, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818 (1988), as amended:

Willamette Meridian

T. 11 S., R. 12 E.,
Sec. 22, lots 1, 2, and 3, and NE¼SE¼;
Sec. 27, lot 2 and SW¼NW¼;
Sec. 28, lots 1, 2, 3, and 4.

The areas described aggregate approximately 280 acres in Jefferson County.

Dated: June 8, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93-14531 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6984

[NM-930-4210-06; NMNM 055653]

Partial Revocation of Public Land Order No. 2051; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 210.17 acres of public lands withdrawn for New Mexico State University (formerly New Mexico College of Agriculture and Mechanic Arts) for research programs in connection with Federal programs. The lands are no longer needed for this purpose, and the revocation is needed to permit disposal of the lands through sale as directed by Public Law 100-559.

EFFECTIVE DATE: June 21, 1993.

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

By virtue of the authority vested in the Secretary of the Interior by Section 502 of Public Law 100-559, it is ordered as follows:

1. Public Land Order No. 2051, which withdrew public lands for use by the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State University, for research programs in connection with Federal programs, is hereby revoked insofar as it affects the following described lands:

New Mexico Principal Meridian

T. 23 S., R. 2 E.,
Sec. 26, NE¼NE¼, E½NW¼NE¼, and S½NE¼;
Sec. 35, lots 6 and 7.

The areas described aggregate 210.17 acres in Dona Ana County.

2. The lands described above are hereby made available for conveyance as authorized and directed by Section 502 of Public Law 100-559.

Dated: June 8, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93-14533 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-FB-M

43 CFR Public Land Order 6985

[MT-930-4210-06; MTM 41179]

Partial Revocation of Executive Order Dated October 9, 1917; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an executive order insofar as it affects 303 acres of National Forest System land withdrawn for Phosphate Reserve No. 30, Montana No. 7. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through exchange under the General Exchange Act of 1922. This action will open the land to such forms of disposition as may by law be made of National Forest System land. The land is temporarily closed to mining by a Forest Service exchange proposal. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: July 21, 1993.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2949.

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

1. The Executive Order dated October 9, 1917, which withdrew National Forest System land as a phosphate reserve, is hereby revoked insofar as it affects the following described land:

Principal Meridian

Gallatin National Forest

T. 8 S., R. 4 E.,
Sec. 27, that portion of the W½ lying west of the Gallatin River.

The area described contains approximately 303 acres in Gallatin County.

2. At 9 a.m. on July 21, 1993, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: June 8, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93-14532 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-DN-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 92-165; FCC 93-260]

Expansion of the Restricted Bands of Operation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is amending its rules to restrict the operation of low power, non-licensed transmitters within the frequency bands that were recently authorized for Global Maritime Distress and Safety System (GMDSS). This action will protect the frequency bands used by the GMDSS from harmful interference.

EFFECTIVE DATE: July 21, 1993.

FOR FURTHER INFORMATION CONTACT: Errol Chang, Technical Standards Branch, Office of Engineering and Technology, (202) 653-7316.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order (R&O)* in ET Docket No. 92-165, adopted on May 13, 1993 and released June 1, 1993. The full text of this *R&O* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 452-1422, 2100 M Street, NW., suite 204, Washington, DC 20036.

Summary of Report and Order

1. By this action, the Commission is amending part 15 of its rules to restrict the operation of low power, non-licensed transmitters within the frequency bands that were recently authorized for the Global Maritime Distress and Safety System (GMDSS). The GMDSS is an automated ship-to-shore distress alerting system that is an integral part of the maritime search and rescue operations.

2. On July 22, 1992, the Commission adopted a Notice of Proposed Rule Making (Notice) in this proceeding (57 FR 37939, August 21, 1992). The United States Coast Guard was the only party to file comments on the Notice.

3. After considering the comments, the Commission determined that it was in the public interest to adopt rules to protect certain GMDSS frequencies from low power, non-licensed transmitter operating under 47 CFR part 15.

4. Accordingly, it is ordered that pursuant to the authority contained in Section 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Section 154, 303 part 15 of the Commission's Rules is amended as set forth below. It is further ordered that this proceeding is terminated.

5. *Regulatory Flexibility Act.* The final Regulatory Analysis is contained in the complete *Report and Order* of this proceeding.

List of Subjects in 47 CFR Part 15

Communications equipment, Marine safety, Restricted bands.

Amended Text

PART 15—RADIO FREQUENCY DEVICE

1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 4, 301, 302, 303, 304 and 307.

2. Section 15.205 is amended by revising paragraph (a) to read as follows:

§ 15.205 Restricted bands of operation.

(a) Except as shown in paragraph (d) of this section, only spurious emissions are permitted in any of the frequency bands listed below:

MHz	MHz	MHz	GHz
0.090–0.110	16.42–423	399.9–410	4.5–5.25
[1] 0.495–0.505	16.69475–16.69525	608–614	5.35–5.46
2.1735–2.1905	16.80425–16.80475	960–1240	7.25–7.75
4.125–4.128	25.5–25.67	1300–1427	8.025–8.5
4.17725–4.17775	37.5–38.25	1435–1626.5	9.0–9.2
4.20725–4.20775	73–74.6	1645.5–1646.5	9.3–9.5
6.215–6.218	74.8–75.2	1660–1710	10.6–12.7
6.26775–6.26825	108–121.94	1718.8–1722.2	13.25–13.4
6.31175–6.31225	123–138	2200–2300	14.47–14.5
8.291–8.294	149.9–150.05	2310–2390	15.35–16.2
8.362–8.366	156.52475–156.52525	2483.5–2500	17.7–21.4
8.37625–8.38675	156.7–156.9	2655–2900	22.01–23.12
8.41425–8.41475	162.0125–167.17	3260–3267	23.6–24.0
12.29–12.293	167.72–173.2	3332–3339	31.2–31.8
12.51975–12.52025	240–285	3345.8–3358	36.43–36.5
12.57675–12.57725	322–335.4	3600–4400	([2])
13.36–13.41			

[1] Until February 1, 1999, this restricted band shall be 0.490–0.510 MHz.
[2] Above 38.6

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–14523 Filed 6–18–93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 350, 355, 385, 390, 391, and 395

[FHWA Docket Nos. MC–116, MC–88–12, MC–91–2, MC–91–3, MC–90–2, and MC–92–12]

RIN 2125–AC48, RIN 2125–AC67

Federal Motor Carrier Safety Regulations; Technical Corrections

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical corrections.

SUMMARY: This document corrects final rules that appeared in the **Federal Register** on October 30, 1987, February 1, 1990, July 30, 1992, and February 2, 1993. The corrections are necessary to remove the descriptions for recording total mileage today, home terminal address, and origin and destination; change the references to the driver qualification file requirements; add a provision for motor carriers and drivers in the State of Alaska that was omitted when the exceptions, previously scattered, were consolidated; and make conforming changes to the references to accident reporting requirements.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. David Miller, Office of Motor Carrier Standards, (202) 366–2981, or Mr. Charles Medalen, Office of the Chief Counsel, (202) 366–1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: A final rule published in the **Federal Register** on February 2, 1993 (58 FR 6726) amended 49 CFR part 390 and removed part 394, Notification and Reporting of Accidents including § 394.3, Definition of "reportable accident." The remaining references to accident recordkeeping and "reportable" accidents in paragraph (2)(a) of appendix C to part 350, in the paragraph titled Driver Qualifications of appendix A to part 355, and in §§ 385.5(f), 385.7(f), 390.3(f)(2), 390.5, 391.85 and 391.113 are being removed or changed to conform to the new requirements.

In addition, 49 CFR part 391 was amended by an interim final rule published in the **Federal Register** on February 1, 1990 (55 FR 3546). Section 391.87(e) was redesignated § 391.87(f) in that amendment, but the cross reference to § 391.87(e) in § 391.89 was not amended. In the original final rule of November 21, 1988 (53 FR 47134), § 391.87(e) listed the specific drug testing information required to be retained in driver qualification files. Section 391.89 provided the conditions for release of this specific information, referencing § 391.87(e). The FHWA intended that the reference to this information remain unchanged. The FHWA is, therefore, making a conforming amendment to § 391.89 by changing the cross references from § 391.87(e) to § 391.87(f).

Also, 49 CFR part 395 was amended by a final rule published in the **Federal Register** on July 30, 1992 (57 FR 33638). This rule included technical amendments which consolidated various exceptions to the hours-of-service rules into a new § 395.1, Scope of the rules in this part. Section 395.1(i) should have included four subordinate provisions. The 20-hour rule exception for drivers in the State of Alaska was inadvertently omitted. The FHWA is, therefore, amending part 395 to add the omitted provision to § 395.1(i)(1).

Finally, 49 CFR part 395 was amended by a final rule published in the **Federal Register** on October 30, 1987 (52 FR 41718). The rule included amendments which eliminated the requirements to record total mileage today, home terminal address, origin, and destination on each day's record of duty status. These previously required items were removed from § 395.8(d), although the descriptions of how to record these items were not removed from § 395.8(f). The FHWA is, therefore, amending part 395 to remove §§ 395.8(f)(11), 395.8(f)(12) and 395.8(f)(15). The FHWA is revising § 395.8(f) accordingly.

Rulemaking Analyses and Notices

Regulatory Impact

Because this final rule makes only minor, technical changes to the Federal Motor Carrier Safety Regulations to delete provisions relating to earlier-removed sections on reportable accidents and driver's records of duty status, conform cross references to § 391.87(f) in § 391.89, and incorporate hours of service provision that was inadvertently omitted, prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B). In addition, notice and opportunity for comment are not required under the Department of Transportation's regulatory policies and procedures for the following reason. We anticipate that notice and comment would not result in the receipt of useful information because the FHWA is not exercising discretion in a way that could be meaningfully affected by public comment. Therefore, the FHWA is making these amendments final without notice and opportunity for comment.

We also believe that the minor, merely technical nature of these amendments constitutes good cause to dispense with the 30 day delayed effective date requirement of 5 U.S.C. 553(d). In addition, the restoration of the omitted 20-hour rule for motor carriers and drivers in the State of Alaska creates an exemption from the general rule that a driver of a commercial motor vehicle (CMV) is prohibited from driving after having been on duty for 15 hours following 8 consecutive hours off duty. Thus, this amendment relieves CMV operators driving in the State of Alaska from the 15 hour restriction which might otherwise apply.

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

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the DOT. It is anticipated that the economic impact of this rulemaking will be minimal. This rule merely (1) removes the references to reportable accidents, (2) removes cross references to § 391.87(e) and adds cross references to § 391.87(f) in § 391.89 to conform to the original regulations, (3) restores a portion of an exception for motor carriers and drivers operating in the State of Alaska which was omitted from a final rule that was previously published, and (4) removes the descriptions for recording certain information on the driver's record of duty status since the requirement for such entries was previously removed.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. With respect to the restoration of the exception to the 15-hour rule in the State of Alaska, we believe the impact of this action on small entities will be minimal. Because the 20-hour rule was omitted, the 15-

hour rule has applied to motor carriers and their drivers in the State of Alaska since August 31, 1992. No enforcement actions, however, have been brought against motor carriers in Alaska for alleged violations of the 15-hour rule since the 20-hour rule was omitted. As a result, the omission of the 20-hour rule has had little, if any, economic impact on the small carriers of Alaska. We therefore believe that the reinstatement of the 20-hour provision would have an equally limited impact on these small carriers.

After analyzing all of the regulatory amendments made by this rule, the FHWA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. Nothing in this document directly preempts any State law or regulation. This final rule does not limit the policymaking discretion of the States. States will, however, be required to adopt this amendment only for the enforcement of interstate operations. Therefore, the FHWA certifies that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action contains no information collection requirements for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulatory Identification Number

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

List of Subjects

49 CFR Part 350

Grant programs—transportation, Highway safety, Highways and roads, Motor vehicle safety.

49 CFR Part 355

Grant programs—transportation, Highways and roads, Highway safety, Motor vehicle safety.

49 CFR Part 385

Accidents, Motor carriers, Penalties.

49 CFR Part 390

Accidents, Highways and roads, Highway safety, Motor carriers, Motor vehicle safety.

49 CFR Part 391

Drivers, Highway safety, Motor carriers, Motor vehicle safety.

49 CFR Part 395

Driver's record of duty status, Hours of service of drivers, Recordkeeping and reporting requirements.

Issued on: June 15, 1993.

Rodney E. Slater,

Administrator.

In consideration of the foregoing, the FHWA is amending title 49, Code of Federal Regulations, chapter III, subchapter B, parts 350, 355, 385, 390, 391 and 395 as follows:

PART 350—[AMENDED]

1. The authority citation for part 350 continues to read as follows:

Authority: 49 U.S.C. app. 2301–2304, 2505–2507; 49 U.S.C. 3102; sec. 15(d), Pub. L. 101–500, 104 Stat. 1213, 1219; secs. 4002 and 4009, Pub. L. 102–240, 105 Stat. 2140; and 49 CFR 1.48.

2. Paragraph 2(a) of appendix C to part 350 is revised to read as follows:

Appendix C to Part 350—Tolerance Guidelines for Adopting Compatible State Rules and Regulations

* * * * *

2. * * *

(a) States shall not be required to adopt 49 CFR parts 398, 399, 107, 171.15, 171.16 and 177.807 as applicable to either interstate or intrastate commerce. A State is not required to adopt 49 CFR part 178 only if the State can still enforce the standards contained therein.

* * * * *

PART 355—[AMENDED]

3. The authority citation for part 355 continues to read as follows:

Authority: 49 U.S.C. app. 2505–2508; 49 U.S.C. 504 and 3102; 49 CFR 1.48.

4. In part 355, appendix A is amended by removing the word "reportable" from the paragraph entitled *Driver Qualifications.*

PART 385—[AMENDED]

5. The authority citation for part 385 continues to read as follows:

Authority: 49 U.S.C. 104, 504, 521(b)(5)(A), and 3102; 49 U.S.C. app. 1814; 49 U.S.C. app. 2505 and 2512; sec. 15(b)(2), Pub. L. 101–500, 104 Stat. 1213, 1219; 49 CFR 1.48.

6. Paragraph (f) of § 385.5 is revised to read as follows:

§ 385.5 Safety fitness standard.

* * * * *

(f) Failure to maintain accident registers and copies of accident reports (part 390),

* * * * *

7. Paragraph (f) of § 385.7 is revised to read as follows:

§ 385.7 Factors to be considered in determining a safety rating.

* * * * *

(f) Frequency of accidents; hazardous materials incidents; accident rate per million miles; preventable accident rate per million miles; and other accident indicators; and whether these accident and incident indicators have improved or deteriorated over time.

* * * * *

PART 390—[AMENDED]

8. The authority citation for part 390 continues to read as follows:

Authority: 49 U.S.C. app. 2503 and 2505; 49 U.S.C. 3102 and 3104; and 49 CFR 1.48.

9. Paragraph (f)(2) of § 390.3 is revised to read as follows:

§ 390.3 General applicability.

* * * * *

(f) * * *

(2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States. The accident recordkeeping requirements of § 390.15 of this part remain applicable to the entities identified in this paragraph when engaged in the interstate charter transportation of passengers;

* * * * *

10. In § 390.5, the definition of "Principal place of business" is revised to read as follows:

§ 390.5 Definitions.

* * * * *

Principal place of business means a single location designated by the motor carrier, normally its headquarters, where records required by parts 387, 390, 391, 395, and 396 of this subchapter will be maintained. Provisions in this subchapter are made for maintaining certain records at locations other than the principal place of business.

* * * * *

PART 391—[AMENDED]

11. The authority citation for part 391 continues to read as follows:

Authority: 49 U.S.C. app. 2505; 49 U.S.C. 504 and 3102; and 49 CFR 1.48.

12. In § 391.85, the introductory text of the definition of "Non-suspicion-based post-accident testing" is revised to read as follows:

§ 391.85 Definitions.

* * * * *

Non-suspicion-based post-accident testing means testing of a commercial motor vehicle driver after an accident, as defined in § 390.5 of this subchapter:

* * * * *

13. Section 391.89 is revised to read as follows:

§ 391.89 Access to individual test results or test findings.

(a) No person may obtain the individual test results retained by a medical review officer, and no medical review officer shall release the individual test results of any employee to any person, without first obtaining written authorization from the tested employee. Nothing in this paragraph shall prohibit a medical review officer from releasing, to the employing motor carrier, the information delineated in § 391.87(f) of this subpart.

(b) No person may obtain the information delineated in § 391.87(f) of this part and retained by a motor carrier, and no motor carrier shall release such information about any employee or previous employee, without first obtaining written authorization from the tested employee.

14. Paragraph (a) in § 391.113 is revised to read as follows:

§ 391.113 Post-accident testing requirements.

(a) A driver shall provide a urine sample to be tested for the use of controlled substances as soon as possible, but not later than 32 hours, after an accident, as defined in § 390.5 of this subchapter, if the driver of the commercial motor vehicle receives a citation for a moving traffic violation arising from the accident.

* * * * *

PART 395—[AMENDED]

15. The authority citation for part 395 continues to read as follows:

Authority: 49 U.S.C. 3102; 49 U.S.C. app. 2505; and 49 CFR 1.48.

16. Paragraph (i)(1) of § 395.1 is revised to read as follows:

§ 395.1 Scope of rules in this part.

* * * * *

(i) *State of Alaska.*

(1) The provisions of § 395.3 shall not apply to any driver who is driving a commercial motor vehicle in the State of Alaska. A driver who is driving a commercial motor vehicle in the State of Alaska must not drive or be required or permitted to drive—

(i) More than 15 hours following 8 consecutive hours off duty;

(ii) After being on duty for 20 hours or more following 8 consecutive hours off duty;

(iii) After having been on duty for 70 hours in any period of 7 consecutive days, if the motor carrier for which the driver drives does not operate every day in the week; or

(iv) After having been on duty for 80 hours in any period of 8 consecutive days, if the motor carrier for which the driver drives operates every day in the week.

* * * * *

17. Paragraph (f) of § 395.8 is revised to read as follows:

§ 395.8 Driver's record of duty status.

* * * * *

(f) The driver's activities shall be recorded in accordance with the following provisions:

(1) *Entries to be current.* Drivers shall keep their records of duty status current to the time shown for the last change of duty status.

(2) *Entries made by driver only.* All entries relating to driver's duty status must be legible and in the driver's own handwriting.

(3) *Date.* The month, day and year for the beginning of each 24-hour period shall be shown on the form containing the driver's duty status record.

(4) *Total miles driving today.* Total mileage driven during the 24-hour period shall be recorded on the form containing the driver's duty status record.

(5) *Vehicle identification.* The carrier's vehicle number or State and license number of each truck, truck tractor and trailer operated during that 24-hour period shall be shown on the form containing the driver's duty status record.

(6) *Name of carrier.* The name(s) of the motor carrier(s) for which work is performed shall be shown on the form containing the driver's duty status record. When work is performed for more than one motor carrier during the same 24-hour period, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the motor carrier performing the transportation.

(7) *Signature/certification.* The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record. The driver's signature certifies that all entries required by this section made by the driver are true and correct.

(8) *Time base to be used.* (i) The driver's duty status record shall be prepared, maintained, and submitted using the time standard in effect at the driver's home terminal, for a 24-hour period beginning with the time specified by the motor carrier for that driver's home terminal.

(ii) The term "7 or 8 consecutive days" means the 7 or 8 consecutive 24-hour periods as designated by the carrier for the driver's home terminal.

(iii) The 24-hour period starting time must be identified on the driver's duty status record. One-hour increments must appear on the graph, be identified, and preprinted. The words "Midnight" and "Noon" must appear above or beside the appropriate one-hour increment.

(9) *Main office address.* The motor carrier's main office address shall be shown on the form containing the driver's duty status record.

(10) *Recording days off duty.* Two or more consecutive 24-hour periods off duty may be recorded on one duty status record.

(11) *Total hours.* The total hours in each duty status: off duty other than in a sleeper berth; off duty in a sleeper berth; driving, and on duty not driving, shall be entered to the right of the grid, the total of such entries shall equal 24 hours.

(12) *Shipping document number(s) or name of shipper and commodity* shall be shown on the driver's record of duty status.

[FR Doc. 93-14511 Filed 6-18-93; 8:45 am]
BILLING CODE 4910-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Parts 611 and 672

[Docket No. 921107-3149; I.D. 052693B]

Foreign Fishing; Groundfish of the Gulf of Alaska

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

ACTION: Final 1993 initial specifications for Pacific ocean perch and the "other species" category, and closures to directed fishing.

SUMMARY: NMFS announces the final 1993 initial harvest specifications of total allowable catch (TAC) for Pacific ocean perch (POP) in the Gulf of Alaska (GOA), and a corresponding adjustment to the final TAC specifications for "other species." These actions are necessary to establish harvest limits for POP, and to adjust accordingly the TAC specifications for "other species" during the 1993 fishing year. NMFS also is closing specified areas to directed fishing for POP consistent with the final 1993 initial specifications for POP. These actions are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: The final 1993 initial specifications for POP, the adjusted TAC specifications for "other species," and the specified closures to directed fishing for POP are effective at 12 noon, Alaska local time (A.l.t.), June 18, 1993. The closures to directed fishing are effective through 12 midnight, A.l.t., December 31, 1993.

ADDRESSES: Copies of a Final Environmental Assessment of 1993 Groundfish Total Allowable Catch Specifications for the Gulf of Alaska, dated February 1993 (EA), may be obtained from the Fisheries Management Division, Alaska Region, NMFS, Box 21668, Juneau, Alaska 99802. The Final Stock Assessment and Fishery Evaluation Report for the 1993 Gulf of Alaska Groundfish Fishery, dated November 1992 (SAFE Report), and the Analysis of Alternative Harvest Policies for Rebuilding Pacific Ocean Perch in the Gulf of Alaska, dated 20 May 1993, are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Jessica A. Gharret, Fishery Management Biologist, Alaska Region, NMFS, (907) 586-7230.

SUPPLEMENTARY INFORMATION:

Background

NMFS announces for the 1993 fishing year: (1) Acceptable biological catch (ABC) and total allowable catch (TAC) amounts for POP in the GOA and an apportionment of TACs among domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF); (2) inseason adjustment to the "other species" TAC specifications; and (3) specified area closures to directed fishing for POP. A discussion of each of these measures follows.

1. Specification of POP TAC

The North Pacific Fishery Management Council (Council) met December 8–13, 1992, to review current scientific information and consider public testimony regarding 1993 groundfish stocks and fisheries, and to recommend final 1993 specifications of TAC. Scientific information is contained in the SAFE Report, which was prepared and presented by the GOA Plan Team to the Council and the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP). After consideration of Council recommendations and all other relevant information, NMFS, under 50 CFR 672.20(c)(1)(ii)(B), established final 1993 initial specifications for GOA groundfish, except for POP (58 FR 16787, March 31, 1993). For the reasons given below, NMFS requested that the Council reconsider its recommended specifications for POP at its April 1993 meeting.

The Council, at its December 1992 meeting, reviewed updated scientific information about POP life history, stock status, and commercial exploitation presented in the SAFE Report and in testimony to the Council and its committees, and recommended a 1993 POP ABC and TAC of 5,560 metric tons (mt) and 2,560 mt, respectively. The Council recommended the reduced TAC because scientific information indicates that POP stocks are depressed compared to historical, pre-exploitation levels, and that a high level of uncertainty is associated with stock assessment methodology. The Council believed that, on a Gulf-wide basis, the 2,560 mt TAC was anticipated to be sufficient to provide for unavoidable bycatch of POP in remaining trawl fisheries, and that a low TAC was necessary to rebuild POP stocks. The Council stated its desire to reduce the POP mortality, maintain non-POP fisheries, and avoid unnecessary waste and discards.

NMFS declined to specify an initial 1993 POP TAC at the time all other GOA groundfish TACs were specified (58 FR 16787, March 31, 1993) because of: (1) The requirements of the FMP at Section 2.1 to consider costs and benefits prior to undertaking of stock rebuilding plans; (2) the anticipated availability of additional biological and socioeconomic information on POP to be incorporated in a draft stock rebuilding analysis, scheduled to be reviewed by the Council at its April 1993 meeting; and (3) the potentially large value foregone to the trawl industry if the recommended TAC was implemented, as presented in testimony to the Council and in comments received by NMFS after the December 1992 meeting. NMFS instead referred the recommended specifications for POP back to the Council for reconsideration at its April 1993 meeting.

At its April 1993 meeting, the Council received public testimony and considered the draft analysis of alternatives for rebuilding POP stocks. Among other items, the POP rebuilding analysis presented information requested at earlier meetings by the Plan Team, SSC, AP, and an industry rockfish committee on an appropriate stock-recruitment relationship, optimal fishing exploitation rate (F_{MSY}), corresponding target biomass for rebuilding (B_{MSY}), and an evaluation of the economic costs and benefits associated with four stock rebuilding alternatives. In the normal course of events, this new information would not be incorporated in the stock assessment/specification process until the next annual cycle, here, the one for the 1994 groundfish specifications, when it could be reviewed and approved by the Plan Team. However, based on the new information and on comments by the SSC that, on the basis of the analysis, both the 1993 ABC and overfishing levels would have been set at F_{MSY} of 3,378 mt, the Council recommended that amount as both a new 1993 ABC and overfishing level. After public testimony, the Council also reiterated its original TAC recommendation of 2,560 mt as an appropriate harvest level for 1993.

The Council did not specifically address the distribution of POP ABC or TAC within the GOA at its April 1993 meeting. Groundfish ABCs and TACs have in the past been apportioned among the Regulatory areas and Districts in accordance with biomass distribution to reduce the potential for localized depletion and to make groundfish available to harvesters all over the GOA. This was also the Council

recommendation for the distribution of 1993 POP ABC and TAC in December 1992. However, distribution of the POP TAC based solely on biomass distribution would not fulfill Council expectations for POP management because the majority of trawl activity and highest need for POP bycatch is the Central Regulatory Area, while the highest abundance of POP occurs in the Eastern Regulatory Area. Therefore, insufficient amounts of POP would be available to support trawl fisheries in the Central Regulatory Area, and amounts excess to bycatch needs would be available in the other two areas. After attainment of the TAC in the Central Regulatory Area, continuing trawl fisheries would accrue additional POP, which would have to be discarded despite 100 percent mortality of these fish. In order to minimize such waste and discards and disruption of trawl fisheries, while at the same time reducing the risk of localized depletion of POP, NMFS is distributing the TAC among regulatory areas in another manner. TAC is distributed first, in accordance with the distribution of POP biomass; second, in accordance with anticipated bycatch needs; and last, as limited by the apportioned ABC for each regulatory area. The resultant apportionments of TAC for the Western, Central, and Eastern Regulatory Areas, respectively, are: 341 mt, 949 mt, and 1,270 mt (Table 1, Revised). NMFS estimates that in the Central Regulatory Area, additional amounts of POP may be caught during anticipated 1993 trawl fisheries, which could neither be retained nor survive to contribute to future recruitment of POP. However, overfishing has been established in a Gulf-wide basis and would not be reached solely on the basis of Central Regulatory Area fishing activities. As required by the FMP and implementing regulations, NMFS will take steps necessary to minimize waste, prevent overfishing while achieving the optimum yield (OY) of all groundfish species, including early curtailment of fisheries that have significant bycatches of POP in the GOA, and promote efficiency in resource utilization.

The Council previously recommended that DAP equal TAC for each groundfish species category, resulting in no TALFF or JVP apportionments for any groundfish for the 1993 fishing year.

Under 50 CFR 672.20(a)(2)(ii), the sum of the TACs for all species must fall within the combined OY range established for these species—116,000–800,00 mt. After specification of the 1993 initial TAC for POP, and adjustment of the specifications for "other species," the OY remains within this allowable range.

NMFS has reviewed the Council's recommendations for final 1993 POP ABC and TAC specifications and hereby approves these specifications under 50 CFR 672.20(c0(1)(ii)(B); the POP TAC is apportioned among regulatory areas within the GOA according to the stated goals of the Council and consistent with the best available scientific information about the POP resource.

2. Adjustment of TAC for "Other Species"

The FMP specifies that the TAC amount for the "other species" category is equal to 5 percent of the combined TACs for target species. The TAC of "other species" was previously specified for each regulatory area as 5 percent of the sum of all target groundfish TACs except POP, including 5 percent of the interim TAC for POP (58 FR 16787, March 31, 1993). The Director, Alaska Region (Regional Director) has adjusted the "other species" TAC for each regulatory area to reflect the final TAC specifications for POP. Resultant adjusted 1993 TACs of "other species" are shown in Table 1 (Revised).

3. Closures to Directed Fishing for POP

Notifications in the **Federal Register** of proposed and final 1993 interim specifications of groundfish and associated management measures for the GOA (57 FR 57982, December 8, 1992, and 58 FR 16787, March 1993, respectively), contained closures to directed fishing for POP during 1993. Under 50 CFR 672.20(c)(2)(ii), the Regional Director has determined that the TAC for POP specified for the Western, Central, and Eastern Regulatory Areas will be needed as incidental catch to support other anticipated groundfish fisheries during 1993. Although the estimated bycatch needs for POP in the Eastern Regulatory Area are substantially less than the available TAC, industry representatives have indicated that a fishery for the "other rockfish" category may expand significantly as a remedy to the lower availability of POP during 1993. The Regional Director has determined that available POP will be needed as bycatch to support other directed fisheries in that regulatory area. Therefore, the Regional Director is establishing directed fishing allowances of zero mt and prohibiting directed fishing for the remainder of the fishing year for POP in the Western, Central, and Eastern Regulatory Areas. Directed fishing standards may be found at 50 CFR 672.20(g). These closures to directed fishing could be rescinded if and when remaining POP is determined to no longer be needed as bycatch during 1993.

Response to Comments

Written comments on the proposed 1993 initial specifications and other management measures were requested until January 4, 1993. The Regional Director received four comments on the Council recommendations for 1993 rockfish TACs during the comment period. Comments on rockfishes other than POP were addressed in a previous **Federal Register** notice (58 FR 16787, March 31, 1993). Of the four letters, two expressed support for the Council's December 1992 recommendation of TAC for POP (2,560 mt), and two supported a higher TAC for POP. Because the Council at its April 1993 meeting again recommended a final 1993 POP TAC of 2,560 mt, those comments remain relevant to this action, and are summarized and responded to below.

Comment 1: The 1993 TAC recommended for POP by the Council (2,560 mt) is appropriate. POP stocks have been heavily exploited and remain depleted relative to historic pre-exploitation levels. The Magnuson Act mandates that regional councils rebuild depleted fish stocks. The recommended TAC was calculated using a reduced exploitation rate. It was the only stock projection presented to the Council at its December 1992 meeting that had a high probability of rebuilding the stocks to a commonly accepted reference level in a "reasonable" period of time.

Response: NMFS approved the Council's recommended TAC for POP. NMFS agrees that POP have been heavily exploited, and that the population is currently below historic "unfished" levels and may be in need of rebuilding. NMFS concurs with the Council's action to analyze alternatives for possible adoption of a stock rebuilding plan as required by the FMP.

Comment 2: The POP TAC recommended by the Council is unjustifiably low; TAC should be set at or slightly below ABC. The ABC adopted by the Council and recommended by its advisory bodies in December 1992 for 1993 (5,560 mt) is based on the best available scientific information and incorporates a conservative adjustment for the status of the POP population relative to a commonly accepted reference level. The population of POP is low but stable, and current fishing is not the cause of large declines in prior years. NMFS can effectively manage a TAC set at or near ABC. At current exploitation rates incorporated in the ABC, recruitment

will occur under favorable environmental conditions.

Response: NMFS believes that a reduced TAC for POP is justified on biological grounds because of uncertainties about the knowledge about rockfish biology, historic exploitation levels, and population status, and because the current ABC is 3,378 mt, equal to the overfishing level. The 1993 ABC for POP recommended in December 1992, 5,560 mt, was the product of a rigorous analysis of available data. However, after review of new information presented to the Council and its committees in April 1993 as part of an analysis of potential POP stock rebuilding programs, the SSC indicated that it would have adopted an ABC and overfishing level of 3,378 mt had that information been available in December 1992. The Council subsequently adopted 3,378 mt as the ABC and overfishing level. Additionally, current POP stock survey methodology will benefit from continual reevaluation of methods, and the spawn-recruit relationship for POP is not well understood. Finally, changes in biomass and recruitment patterns for species such as pollock and arrowtooth flounder may indicate large-scale changes in the GOA ecosystem. If such environmental changes limit environmental conditions favorable for POP, then all sources of mortality, including that from commercial fishing, could reduce the probability of successful recruitment. These factors support a conservative TAC to improve the probability of maintenance of the POP stocks.

Comment 3: The recommended TAC for POP establishes a "bycatch only" management regime and will result in unnecessary waste and discards of POP bycatch in other groundfish fisheries once TAC has been achieved and POP may no longer be retained.

Response: Estimation of bycatch needs for POP in 1992 groundfish fisheries indicates that the recommended 1993 TAC for POP will support non-POP trawl fisheries at levels experienced in 1992 (or at increased levels for some species), except in the Central Regulatory Area. NMFS distributed the recommended overall TAC among GOA Regulatory areas to accomplish the Council goals of decreasing POP fishing mortality with minimum disruption to existing groundfish fisheries, and to avoid unnecessary waste and discards.

Comment 4: The POP TAC recommended by the Council was politically motivated to limit trawl activity in the GOA.

Response: The POP TAC recommended by the Council is justifiable for conservation and management of the POP stock. Political or other motivations are not germane.

Classification

This action is authorized under 50 CFR 611.92 and 672.20 and complies with E.O. 12291.

NMFS prepared an EA on the 1993 TAC specifications. The Assistant Administrator for Fisheries, NOAA, concluded that no significant impact on the human environment will result from their implementation. The initial POP TAC, adjusted "other species" TAC, and sum of all 1993 groundfish TACs in the GOA are unchanged from those for which the EA was prepared, and the conclusion of that document remains valid.

Pursuant to section 7 of the Endangered Species Act (ESA), an informal consultation about effects of the final 1993 initial groundfish specifications on: (1) Steller sea lions was concluded on January 27, 1993; (2) listed species of Pacific salmon on April 21, 1993; and, (3) listed, proposed and candidate seabirds was concluded on February 1 and clarified on February 12, 1993. The Regional Director has determined that fishing activities conducted under this rule would not affect endangered or threatened species under the ESA in a manner not already considered in these information consultations concluded for the 1993 groundfish specifications.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations.

50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: June 16, 1993.

Gary Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

TABLE 1 (REVISED).—FINAL 1993 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWABLE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW)

[Specifications of domestic annual processing (DAP) equal TAC. Values are in metric tons]

Species	Overfishing level	Area [1]	ABC	TAC=DAP
Pollock [2]	286,000	SH	34,068	24,087
		CH	36,737	25,974
		KD	86,195	60,939
		W/C	157,000	111,000
	9,020	E	3,400	3,400
		Total	160,400	114,400
Pacific cod [3]		W	18,700	18,700
		C	35,200	35,200
		E	2,800	2,800
	78,100	Total	56,700	56,700
Deep water flatfish [4]		W	2,020	1,740
		C	35,580	15,000
		E	7,930	3,000

TABLE 1 (REVISED).—FINAL 1993 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWABLE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW)—Continued

[Specifications of domestic annual processing (DAP) equal TAC. Values are in metric tons]

Species	Overfishing level	Area [1]	ABC	TAC=DAP
	59,650	Total	45,530	19,740
Shallow water flatfish [5]		W	27,480	4,500
		C	21,260	10,000
		E	1,740	1,740
	70,860	Total	50,480	16,240
Flathead sole		W	12,580	2,000
		C	31,830	5,000
		E	5,040	3,000
	64,780	Total	49,450	10,000
Arrowtooth flounder		W	38,880	5,000
		C	253,330	20,000
		E	29,080	5,000
	451,690	Total	321,290	30,000
Sablefish [6]		W	2,030	2,030
		C	9,610	9,610
		WYK	3,830	3,830
		SEO	5,430	5,430
	27,750	Total	20,900	20,900
Northern rockfish [7]		W	1,000	1,000
		C	4,720	4,720
		E	40	40
	10,360	Total	5,760	5,760
Other rockfish [8]		W	330	214
		C	1,640	1,064
		E	6,330	4,105
	9,850	Total	8,300	5,383
Pacific ocean perch [9]		W	753	341
		C	949	949
		E	1,676	1,270
	3,378	Total	3,378	2,560
Shortraker/rougheye rockfish [10]		W	100	90
		C	1,290	1,161
		E	570	513
	2,900	Total	1,960	1,764
Pelagic shelf rockfish [11]		W	1,010	1,010
		C	4,450	4,450
		E	1,280	1,280
	11,300	Total	6,740	6,740
Demersal shelf rockfish [12]	1,600	SEO	800	800
Thornyhead rockfish	1,441	GW	1,180	1,062
Other species [13]		W	NA	3,053
		C	NA	9,721
		E	NA	1,828
	NA	Total	NA	14,602
Total			732,868	306,651

Footnotes:
[1] See figure 1 of § 672.20 for description of regulatory areas/districts.

TABLE 1 (REVISED).—FINAL 1993 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWABLE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW)—Continued

[Specifications of domestic annual processing (DAP) equal TAC. Values are in metric tons]

Species	Overfishing level	Area [1]	ABC	TAC=DAP

[2] TAC for W/C Regulatory Area is 111,000 mt, representing the sum of the Shumagin (SH), Chirikof (CH), and Kodiak (KD) districts. The category pollock is allocated entirely to vessels catching pollock for processing by the inshore component after subtraction of an amount that is projected by the Regional Director to be caught by, or delivered to, the offshore component incidental to fishing for other groundfish species.

[3] The category Pacific cod is allocated 90 percent to vessels catching Pacific cod for processing by the inshore component and 10 percent to vessels catching Pacific cod for processing by the offshore component (Table 4).

[4] The category "deep water flatfish" means rex sole, Dover sole, and Greenland turbot.

[5] The category "shallow water flatfish" means flounders not including "deep water flatfish," flathead sole, or arrowtooth flounder.

[6] The category sablefish is allocated to trawl and hook-and-line gears (Table 2).

[7] The category Northern rockfish (*Sebastes polyspinis*) was previously part of the "Other rockfish" complex.

[8] The category "other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District includes slope rockfish, and demersal shelf rockfish as defined in #12 below. The category "other rockfish" in the Southeast Outside District includes only the slope rockfish.

Slope rockfish means all members of the genus *Sebastes* not defined as pelagic shelf rockfish, demersal shelf rockfish, or Pacific ocean perch, including the following:

Sebastes aurora (aurora rockfish), *S. melanostomus* (blackgill rockfish), *S. paucispinis* (bocaccio), (*S. goodei* (chilipepper rockfish), *S. crameri* (darkblotch rockfish), *S. elongatus* (greenstriped rockfish), *S. variegatus* (harlequin rockfish), *S. wilsoni* (pygmy rockfish), *S. proriger* (redstripe rockfish), *S. zacentrus* (sharpchin rockfish), *S. jordani* (shortbelly rockfish), *S. brevispinis* (silvergrey rockfish), *S. diploproa* (splitnose rockfish), *S. saxicola* (Stripetail rockfish), *S. miniatus* (Vermilion rockfish), and *S. reedi* (Yellowmouth rockfish).

[9] The category "Pacific ocean perch" means *Sebastes alutus*.

[10] The category "shortraker/rougheye rockfish" includes *Sebastes borealis* and *S. aleutianus*, respectively.

[11] The category "pelagic shelf rockfish" includes: *Sebastes melanops* (black rockfish), *S. mystinus* (blue rockfish), *S. ciliatus* (dusky rockfish), *S. entomelas* (widow rockfish), and *S. flavidus* (yellowtail rockfish).

[12] The category "demersal shelf rockfish" includes: *Sebastes pinniger* (canary rockfish), *S. nebulosus* (China rockfish), *S. caurinus* (copper rockfish), *S. maliger* (quillback rockfish), *S. babcocki* (redbanded rockfish), *S. helvomaculatus* (rosethorn rockfish), *S. nigrocinctus* (tiger rockfish), and *S. ruberrimus* (yelloweye rockfish).

[13] The category "other species" includes Atka mackerel, sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC is equal to 5 percent of the sum of TACs of target species in each Regulatory Area.

[FR Doc. 93–14544 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 117
Monday, June 21, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 704 and 741

Organization and Operations of Federal Credit Unions: Corporate Credit Unions; Requirements for Insurance

AGENCY: National Credit Union Administration (NCUA).

ACTION: Extension of comment period.

SUMMARY: On May 19, 1993, the NCUA issued a proposed rule allowing corporate credit unions more options in purchasing fidelity bond coverage. The proposed rule was published in the **Federal Register** on May 27, 1993 (see 58 FR 30719). The NCUA Board requested that comments on the proposed rule be postmarked by July 26, 1993. Due to a request made, the Board has decided to extend the comment period for four days, to July 30, 1993.

DATES: The comment period is being extended from July 26, 1993, to July 30, 1993. Comments must be postmarked by July 30, 1993.

ADDRESSES: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: D. Michael Riley, Director, or Ron Alf, Corporate Specialist, Office of Examination and Insurance, 202–682–9640, or Allan Meltzer, Associate General Counsel, Office of General Counsel, 202–682–9630, at the above address.

Authority: The authority for this action is the general rulemaking authority of the NCUA Board, 12 U.S.C. 1766(a).

By the National Credit Union Administration Board on June 14, 1993.

Becky Baker,
Secretary of the Board.

[FR Doc. 93–14572 Filed 6–18–93; 8:45 am]
BILLING CODE 7535–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–93–11]

Petition for Rulemaking

Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received August 20, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick M. Haynes, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3939.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Donald P. Byrne,
Assistant Chief Council for Regulations.

Petitions for Rulemaking

Docket No.: 27296
Petitioner: Mr. John W. Caulkins
Regulations Affected: 14 CFR 43.7(d)
Description of Rulechange Sought: To change the reference § 43.3(h) to 43.3(i) in the subject FAR.

Petitioner's Reason for the Request: The petitioner feels that the reference to § 43.3(h), contained in § 43.7(d), should read § 43.3(i).

[FR Doc. 93–14506 Filed 6–18–93; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 93–ANE–10]

Airworthiness Directives; Dowty Rotol (Now Dowty Aerospace Gloucester Ltd.) Propeller Models (c)R354/4–123–F/13, (c)R354/4–123–F/20, and (c)R375/4–123–F/21

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) Propeller Model (c)R354/4–123–F/13 series, that currently requires a torque check of the propeller retention bolts for low torque; a magnetic particle inspection of the propeller retention bolts for cracks, and dye penetrant, ultrasonic, and eddy current inspections of the propeller hub backface for cracks. This action would require inspections of additional model propellers, require installation of an interface shim, and increase the repetitive inspection interval from 500 to 1500 hours time in service (TIS). This proposal is prompted by new test data and results of world-wide fleet operator service usage inspections. The actions specified by the proposed AD are intended to prevent possible loss of the propeller.

DATES: Comments must be received by August 20, 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–10, 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 the proposed rule may be obtained from Dowty Aerospace Gloucester Ltd., Anson Business Park, Cheltenham Road East, Gloucester GL2 9QN England. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–ANE–10." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–10, 12 New England Executive Park, Burlington, Massachusetts, 01803–5299.

Discussion

On May 11, 1988, the FAA issued AD 87–21–51, Amendment 39–5929 (53 FR 25139, July 5, 1988), applicable to Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) Propeller Model (c)R354/4–123–F/13, installed on SAAB–SF340A and SAAB–SF340B series aircraft, to require a torque check of the propeller retention bolts for low torque; a magnetic particle inspection of the propeller retention bolts for cracks; and dye penetrant, ultrasonic, and eddy current inspections of the propeller hub backface for cracks. That action was prompted by reports of propellers with cracked hubs. These conditions, if not corrected, could result in possible loss of the propeller.

Since the issuance of that AD, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, has received reports of new test data and the results of world-wide fleet operator service usage inspections. The CAA submitted this data to the FAA and the FAA has reviewed this data and the findings of the CAA. The FAA has determined that AD action is necessary to increase the interval between repetitive inspections from 500 to 1500 hours time in service (TIS) after installation of a propeller hub/engine flange interface shim (Dowty Aerospace Gloucester Ltd. Modification (C) VP3336). Also, Dowty Aerospace Gloucester Ltd., made improvements to the original design, and gave these improvements different model numbers, which now must be included in the Applicability section of the AD. Current installations on the SAAB–SF340A, and SF340B, series aircraft include the following propeller hub assemblies Model Numbers: (c)R354/4–123–F/13, (c)R354/4–123–F/20, and (c)R375/4–123–F/21. These propeller models may have the following Dowty Aerospace Gloucester Ltd. hub assemblies Part Numbers (P/N) 660712279 or 660713281; P/Ns 660714200; or original hub assemblies P/Ns 660717279 and 650013650 and 660713281 and 650013650 that have been reworked in accordance with Dowty Rotol Service Bulletin No. SF340–61–33, Revision 1, dated May 23, 1988.

Dowty Aerospace Gloucester Ltd. has issued the following Service Bulletins (SB): SB No. SF340–61–57, dated February 15, 1991, that describes procedures for installing a shim at the propeller hub/engine flange interface (Dowty Aerospace Gloucester Ltd. Modification (C) VP3336); SB SF340–61–58, Revision 1, dated July 18, 1991, that describes procedures for torque checking propeller retention bolts for low torque and cracks, and dye penetrant, ultrasonic, and eddy current inspections of the hub backface for cracks; and SB SF340–61–61, Revision 1, dated October 19, 1992, that describes remarking applicable propeller model numbers after installing a newly designed hub assembly. Although not required by this AD, installing this newly designed hub assembly and remarking the propeller model numbers constitute a terminating action to the inspection requirements of this AD.

Since an unsafe condition has been identified that is likely to exist or develop on other propeller models of this same type design installed on aircraft registered in the United States, the proposed AD would supersede AD 87–21–51 to require torque checks of the propeller retention bolts for low torque magnetic particle inspections of the propeller retention bolts for cracks; dye penetrant, ultrasonic, and eddy current inspections of the hub backface for cracks; on Dowty Aerospace Gloucester Ltd., Model Number (c)R354/4–123–F/13, and the following additional propeller models: Dowty Aerospace Gloucester Ltd. Model Numbers (c)R354/4–123–F/20 and (c)R375/4–123–F/21. The proposed AD would also require installation of an interface shim (Dowty Aerospace Gloucester Ltd. Modification (C) VP3336), and increase the repetitive inspection interval from 500 to 1500 hours time in service (TIS).

The FAA estimates that 268 Dowty Aerospace Gloucester Ltd., Models (c)R354/4–123–F/13, (c)R354/4–123–F/20, and (c)R375/4–123–F/21 propellers of the affected design are installed on SAAB–SF340, and SAAB–SF340B series aircraft of U.S registry, that it would take approximately 8 work hours per propeller to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $35 per propeller. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $127,300.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–5929 (53 FR 25139, July 5, 1988) and by adding a new airworthiness directive to read as follows:

Dowty Rotol (now Dowty Aerospace Gloucester Ltd.): Docket No. 93–ANE–10. Supersedes AD 87–21–51, Amendment 39–5929.

Applicability: Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) Propeller Models (c)R354/4–123–F/13, (c)R354/4–123–F/20, and (c)R375/4–123–F/21 installed on SAAB–SF340A, and SAAB–SF340B series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible loss of the propeller, accomplish the following:

(a) For Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) Model (c)R354/4–123–F/13 propellers, perform Dowty Aerospace Gloucester Ltd. Modification (C) VP3336 by installing interface shim Part Number (P/N) 660712669 in accordance with Dowty Aerospace Gloucester Ltd. Service Bulletin (SB) No. SF340–61–57, dated February 15, 1991, within 500 hours time in service (TIS) since the last torque check and inspections accomplished in accordance with AD 87–21–51.

(b) For Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) Model R354/4–123–F/13 propellers, perform a torque check of the propeller retention bolts for low torque and a magnetic particle inspection of the propeller retention bolts for cracks; perform dye penetrant, ultrasonic, and eddy current inspections of the propeller hub backface for cracks. If propeller retention bolts or hubs are found to have cracks, remove from service prior to further flight, and replace with serviceable propeller retention bolts and hubs, within 500 hours TIS since the last torque check and cracking inspections accomplished in accordance with AD 87–21–51. These actions must be accomplished in accordance with Dowty Aerospace Gloucester Ltd. SB No. SF340–61–58, Revision 1, dated July 18, 1991.

(c) For Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) Model (c)R354/4–123–F/20 and (c)R375/4–123–F/21 propellers, perform Dowty Aerospace Gloucester Ltd. Modification (C) VP3336 by installing interface shim P/N 660712669 in accordance with Dowty Aerospace Gloucester Ltd. SB No. SF340–61–57, dated February 15, 1991, within 100 hours TIS after the effective date of this AD; or 500 hours TIS since the last torque check and inspections accomplished in accordance with Dowty Aerospace Gloucester Ltd. SB No. SF340–61–58, Revision 1, dated July 18, 1991, or Dowty Aerospace Gloucester Ltd. SB No. SF340–61–21, Revision 4, dated October 1, 1987; or 500 hours TIS since new, whichever occurs latest.

(d) For Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) Model (c)R354/4–123–F/20 and (c)R375/4–123–F/21 propellers, perform a torque check of the propeller retention bolts for low torque; a magnetic particle inspection of the propeller retention bolts for cracks; and dye penetrant, ultrasonic, and eddy current inspections of the propeller hub backface for cracks. Remove from service prior to further flight cracked propeller retention bolts and hubs, and replace with serviceable propeller retention bolts or hubs, within 100 hours TIS after the effective date of this AD; or 500 hours TIS since the last torque check and inspections accomplished in accordance with Dowty Aerospace Gloucester Ltd. SB No. SF340–61–58, Revision 1, dated July 18, 1991, or Dowty Rotol (now Dowty Aerospace Gloucester Ltd.) SB No. SF340–61–21, Revision 4, dated October 1, 1987; or 500 hours TIS since new, whichever occurs latest. These actions must be accomplished in accordance with Dowty Aerospace Gloucester Ltd, SB No. SF340–61–58, Revision 1, dated July 18, 1991.

(e) Thereafter, for propeller models identified in paragraphs (a) and (c) of this AD, perform a torque check of the propeller retention bolts for low torque; a magnetic particle inspection of the propeller retention bolts for cracks; and dye penetrant, ultrasonic, and eddy current inspections of the propeller hub backface for cracks. Remove from service prior to further flight cracked propeller retention bolts and hubs, and replace with serviceable propeller retention bolts or hubs at intervals not to exceed 1500 hours TIS since the last torque check and inspections performed in accordance with paragraph (b) or (d), as applicable, of this AD. These actions must be accomplished in accordance with Dowty Gloucester Aerospace Ltd. SB No. SF340–61–58, Revision 1, dated July 18, 1991.

(f) Installation of newly designed Dowty Aerospace Gloucester Ltd. propeller hub assembly P/N 660714241 and remarking of the propeller in accordance with Dowty Aerospace Gloucester Ltd. SB No. SF340–61–61, Revision 1, dated October 19, 1992, constitutes terminating action to the inspection requirements of this AD.

(g) 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 Principal 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.

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

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

Michael H. Borfitz,

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

[FR Doc. 93–14497 Filed 6–18–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

Texas Permanent Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Texas permanent regulatory program (hereinafter, the "Texas program" under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The

proposed amendment consists of revisions to the Texas rules pertaining to the mining of coal incidental to the extraction of other minerals; termination of jurisdiction; definitions; employee financial interests; lands unsuitable procedures; permitting procedures; coal exploration; geologic and hydrologic information, reclamation plans, and hydrologic balance standards; maps and plans; transportation facilities and roads; alluvial valley floors; archaeological resources; approval of permits; bonding requirements; use of explosives and blaster training and certification; backfilling and grading; coal processing waste disposal; protection of fish and wildlife and related environmental values; revegetation success; and individual civil penalties. Texas also proposed minor changes in wording, numbering, and punctuation of its rules. The amendment is intended to revise the Texas program to be consistent with the corresponding Federal regulations.

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

DATES: Written comments must be received by 4 p.m., c.d.t. July 21, 1993. If requested, a public hearing on the proposed amendment will be held on July 16, 1993. Requests to present oral testimony at the hearing must be received by 4 p.m., c.d.t. on July 6, 1993.

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

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

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

Railroad Commission of Texas, Surface Mining and Reclamation Division, Capitol Station, P.O. Drawer 12967, Austin, Texas 78711, Telephone: (512) 463–6900.

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

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program can be found in the February 27, 1980 **Federal Register** (45 FR 12998). Subsequent actions concerning Texas' program and program amendments can be found at 30 CFR 943.15 and 943.16.

II. Proposed Amendment

By letter dated May 13, 1993 (administrative record No. TX–551), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment in response to letters dated May 20, 1985; June 9, 1987; October 20, 1988; February 7, 1990; and February 21, 1990 (administrative record Nos. TX–358, TX–388, TX–417, TX–472, and TX–476) that OSM sent to Texas in accordance with 30 CFR 732.17(c) and in response to the required program amendments at 30 CFR 943.16 (k) through (q). The provisions of the Texas Administrative Code (TAC) at 16 TAC 11.221 that Texas proposes to amend are:

(1) Mining of Coal Incidental to the Extraction of Other Minerals

(a) At Texas Coal Mining Regulations (TCMR) 700.002(b)(4), Texas proposes to require that the incidental extraction of coal will be conducted in accordance with the rules proposed under part 702.

(b) At TCMR part 702, Texas proposes to add specific regulations concerning the scope, definitions, application requirements and procedures, contents of application for exemption, public availability of information, requirements for exemption, conditions of exemption and right of inspection and entry, stockpiling of minerals, revocation and enforcement, and reporting requirements as they pertain to the exemption for coal extraction incidental to the extraction of other minerals.

(c) At TCMR 787.222(a), Texas proposes to provide an applicant for exemption under part 702 opportunity for a hearing on the Commission's decision.

(2) Termination of Jurisdiction

(a) At TCMR 700.002(f), Texas proposes to add a rule that the Commission may terminate jurisdiction over a surface coal mining and reclamation operation when all requirements have been completed or all bond has been released and may reassert jurisdiction if fraud, collusion, or misrepresentation have been demonstrated.

(3) Definitions

(a) At TCMR 701.008(4), Texas proposes to revise the definition of "affected area" to mean any land or water surface which is used to facilitate or which is physically altered by surface coal mining and reclamation operations.

(b) At TCMR 701.008(16), Texas proposes to define the term "coal mine waste" to include coal processing waste and underground development waste.

(c) At TCMR 701.008(19), Texas proposes to change the definition of "coal processing waste" by deleting specific requirements for the waste and including all earth materials separated from the coal and wasted during cleaning, concentrating, or other processing or preparation of coal.

(d) At TCMR 701.008(71), Texas proposes to revise the definition of "road" by deleting requirements for pioneer and construction roadways and by specifically excluding from the definition ramps and routes of travel within immediate mining or disposal areas.

(e) At TCMR 705.011(2), Texas proposes to revise the definition of "coal mining operation" to indicate that developing, producing, preparing, and loading of coal individually constitute a coal mining operation.

(f) At TCMR 705.011(3), Texas proposes to clarify the definition of "employee."

(4) Employee Financial Interests

(a) At TCMR 705.010(a)(3), Texas proposes to require the Commissioners to resolve prohibited financial interest situations by ordering or initiating remedial action or by reporting the violations to the Director who is responsible for initiating action to impose the penalties of the Federal Act.

(b) At TCMR 705.010(c), Texas proposes to require that members of advisory boards and commissions who perform a function under the Act shall recuse themselves from proceedings that may affect their financial interests.

(c) At TCMR 705.013(a), .014(a), .015(a), and .016(a), Texas proposes to require that members of advisory boards and commissions who perform a function under the Act must file a financial interest statement.

(d) At TCMR 705.014(b), Texas proposes to require that new employees

and new members of advisory boards and commissions must file a financial interest statement within 60 days of appointment unless the appointment date is within 60 days of February 1. Texas also proposes to delete TCMR 705.014(c), which required no subsequent annual filing if the annual filing date occurred within two months of the initial filing.

(5) Lands Unsuitable for Mining Procedures

(a) At TCMR 761.072(b)(2), Texas proposes to require notification of the National Park Service or U.S. Fish and Wildlife Service of requests for determinations of valid existing rights within boundaries of those agencies' jurisdictions, granting 30 days for response (with the options of granting a 30-day extension), and allowing the Commission the option of acting without a response if none was received by the end of the stated response time.

(6) Permitting Procedures

(a) At TCMR 770.101, Texas proposes to reinstate definitions of "applicant," "application," "complete application," "principal shareholder," "property to be mined," and "violation notice." These definitions had been inadvertently omitted in a previous rulemaking.

(7) Coal Exploration

(a) Texas proposes to add a new section TCMR 776.111(a)(3)(E) that requires an application for Commission approval to conduct coal exploration activities to include a description of measures to be taken to comply with applicable coal exploration performance standards.

(b) At TCMR 815.328(a), Texas proposes to revise the requirements pertaining to the protection of critical habitats during coal exploration activities.

(c) At TCMR 815.328, Texas proposes to revise the coal exploration performance standards rules by adding requirements for a permit in relation to coal exploration and testing. The new language states that no permit is required if the use or sale of the coal extracted is for testing purposes. New sections were added specifying what the exploration application must contain.

(8) Geologic and Hydrologic Information, Reclamation Plans, and Hydrologic Balance Standards

(a) At TCMR 779.127(b) and (c), Texas proposes to specify what results from the analysis of geologic samples must be included in the application and to allow the Commission to require the applicant to provide additional geologic information, if necessary.

(b) At TCMR 779.128(a)(4) and 783.174(a)(4), Texas proposes to modify the ground water information requirement to specify minimum parameters for analysis of the quality of subsurface water.

(c) At TCMR 779.129(b)(2) and 783.175(b)(2), Texas proposes to modify its rules on surface water information to: (1) Allow specific conductance as an option rather than total dissolved solids; (2) require more detail in subsection (iii) with the requirement for alkalinity information; and (3) limit the requirement for providing acidity and alkalinity information so that the information is required only when there is a potential for acid drainage.

(d) At TCMR 780.146(b) and (c), and 784.188(b) and (c), Texas proposes to: (1) Clarify the methodologies that may be used for water quality analysis, (2) require water quality descriptions to include dissolved iron, (3) require information on existing wells, springs, and other ground water sources, and (4) require that supplemental data shall be used to plan remedial and reclamation activities.

(e) At TCMR 780.148(c) and 784.190(c), Texas proposes to modify its permanent and temporary impoundment rules by replacing section (2) with the more specific requirement that ponds meeting the size criteria of the Mine Safety and Health Administration (MSHA) must comply with appropriate rules and adding section (3) in which a minimum static safety factor is imposed on ponds not meeting MSHA size criteria but for which failure could cause loss of life or serious property damage.

(f) At TCMR 783.173, Texas proposes to add new sections (d) and (e) to provide, respectively, for analysis of the engineering properties of the stratum immediately above and below the coal and for additional analyses if the Commission determines that more information is necessary.

(g) At TCMR 816.342(a)(4), Texas proposes to delete language that limits the findings that are required for approval of stream channel diversions to impacts within stream buffer zones.

(h) At TCMR 816.344(g), (h), (i), and (k), and 817.514 (g), (h), (i), and (k), Texas proposes to provide alternative designs for sedimentation pond spillways. Section (g) allows for a single specifically designed spillway as an alternative to designs with combination principal and emergency spillways and defines the design event for the single spillway. Section (h) provides an alternative to spillways by allowing ponds that rely entirely on storage for controlling sedimentation. Section (i) redefines the design event for ponds using a combination principal and emergency spillway. Section (k) provides that the settled embankment shall be one foot above the water surface in the pond with the emergency spillway or single spillway flowing at design depth.

(i) At TCMR 816.344(r) and 817.514(r), Texas proposes to require additional sedimentation pond design requirements when the pond impounds water or sediment to an elevation of five feet or more above the upstream toe of the structure and has a storage volume of 20 acre-feet or more. Texas also proposes to require ponds meeting these criteria to safely pass the 100-year, 6-hour event and to have a minimum seismic safety factor of 1.2.

(j) At TCMR 816.347(a)(1) and 817.517(a)(1), Texas proposes to require that permanent and temporary impoundments meeting the size criteria of 30 CFR 77.216(a) shall be designed to meet the requirements of that regulation. The designs must be submitted as part of the permit application.

(k) At TCMR 816.347(a)(4) and 817.517(a)(3), Texas proposes to modify its rules on permanent and temporary impoundments by adding a section to describe requirements for seismic, static, and seepage safety factors.

(l) At TCMR 816.347(a)(5) and 817.517(a)(5), Texas proposes to add a section to the rules on permanent and temporary impoundments to describe foundation and abutment stability designs and information requirements.

(m) At TCMR 816.347(a)(6) and 817.517(a)(6), Texas proposes to add a section to the rules on permanent and temporary impoundments to provide for slope protection.

(n) At TCMR 816.347(a)(7) and 817.517(a)(7), Texas proposes to add a section to the rules on permanent and temporary impoundments to require faces of embankments and surrounding areas to be vegetated, riprapped, or otherwise stabilized.

(o) At TCMR 816.347(b)(8) and 817.517(b)(8), Texas proposes to revise its rules on permanent impoundments to allow for alternatives in spillway designs and to redefine the design events.

(p) At TCMR 816.347(c) and 817.517(c), Texas proposes to require that for permanent and temporary impoundments that use combination principal and emergency spillways there shall be no flow through the emergency spillway resulting from the 10-year, 6-hour precipitation event.

(q) At TCMR 816.347(d) and 817.517(d), Texas proposes to modify its rule on temporary impoundments to correct the references to other rules and to add references to sections .347(b)(8) and .517(b)(8).

(r) At TCMR 816.347(e) and 817.517(e), Texas proposes to modify its rules on permanent and temporary impoundments to add the requirement that slopes shall be designed to be stable in all cases.

(s) At TCMR 816.347(i) and 817.517(i), Texas proposes to add a section to its temporary and permanent impoundment rules to require regular inspections of impoundments during construction and annual inspections until removal or bond release.

(t) At TCMR 816.347(k) and 817.517(k), Texas proposes to add certification requirements for temporary and permanent impoundments meeting the size requirements of 30 CFR 77.216(a).

(u) At TCMR 816.350(b) and 817.519(b), Texas proposes to replace section (b)(1) to require permit applications to contain a surface water monitoring plan based on the PHC and the baseline analyses of hydrologic, geologic, and other information contained in the permit application. Monitoring plans must also be based on the postmining land use and the effluent limitations from 40 CFR part 434.

(v) At TCMR 816.355(a), Texas proposes to revise the allowance for disturbance to stream buffer zones. Such disturbance can only be authorized if the Commission finds that there will be no adverse impact on the water quantity and quality or other environmental resources of the stream and, if a stream channel diversion is planned, it must comply with appropriate standards.

(w) At TCMR 817.509(a), Texas proposes to clarify the hydrologic balance requirements for underground mining activities.

(x) At TCMR 817.522(f), Texas proposes to require the applicant to demonstrate that any discharge into underground mine workings resulting from underground mining activities will minimize disturbance to the hydrologic balance.

(9) Maps and Plans

(a) At 780.142(c) and 784.197(c), Texas proposes to add a reference to the appropriate rules for the requirements for maps and plans and to delete the requirement that maps, plans, and cross sections for sediment ponds and spoil disposal facilities must be prepared only by a registered professional engineer.

(b) At TCMR 780.142(d) and 784.197(d), Texas proposes to require maps and plans for each support facility and to require that the maps and plans comply with applicable support facility requirements.

(10) Transportation Facilities and Roads

(a) At TCMR 780.154 and 784.198, Texas proposes to modify its transportation facility requirements by adding: (1) Section (a)(6) in which fords of streams must have approved drawings; (2) requirements for specifications in section (a)(7) in which each nonpermanent road must have plans for removal and reclamation; and (3) a requirement in section (b) for detailed plans and specifications for Class I and II roads to be prepared by, or under the supervision of, and certified by a qualified registered professional engineer.

(b) At TCMR 816.401(b) and 817.570(b), Texas proposes to add to its rules on location of Class I roads references to appropriate performance standards and to require that roads shall be located to minimize downstream sedimentation and flooding.

(c) At TCMR 816.402(d)(9) and 817.571(d)(9), Texas proposes to require that the minimum safety factor for Class I road embankments shall be 1.3, or greater as the Commission may specify.

(d) At TCMR 816.405 and 817.574, Texas proposes to revise its Class I road maintenance rules by changing "design standards" requirements in section (a) to "performance standards" requirements and deleting in section (c) the language that the road shall not be used until reconstruction is completed. Section (c) now states that Class I roads shall be repaired as soon as practicable.

(e) At TCMR 816.406(a)(4) and 817.575(a)(4), Texas proposes to revise its Class I road restoration rules to require removal of road surfacing materials that are incompatible with the postmining land use and revegetation requirements.

(f) At TCMR 816.408(b) and 817.577(b), Texas proposes to add to its rules on location of Class II roads references to appropriate performance standards and to require that roads shall be located to minimize downstream sedimentation and flooding.

(g) At TCMR 816.409(d)(9) and 817.578(d)(9), Texas proposes to require that the minimum safety factor for Class II road embankments shall be 1.3, or greater, as the Commission may specify.

(h) At TCMR 816.412 and 817.581, Texas proposes to revise its Class II road maintenance rules by changing "design standards" requirements in section (a) to "performance standards" requirements. Section (b) requires prevention of erosion, siltation, and air pollution, including road dust and dust from other exposed surfaces. This section also contains measures to be used to prevent air pollution. Section (c) was added to state that damaged roads shall be repaired as soon as practical.

(i) At TCMR 816.413(a)(4) and 817.582(a)(4), Texas proposes to revise its Class II road restoration rules to require the removal of road surfacing materials that are incompatible with the postmining land use and revegetation requirements.

(j) At TCMR 816.415(b) and 817.584(b), Texas proposes to add to its rules on location of Class III roads references to appropriate performance standards and to require that roads shall be located to minimize downstream sedimentation and flooding.

(k) At TCMR 816.419 and 817.588, Texas proposes to revise its Class III roads maintenance rules by adding the statement that maintenance is to prevent erosion, siltation, and air pollution, including road dust and dust from other exposed surfaces. This section also contains measures to be used to prevent air pollution. Section (c) was added to state that damaged roads shall be repaired as soon as practical.

(l) At TCMR 816.420(d) and 817.589(d), Texas proposes to revise its Class III road restoration rules to require the removal of road surfacing materials that are incompatible with the postmining land use and revegetation requirements.

(11) Alluvial Valley Floors

(a) At TCMR 785.202(b)(1)(i) and (b)(3), Texas proposes to replace the language requiring baseline data on preserving characteristics of alluvial valley floors with more specific language requiring baseline data on the essential hydrologic functions of the alluvial valley floor that might be affected.

(12) Archaeological Resources

(a) At TCMR 786.210(a)(3), Texas proposes to require that information contained in a permit application on the nature and location of archaeological resources must be kept confidential as required by the Archaeological Resources Protection Act of 1979.

(13) Approval of Permits

(a) At TCMR 786.216(e), Texas proposes to amend the criteria for permit approval to give the Commission the discretion to determine whether additional protection measures are required by the National Historic Preservation Act.

(b) At TCMR 786.216(p), Texas proposes to require the Commission to

determine that the applicant has, if applicable, satisfied the requirements for approval of long-term intensive agriculture postmining land use.

(c) At TCMR 786.220(d), Texas proposes to modify its rules on right-of-entry conditions on permits by replacing "permittee" with "operator" in designating who shall pay all reclamation fees.

(14) Bonding Requirements

(a) At TCMR 800.301(b)(2), Texas proposes to require that individual bond increments must be of sufficient size and configuration for efficient reclamation operations should reclamation by the Commission become necessary.

(15) Use of Explosives and Blaster Training and Certification

(a) At TCMR 816.330(f) and 817.500(f), Texas proposes to revise its signs and markers rules to also require blasting signs.

(b) At TCMR 816.357(c) and 817.526(c), Texas proposes to modify its use of explosives rules to require that a blaster and at least one other person are present at the firing of the blast.

(c) At TCMR 816.357(d) and 817.526(d), Texas proposes to revise its blast design standards to include additional kinds of buildings and facilities within 500 or 1000 feet of any blasting operations.

(d) At TCMR 816.358(a) and 817.527(a), Texas proposes to modify its use of explosives rules to broaden the preblasting survey area from within ½ mile of the blasting site to within ½ mile from any part of the permit area.

(e) At TCMR 816.360(a) and 817.528(a), Texas proposes to require that the blasting design include limitations based on minimum distances of 500 or 1000 feet from certain specified buildings and facilities and at TCMR 816.360(h) and (i) and 817.528(h) and (i) to correct paragraph references.

(f) At TCMR 816.362(d) and 817.530(d), Texas proposes to correct citations for other regulations.

(g) At TCMR 817.526(b), Texas proposes to require underground mining activities to comply with applicable State and Federal laws and regulations in the use of explosives.

(h) At TCMR 850.703(b)(1)(A), Texas propose to revise its blaster training and certification rules to add the requirement that training courses must cover storage and transportation of explosives as well as use.

(i) At TCMR 850.704(b), Texas proposes to revise its blaster training and certification rules by adding to the statement of recognition of other training courses that those courses must include the completion of the list of topics listed in section (a).

(j) At TCMR 850.706(a), Texas proposes to revise its blaster training and certification rules to add the requirement that the examination must cover storage and transportation of explosives as well as use.

(16) Backfilling and Grading

(a) At TCMR 816.385(b)(3) and 817.552(b)(3), Texas proposes to modify the backfilling and grading rules to delete the option to approve outslopes exceeding 1v:2h.

(17) Coal Processing Waste Disposal

(a) At TCMR 816.376(d), Texas proposes to modify its coal processing waste dams and embarkments rules to specifically require impoundment structures to meet the criteria of 30 CFR 77.216(a) and to redefine the design event for combination spillways to be the probable maximum precipitation of a 6-hour precipitation event or greater as specified by the Commission.

(b) At TCMR 816.378(a) and (c) and 817.545(a) and (c), Texas proposes to correct citations of other regulations and to revise the water removal requirements for impounding structures constructed of or impounding coal mine waste.

(c) At TCMR 817.538(c)(3), Texas proposes to modify its coal processing waste dams and embarkments rules by deleting the rule allowing for variations for the disposal of dewatered fine coal waste.

(d) At TCMR 817.543, Texas proposes to revise its underground mining coal processing waste dams and embarkments rules by adding, in section (b), requirements for the design plans for coal processing waste dams and embarkments to contain details on the stability of the structure and the potential impact of acid seepage. Section (c) was added to require each impounding structure constructed of coal mine waste intended to impound coal mine waste to be temporary and to be designed, constructed, and maintained in accordance with part 817 standards. Section (d) was added to require that the combination of principal and emergency spillways on coal waste impoundments meeting the MSHA requirements at 30 CFR 77.216(a) be able to safely pass the maximum 6-hour precipitation event.

(18) Protection of Fish and Wildlife and Related Environmental Values

(a) At TCMR 816.380(e)(10) and 817.547(e)(10), Texas proposes to modify its protection of fish and wildlife and related environmental values rules to delete the reference to cropland as an alternative postmining land use and to delete the reference to lands diverted from fish and wildlife premining land use.

(19) Revegetation Success

(a) At TCMR 816.395(a) and 817.560(a), Texas proposes to revise its vegetation success standards rules by adding new language to (1) tie success to the postmining land use, the amount of cover, and the requirements of sections .390 and .391 (2) and to provide standards for success and statistically valid sampling techniques.

(b) At TCMR 816.395(b) and 817.560(b), Texas proposes to revise its revegetation success standards rules by adding new language that more specifically addresses the requirements for various land uses.

(c) At TCMR 816.395(c) and 817.560(c), Texas proposes to revise its revegetation success standards rules by adding new language that describes the period of responsibility required for bond release and included the approved selective husbandry practices.

(d) At TCMR 816.396 and 817.561, Texas proposes to delete its rules on tree and shrub stocking for forest land by replacing these rules with the new language at TCMR 816.395 and 817.560.

(20) Individual Civil Penalties

(a) At TCMR 846.001(2), Texas proposes to revise its individual civil penalties rules to clarify that the definition of "violation, failure, or refusal" includes conditions of a permit as one of the examples of violations, failures, or refusals.

(b) At TCMR 846.004(c), Texas proposes to revise its civil penalties rules by adding procedures to allow service to be performed by mail or other means consistent with Texas law.

(21) Minor Changes in Wording, Numbering, Punctuation

(a) At various places throughout the proposed amendment, Texas proposes minor changes in wording, numbering, and punctuation to correct, order, and clarify the rules. None of these minor changes has an effect on the substantive nature of the rules.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program aproval criteria of 30 CFR 732.15. If the amendment is deemed

adequate, it will become part of the Texas 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 Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m., c.d.t. on July 6, 1993. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

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

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

3. Public Meeting

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

IV. Procedural Determinations

1. Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OBM) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 (Reduction of Regulatory Burden) 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.

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State 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 12550) and the Federal regulations at 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.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State 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)).

4. Paperwork Reduction Act

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

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon 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. Accordingly, 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 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 14, 1993.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 93–144945 Filed 6–18–93; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 52, and 60

[AD–FRL–4669–4]

Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: New source performance standards (NSPS) and emission guidelines (EG) for municipal solid waste (MSW) landfills were proposed in the **Federal Register** on May 30, 1991 (56 FR 24468). This notice announces the availability of additional data and information on changes in the EPA's modelling methodology being used in the development of the final NSPS and EG for MSW landfills under the authority of section 111 (b) and (d) of the Clean Air Act (Act). The additional data and information are available for public inspection at the EPA's Air Docket. Comment on the data and information provided in Air Docket No. A–88–09, Category IV–M, received within the public comment period will be considered in selecting the final NSPS and EG. The public comment period for the original proposal has closed, and this notice pertains only to the new data and information discussed in this notice. Therefore, comments are not solicited on aspects of the proposed NSPS and EG other than the new information and data provided in Category IV–M.

DATES: *Comments.* Comments on these additional data must be received on or before July 21, 1993.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible), to Air Docket (LE–131), ATTN: docket no. A–88–09, room M1500, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Docket. A special docket category IV–M has been established for this new data and information. The docket is available for public inspection and copying between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday, excluding Federal holidays, at the EPA's Air Docket, Waterside Mall, room M1500, 1st floor, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. Dennis Doll, Standards Development Branch, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5693.

SUPPLEMENTARY INFORMATION: On May 30, 1991, the EPA proposed NSPS and EG that would reduce air emissions from certain MSW landfills under the authority of section 111 of the Act (56 FR 24468). The intent of the proposed NSPS and EG is to require certain MSW landfills to control emissions to the level achievable by applying the best demonstrated system of continuous emission reduction considering costs, nonair quality health and environmental impacts, and energy requirements.

The 1991 proposal discussed the potential for energy recovery when meeting the NSPS and EG, but did not incorporate the use of energy recovery into the estimated nationwide impacts resulting from the proposed NSPS and EG. Public commenters on the proposal asserted that the potential for reduced cost of compliance due to the use of energy recovery was not adequately reflected in the nationwide impacts analysis. Many commenters recommended that energy recovery be incorporated into the nationwide impacts estimates and be considered in selecting the stringency level of the standard (i.e., the emission level at which the installation of a gas collection and control system would be required).

Additionally, several commenters asserted that the modeling of gas generation at landfills was highly theoretical, and suggested that additional data for assessing both gas generation and costs of control be gathered and considered in setting the final rules.

In the development of the proposed NSPS and EG, the EPA developed a pool of basic gas generation rate parameters including the methane generation rate constant (k), the methane generation potential (L_o), and the concentration of nonmethane organic compounds (C_{NMOC}). These parameters were used in the regulatory impacts analysis to estimate the nationwide impacts of applying gas collection and control to both new and existing landfills. These parameters were generated from a data base of landfill information from landfills for which there was sufficient site-specific data to perform the calculations (the k,L_o data base). The k,L_o data base was compiled using data from the available literature, State and local air pollution control agencies, and industry data obtained through the authority of section 114 of the Act.

The EPA received additional landfill data from within the Agency and from industry just before, and subsequent to, the proposal of the NSPS and EG. In light of the new data and commenters' requests for further evaluation of gas generation and energy recovery, the EPA has reviewed and updated the k,L_o data base. Additionally, the EPA has revised the modeling methodology for deriving k and L_o, and using the updated data base, has developed a revised data set of k,L_o pairs.

The additional data and modeling methodologies that will be considered in selecting the final NSPS and EG are: (1) An updated data base of site-specific landfill information from which k,L_o pairs are calculated and C_{NMOC} values are selected (the k,L_o data base); (2) revised modeling methodologies used to calculate k values which are then used to estimate nationwide impacts; and (3) the incorporation of energy recovery in the modeling of nationwide impacts.

The revised site-specific k,L_o data base was compiled using some of the original proposal data in conjunction with new data for various landfills received from data requests and surveys conducted by the Office of Research and Development (ORD). The revised k,L_o data base also contains updated landfill data for some of the original landfill sites. The EPA considers this data base to be more accurate and representative than the one used at proposal for determining landfill gas generation potential.

The revised modeling methodology includes a new procedure for deriving k,L_o pairs. The approach used at proposal assumed three default L_o values based on a literature review (high=8,120 cubic feet methane per megagram (ft^3 CH_4/Mg) of refuse, medium=6,350 ft^3 CH_4/Mg refuse, and low=2,100 ft^3 CH_4/Mg refuse) to calculate the corresponding k values for each landfill in the proposal k,L_o data base.

The high, medium, and low L_o values were used to represent the potential variation in methane generation potential between various waste streams. However, only one of the 3 k,L_o pairs was ever assigned to a given landfill when estimating nationwide impacts. This resulted in one-third of the landfills having a high L_o assigned and another one-third having a low L_o assigned, assuming it was equally as likely that a landfill may have a high, medium, or low L_o value. This methodology increases the likelihood that extreme combinations of k,L_o pairs and C_{NMOC} values could be assigned to the landfills in the data bases used to estimate nationwide impacts.

The new approach determines the average L_o for each landfill by calculating the minimum and maximum that may be solved for that landfill. These are used to determine an average L_o, provided that each value falls within a range of 2,000 to 7,000 ft^3 CH_4/Mg refuse. If the solvable maximum value falls outside the range, the maximum end point of the range (i.e., 7,000 ft^3 CH_4 methane/Mg refuse) is used in determining the average. The corresponding k value is calculated from this average L_o. Because gas generation rates are influenced by moisture content, the revised modeling also includes a procedure to generate a balanced set of k,L_o pairs from landfills in both arid and nonarid regions in roughly the same proportions as the amount of waste deposited in arid and nonarid regions on a nationwide basis (see *Anthropogenic Methane Emissions in the United States.* Report to Congress, EPA Global Change Division, Draft, October 1992; and Memorandum, R. Pelt, Radian Corporation, to D. Doll, "Methodology used to Revise the Model Inputs in the Municipal Solid Waste Landfills Input Databases, (Revised)", April 28, 1993.). This balanced set is applied to the landfills data base used in estimating the nationwide impacts. The approach allows the k,L_o pairs to differ based on site-specific information from landfills in both arid and nonarid areas and does not assume that high or low L_o values are equally likely to occur as an average value at any given landfill. This approach also reduces the potential for an extreme combination of both high (or low) L_o and C_{NMOC} values to be assigned to a given landfill.

As a result of the updated k,L_o data base and the revised modeling methodologies, the average value for k in the data base of existing landfills

increased from 0.0264 yr^{-1} at proposal to 0.0307 yr^{-1}, while the values for L_o and C_{NMOC} decreased from 6,288 ft^3 CH_4/Mg refuse and 2,561 parts per million by volume (ppmv) as hexane, at proposal, to 4,955 ft^3 CH_4/Mg refuse and 1,532 ppmv as hexane, respectively, in the current analysis. The average value for k in the data base of new landfills increased from 0.0265 yr^{-1} at proposal to 0.0306 yr^{-1}, while the values for L_o and C_{NMOC} decreased from 6,417 ft^3 CH_4/Mg refuse and 1,788 ppmv, as hexane at proposal, to 4,953 ft^3 CH_4/Mg refuse and 1,398 ppmv as hexane, respectively, in the current analysis.

As k increases, the total gas that may be released from a given quantity of refuse is released more quickly. Overall, this would result in a higher peak gas flow, and more landfills requiring control at a given stringency level. On the other hand, this change does not increase the total gas that may be released at a given landfill, but would result in a shorter control period at any landfill that already required control using the earlier k values.

The lower L_o values would decrease the total potential gas emissions as well as the nationwide annual emission rate and, therefore, would result in fewer landfills estimated to require control at a given stringency level when compared to the proposal analysis. It is possible, however, that the change is small enough that control would still be required, but for a shorter period. In the same way, lower C_{NMOC} values would also result in fewer landfills requiring control at a given stringency level, and a shorter control period for landfills requiring control when compared to the proposal analysis. Because the k,L_o pairs are randomly assigned independently from the C_{NMOC} values, there may be some mixing of these impacts on a landfill-by-landfill basis but, on average, it is expected that fewer landfills would require control at each stringency level than in the proposal analysis.

The third change to the modeling methodologies discussed in this notice pertains to the incorporation of energy recovery in the modeling of nationwide impacts. In the preamble to the proposed NSPS and EG, the EPA requested comments on whether energy recovery requirements should be considered in the selection of the stringency level of the NSPS and EG. In response to many comments suggesting that energy recovery should be considered in estimating the nationwide impacts that result from the NSPS and EG, the EPA decided to incorporate energy recovery in the nationwide impacts analysis for the final NSPS and EG. The revised analysis adds a method for selecting between control using energy recovery and control using flares only. The model now selects the control strategy which results in the least cost of control using either flares, internal combustion engines, or gas turbines over the control period required by the NSPS or EG. The cost basis for the energy recovery option was based on the use of internal combustion engines or gas turbines and compiled from information gathered prior to proposal, as well as additional information gathered from vendors and landfill operators subsequent to the proposal. (See Memorandum, M. Thomas, Radian Corporation, to D. Doll, Changes to the Municipal Solid Waste Landfills Nationwide Impacts Program Since Proposal, April 28, 1993.)

The energy recovery modeling also takes into account the potential for energy recovery to be installed at landfills in the absence of the NSPS and EG. This is accomplished by removing the same proportion of potentially profitable energy recovery landfills from the data base as are currently projected to use energy recovery over the next 10 years. (See Memorandum, K. Hogan, Office of Atmospheric Programs (OAP), to D. Doll, Office of Air Quality Planning and Standards (OAQPS), Landfill Rule Energy Recovery Cost Analysis; December 16, 1992.)

New items entered into the docket include: (1) Memorandum, R. Pelt, Radian Corporation, to D. Doll, Methodology used to Revise the Model Inputs in the Municipal Solid Waste Landfills Input Databases, (Revised), April 28, 1993; (2) Memorandum, M. Thomas, Radian Corporation, to Docket, Changes to the Municipal Solid Waste Landfills Nationwide Impacts Program Since Proposal, April 28, 1993; (3) Report to Congress, EPA Global Change Division, Anthropogenic Methane Emissions in the United States, Draft, October 1992; (4) Memorandum, K. Hogan, Office of Atmospheric Programs (OAP), to D. Doll, Office of Air Quality Planning and Standards (OAQPS), Landfill Rule Energy Recovery Cost Analysis, December 16, 1992; and (5) Memorandum, R. Pelt and S. Fields, Radian Corporation, to D. Doll, Revised Nationwide Impacts for Development of Regulatory Alternatives, June 4, 1993.

Dated: June 14, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93-14567 Filed 6-18-93; 8:45 am]

BILLING CODE: 6560-50-P

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40 CFR Part 721

[OPPTS-50600B; FRL-4186-1]

RIN 2070-AB27

Dialkyldialkoxysilane; Withdrawal of Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

SUMMARY: EPA is withdrawing a significant new use rule (SNUR) proposed under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance described generically as dialkyldialkoxysilane, which was the subject of premanufacture notification under section 5(a)(1) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E543-B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of August 19, 1992 (57 FR 37499), EPA issued a notice and comment non-5(e) SNUR for the substance described generically as dialkyldialkoxysilane. Based on a finding that the substance may present an unreasonable risk to human health, the SNUR proposed that manufacture, processing, or use of the substance without establishing a program whereby each worker who may be exposed to the substance by inhalation must wear a 19C supplied-air respirator would be a significant new use.

EPA received comments from four interested parties. Two of the commenters posed general questions on the Agency's interpretation of the toxicity of chemicals in the alkoxysilane category and certain provisions of the SNUR, and indicated their willingness to begin a dialogue with the Agency to work toward a better understanding of the toxicological concerns posed by the alkoxysilane class of chemicals. Another commenter asserted that, although it has implemented a respirator program in its own operations, it had not taken certain

notification steps which a SNUR would require. A fourth commenter, who was one of the original PMN submitters, provided the Agency with new vapor pressure data specific to the PMN substance which, when reviewed by the Agency, showed a much lower vapor pressure, which in turn resulted in much lower estimated exposures to workers, and a determination by the Agency that the predicted levels of worker exposure were low enough that an unreasonable risk was not expected (the "margin of exposure" was adequate).

Therefore, the Agency is withdrawing the proposed rule, based on the finding that the chemical substance may no longer be expected to pose an unreasonable risk.

II. Rulemaking Record

The record for the proposed SNUR which is being withdrawn by this document was established at OPPTS-50600. That record includes information considered by the Agency in developing the proposed rule, and includes the comments to which the Agency has responded with this notice of withdrawal. The docket control number for the withdrawal is OPPTS-50600B.

A public version of the record, without any confidential business information, 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.

List of Subjects in 40 CFR part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: June 3, 1993.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 93-14563 Filed 6-18-93; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries; Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: NMFS will hold public hearings to receive comments on a proposed rule to amend the regulations governing the Atlantic tuna fisheries. The proposed rule would: Require Atlantic bluefin tuna (ABT) dealers to submit daily reports via FAX and replace the weekly report with a revised biweekly report; require permits for vessels fishing in the Angling category; require at-sea observer coverage on vessels taking Atlantic tunas, if so requested by NMFS; allow only authorized gear in the Atlantic tuna fisheries except when exempted as experimental; allow the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) to make inseason transfers of potentially underharvested quota between fishing categories; raise the amount of General category set-aside for the late season fishery from 40 metric tons (mt) to 100 mt; allow for inseason adjustments to the Angling category bag and boat limits for private, party and charter boats; and make other technical changes to enhance administration, management and enforcement.

DATES: Comments on the proposed rule that is the subject of these hearings must be received on or before July 8, 1993. See **SUPPLEMENTARY INFORMATION** for dates and times of the hearings.

ADDRESSES: Written comments should be sent to Richard H. Schaefer, Director, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope "Tuna Comments." Copies of the proposed rule are available from the same address.

See **SUPPLEMENTARY INFORMATION** for addresses of the hearing locations.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-713-2347.

SUPPLEMENTARY INFORMATION: This is to announce the schedule of public hearings concerning the proposed rule on Atlantic tuna fisheries, published June 14, 1993, at 58 FR 32894.

This action is necessary to improve management and monitoring of the U.S. Atlantic tuna fisheries, to conform more closely to the 1991 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations, and to enhance collection of data to improve assessment of the environmental, economic, and social impacts of the fisheries.

A complete description of the measures, and the purpose and need for the proposed action, are contained in the proposed rule and are not repeated here. Copies of the proposed rule may be obtained (see **ADDRESSES**).

The public hearing schedule is as follows:

June 29, 1993, Portsmouth, N.H., 7-10 p.m.

Elwyn (Urban) Forestry Center, 45 Elwyn Rd., Portsmouth, NH 03801, (603) 431-6774

June 30, 1993, New Bedford, MA, 7-10 p.m.

Seaport Inn, 110 Middle St., Fairhaven, MA 02719, (508) 997-1281

July 1, 1993, Toms River, N.J., 7-10 p.m.

Ocean County Community College Auditorium, College Drive, P.O. Box 2001, Toms River, NJ 08754-2001, (908) 255-0326

July 2, 1993, Ronkonkoma, NY, 7-10 p.m.

Holiday Inn (Airport), 3845 Veterans Memorial Highway, Ronkonkoma, NY 11779, (516) 585-9500

July 6, 1993, Norfolk, VA, 7-10 p.m.

Quality Inn, 6280 Northampton Blvd., Norfolk, VA 23502, (804) 461-6251

Dated: June 15, 1993.

David S. Crestin,

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

[FR Doc. 93-14493 Filed 6-15-93; 4:55 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 58, No. 117
Monday, June 21, 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

Cooperative State Research Service

Agricultural Science and Technology Review Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), as amended, the Office of Grants and Program Systems, Cooperative State Research Service, announces the following meeting:

Name: Agricultural Science and Technology Review Board (hereafter referred to as the Review Board).

Date: July 14–16, 1993.

Time: July 14—8:30 a.m.–5:30 p.m.; July 15—8:30 a.m.–5:30 p.m.; July 16—8:30 a.m.–12 noon.

Place: Agricultural Research Center, Building 005, Room 21, Beltsville, Maryland 20705.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person named below.

Purpose: To write a technology assessment report on current and emerging agricultural research and technology transfer initiatives.

Contact Person for Agenda and More Information: Ms. Marshall Tarkington, Executive Director, Science and Education Advisory Committees, Room 432–A Administration Building, U.S. Department of Agriculture, Washington, DC 20250–2200; Telephone (202) 720–3684.

Done in Washington, DC, this 11th day of June 1993.

John Patrick Jordan,

Administrator.

[FR Doc. 93–14546 Filed 6–18–93; 8:45 am]

BILLING CODE 3410–22–M

Forest Service

Exempt Decision for Fly Chip Salvage Sale From Appeal, Malheur National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice to exempt decisions from administrative appeal.

SUMMARY: This is a notification that the decision to implement the Fly Chip Salvage Sale located on the Long Creek Ranger District of the Malheur National Forest is exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the **Federal Register** on January 23, 1989 (54 FR 3342).

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: John L. Shoberg, District Ranger, Long Creek Ranger District, Malheur National Forest, 528 E. Main Street, or Carol Cushing, Timber Management Planner, Long Creek Ranger District, 528 E. Main Street, John Day, Oregon 97845, ph. (503) 575–1731.

SUPPLEMENTARY INFORMATION: Starting in 1990, western spruce budworm have infested a major portion of the Malheur National Forest. Much of the infestation is in stands of white fir and Douglas-fir. In the summer of 1992, survey of the infested area was initiated to assess the damage to the resources. The survey identified about 400 acres needing treatment due to high insect damage and mortality.

Salvageable trees in the area average 12 inches in diameter. Rapid drying of insect-killed trees has caused cracking or "checking," especially of the smaller diameter trees, which is expected to quickly reduce the opportunity to recover merchantable sawlog material. Prompt salvage is needed to begin regeneration and restore desired stand health and wildlife habitat conditions.

An environmental analysis was started in September of 1992 for the Fly Chip Salvage Sale. After public letters, and contacts with individuals and State and Federal agencies, two major issues were identified. One was forest health, which includes effects on stand health, wildlife habitat, and utilization of dead small diameter timber. The second was water quality and fisheries habitat.

An interdisciplinary team of resource specialists developed three alternatives to analyze, including the No-Action Alternative. An environmental assessment has been prepared to disclose the effects of alternatives developed including the proposed action and their response to the major issues.

The proposed action would salvage about 263 acres of moderate to high insect-damaged stands. The proposal would prevent the loss of approximately 1.2 million board feet of commercial timber resources. No roads would be constructed.

Biological evaluations have been completed for all proposed, endangered, threatened, and sensitive plant, wildlife and fish species within project area. The biological evaluation indicates that the salvage could proceed as planned.

The Fly Chip Salvage Sale and accompanying work is designed to accomplish Forest Plan objectives and provide timely reforestation efforts. Based upon the environmental analysis and the need to expedite this salvage, I have determined that good cause exists to exempt this decision from administrative appeal (36 CFR part 217). Under this Regulation the following is exempt from appeal:

> Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good cause exists to exempt such decisions from review under this part.

After publication of this notice in the **Federal Register**, the Decision Notice and Finding of No Significant Impact for the Fly Chip Salvage Sale may be signed by the District Ranger. This salvage sale will not be subject to review under 36 CFR part 217.

Dated: June 14, 1993.

Richard Ferraro,

Deputy Regional Forester.

[FR Doc. 93–14501 Filed 6–18–93; 8:45 am]

BILLING CODE 3410–11–M

Exempt Decision for Timber Salvage on the Spirit Fire Recovery Project from Appeal, Willamette National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice to exempt decision from administrative appeal.

SUMMARY: This is a notification that the decision to implement a proposed timber salvage sale in the Spirit Fire Recovery Project, Oakridge Ranger District of the Willamette National Forest is exempted from appeal. This is in conformance with provisions of 36

CFR 217.4(a)(11) as published in the Federal Register on January 23, 1989, (54 FR 3342).

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Oakridge Ranger District, Al Brown, Planner, 46375 Highway 58, Westfir, Oregon 97492, phone (503) 782-2291.

SUPPLEMENTARY INFORMATION: On August 12, 1992, lightning ignited the High Spirit Fire that burned over 140 acres of timber on the Oakridge Ranger District of the Willamette National Forest. The 115 acres in the proposed timber salvage sale is not suitable as habitat for the Northern Spotted Owl, and therefore not under injunction. Exemption from appeal of the proposal to salvage fire-killed, dying, and damaged trees on the Spirit Fire Recovery Project is needed to facilitate rapid removal of the wood and recover timber value. The fire-damaged trees are true fir and hemlock species growing at high elevation, which deteriorate rapidly following mortality. Removal of this material by November of 1993 would recover commercial timber products without significant loss in value.

An interdisciplinary team began analysis of the impacts of this project in September of 1992. Public scoping meetings occurred in December of 1992 and into January of 1993. The proposed action identified the following activities:

—Salvage of fire-killed, dying, and damaged trees on 115 acres of the 140 acre High Spirit Fire area;
—Reforestation on 110 acres; and
—Recovery of soils, wildlife habitat, and other resources damaged in the High Spirit Fire.

Volume estimate for this salvage is approximately 1.7 million board feet of fire-killed, dying and damaged trees. The effects of the proposed action were analyzed and documented in a draft environmental impact statement (EIS) for the Spirit Fire Recovery Project. The draft EIS was released to the public on April 23, 1993.

This salvage timber sale is designed to accomplish the objectives as quickly as possible and minimize any further loss of volume and resources damage. Based upon the draft EIS and analyses for the Spirit Fire Recovery Project, I have determined that good cause exists to exempt this salvage decision from administrative appeal (36 CFR part 217). Under this Regulation, the following is exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good cause exists to exempt such decisions from review under this part.

After publication of this notice in the **Federal Register** and at least 30 days after the Notice of Availability of the final EIS appears in the **Federal Register**, the Record of Decision for the Spirit Fire Recovery Project may be signed by the Forest Supervisor. Therefore, the timber salvage in the Spirit Fire Recovery Project will not be subject to review under 36 CFR part 217.

Dated: June 14, 1993.

Richard Ferraro,

Deputy Regional Forester.

[FR Doc. 93-14502 Filed 6-18-93; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Carolina

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will be held on July 14, 1993, from 1 to 5 p.m. at the Technology Center, Board of Directors Room, 15 T.W. Alexander Drive, Research Triangle Park, NC 27709. The purpose of the meeting is (1) to discuss the status of the Commission and SACs; (2) to hear reports on civil rights progress and problems in the State; (3) to discuss the current project on racial tensions in the State; and (4) to discuss racial tensions in the Research Triangle Park community with representatives and leaders.

Persons desiring additional information, or planning a presentation to the Committee, should contact Acting Committee Chairperson Asa Spaulding, Jr., 919-469-9099, or Bobby D. Doctor, Director of the Southern Regional Office, 404-730-2476 (TDD 404-730-2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 14, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93-14536 Filed 6-18-93; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-008]

Circular Pipes and Tubes From Taiwan; Intent To Revoke Antidumping Duty Order

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

ACTION: Notice of intent to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on circular pipes and tubes from Taiwan. Domestic interested parties who object to this revocation must submit their comments in writing no later than thirty days from June 21, 1993.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Pam Woods, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482-5253.

SUPPLEMENTARY INFORMATION:

Background

On May 7, 1984, the Department of Commerce (the Department) published an antidumping duty order on circular pipes and tubes from Taiwan (49 FR 19369). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity to Object

No later than thirty days from June 21, 1993, domestic interested parties, as defined in § 353.2(k) (3); (4); (5); and (6) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

No interested parties requested an administrative review in accordance with the Department's notice of

opportunity to request administrative review by the end of the anniversary month. If domestic interested parties do not object to the Department's intent to revoke within thirty days from June 21, 1993, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: June 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–14586 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–066]

Impression Fabric of Man-Made Fiber From Japan; Intent To Revoke Antidumping Finding

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

ACTION: Notice of intent to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on impression fabric of man-made fiber from Japan. Domestic interested parties who object to this revocation must submit their comments in writing no later than thirty days from June 21, 1993.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph Fargo or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 1978, the Treasury Department published an antidumping finding on impression fabric of man-made fiber from Japan (43 FR 22344). The Department of Commerce (the Department) has not received a request to conduct an administrative review of this finding for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping finding.

Opportunity to Object

No later than thirty days from June 21, 1993, domestic interested parties, as defined in § 353.2(k) (3); (4); (5); and (6) of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

No interested parties requested an administrative review in accordance with the Department's notice of opportunity to request administrative review by the end of the anniversary monthy. If domestic interested parties do not object to the Department's intent to revoke within thirty days from June 21, 1993, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: June 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–14587 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–351–505]

Malleable Cast Iron Pipe Fittings From Brazil; Intent To Revoke Antidumping Duty Order

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

ACTION: Notice of intent to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on malleable cast iron pipe fittings from Brazil. Domestic interested parties who object to this revocation must submit their comments in writing no later than thirty days from June 21, 1993.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Michael Diminich or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1986, the Department of Commerce (the Department) published an antidumping duty order on malleable cast iron pipe fittings from Brazil (51 FR 18640). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity To Object

No later than thirty days from June 21, 1993, domestic interested parties, as defined in § 353.2(k) (3); (4); (5); and (5) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

No interested parties requested an administrative review in accordance with the Department's notice of opportunity to request administrative review by the end of the anniversary month. If domestic interested parties do not object to the Department's intent to revoke within thirty days from June 21, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: June 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–14589 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–507]

Malleable Cast Iron Pipe Fittings, Other Than Grooved, From South Korea; Intent To Revoke Antidumping Duty Order

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

ACTION: Notice of intent to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on malleable cast iron pipe fittings, other than grooved, from South Korea. Domestic interested parties who object

to this revocation must submit their comments in writing no later than thirty days from June 21, 1993.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Michael Diminich or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On May 23, 1986, the Department of Commerce (the Department) published an antidumping duty order on malleable cast iron pipe fittings, other than grooved, from South Korea (51 FR 18917). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity to Object

No later than thirty days from June 21, 1993, domestic interested parties, as defined in § 353.2(k) (3); (4); (5); and (6) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

No interested parties requested an administrative review in accordance with the Department's notice of opportunity to request administrative review by the end of the anniversary month. If domestic interested parties do not object to the Department's intent to revoke within thirty days from June 21, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: June 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–14588 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–583–507]

Pipe Fittings From Taiwan; Intent To Revoke Antidumping Duty Order

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

ACTION: Notice of Intent to Revoke Antidumping Duty Order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on pipe fittings from Taiwan. Domestic interested parties who object to this revocation must submit their comments in writing no later than thirty days from June 21, 1993.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Dennis Askey or Wendy Frankel, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4114.

SUPPLEMENTARY INFORMATION:

Background

On May 23, 1986, the Department of Commerce (the Department) published an antidumping duty order on pipe fittings from Taiwan (51 FR 18918). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity to Object

No later than thirty days from June 21, 1993, domestic interested parties, as defined in § 353.2(k) (3); (4); (5); and (6) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

No interested parties requested an administrative review in accordance with the Department's notice of opportunity to request administrative review by the end of the anniversary month. If domestic interested parties do not object to the Department's intent to revoke within thirty days from June 21, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: June 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–14590 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–247–003]

Portland Cement From The Dominican Republic; Intent To Revoke Antidumping Finding

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

ACTION: Notice of intent to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on portland cement from the Dominican Republic. Domestic interested parties who object to this revocation must submit their comments in writing no later than thirty days from June 21, 1993.

EFFECTIVE DATE: June 21, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph Fargo or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 1963, the Treasury Department published an antidumping finding on portland cement from the Dominican Republic (28 FR 4507). The Department of Commerce (the Department) has not received a request to conduct an administrative review of this finding for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping finding.

Opportunity to Object

No later than thirty days from June 21, 1993, domestic interested parties, as defined in § 353.2(k) (3); (4); (5); and (6)

of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

No interested parties requested an administrative review in accordance with the Department's notice of opportunity to request administrative review by the end of the anniversary month. If domestic interested parties do not object to the Department's intent to revoke within thirty days from June 21, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: June 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–14591 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

[Docket No. 921231–2331; I.D. #102092B]

Pacific Halibut Fisheries; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Alaska Crab Fisheries

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

ACTION: Notice of control date for entry into the groundfish, halibut, or crab fisheries of the North Pacific under future effort limiting management regimes.

SUMMARY: The North Pacific Fishery Management Council (Council) intends to develop a comprehensive rationalization plan (CRP) for the management of fisheries in the Council's area of authority. The Council has adopted and publicized a control date of June 24, 1992, after which any person or fishing vessel that enters the groundfish, halibut, or crab fisheries under the Council's management authority will be not be assured of future access to those fishery resources if a CRP is implemented that limits the number of participants or vessels in these fisheries. The Council has also published possible eligibility criteria for access to the groundfish, halibut, or crab resources. The Council is not prevented from selecting any other date for eligibility in these fisheries or another method of controlling fishing effort from being proposed and implemented. The Council's intention in announcing this control date is to notify the public that speculative entry into those fisheries after the control date will not assure continued access to those fishery resources if a limited access system is implemented.

FOR FURTHER INFORMATION CONTACT: Chris Oliver, Deputy Director, North Pacific Fishery Management Council, 907–217–2809, or Jay Ginter, Fishery Management Biologist, Alaska Region, NMFS, 907–586–7229.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands Area (BSAI) are managed by the Secretary of Commerce (Secretary) under the Fishery Management Plan (FMP) for Groundfish of the GOA and the FMP for the Groundfish Fishery of the BSAI. The commercial harvest of King and Tanner crabs in the BSAI are managed under the FMP for the King and Tanner Crab Fisheries of the BSAI. These FMPs were prepared by the Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs for the GOA and BSAI groundfish fisheries are implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fishery at 50 CFR parts 672 and 675, respectively. General regulations that also pertain to the U.S. groundfish fisheries are set forth at 50 CFR part 620. State of Alaska regulations governing fishing for King and Tanner crabs in the BSAI are set forth at 16 Alaska stat. §§ 34 and 35. Regulations governing fishing for Pacific halibut are set forth at 50 CFR part 301.

At the August 1990 Council meeting, the Council made a commitment to pursue a temporary moratorium on the entry of new vessels into the groundfish, crab, and halibut fisheries, based on the need for an interim measure to prevent continued growth in fishing capacity while the Council assessed alternative management measures under the CRP. The Council intends to manage the fishery resources of the GOA and BSAI under its authority in a rational manner. This approach has been termed the CRP.

A notice of a control date was published in the **Federal Register** on September 5, 1990, that gave notice of the Council's intent to develop a vessel moratorium and announced a date after which a vessel's participation in the groundfish, halibut, and crab fisheries might not ensure future access to those fisheries. The purpose of the September 1990 notice was to notify the public of the Council's intentions so that the fishing industry could plan their business activities accordingly.

During its June 1991 meeting, the Council voted to recommend to the Secretary amendments to the GOA and BSAI FMPs that would divide the total allowable catch (TAC) specification for pollock in the BSAI and GOA, and Pacific cod in the GOA between the inshore and offshore sectors of the fishing industry. That recommendation included a further commitment by the Council to pursue a vessel moratorium, and to develop by 1995, alternative management measures under a CRP.

On December 8, 1991, the Council voted to recommend to the Secretary an individual fishing quota (IFQ) management program for fixed gear fisheries in sablefish and halibut under its authority. The IFQ program allocates the fixed gear TAC of sablefish and halibut to vessel owners or lessees who made landings in those fisheries in 1988, 1989, or 1990, based on the amount of halibut they landed between 1984 and 1990, and the amount of sablefish landed between 1985 and 1990. The Council may consider a similar allocation scheme for managing fishing effort under a CRP.

On June 24, 1992, the Council voted to recommend that the Secretary implement the vessel moratorium program as a temporary measure until a CRP is implemented. The moratorium would apply for a period of 3 to 5 years from its effective date, or less if rescinded. In taking this action, the Council reiterated its intent to continue developing a CRP. This recommendation is still under the auspices of the Council and has not been transmitted to the Secretary.

At its June 24, 1992, meeting, the Council announced a control date of June 24, 1992, after which any person or fishing vessel will not be assured of future access to those fishery resources if a CRP is implemented that limits the number of participants or vessels in these fisheries. The Council recognizes that its action may discourage increased fishing effort in the affected fisheries for purposes of increasing individual catch histories because any landings in these fisheries made after June 24, 1992, may not count toward future allocations of TAC under a future CRP. The purpose of this notice is to inform the public through the **Federal Register** of the Council's announced intentions regarding future fisheries management actions.

The public should be aware that fishermen or vessels who made landings prior to this date are not necessarily guaranteed access under any future

management regime developed by the Council or the Secretary, because the Council may recommend additional criteria for qualifying fishermen or vessels as participants in these fisheries. Neither the Council nor the Secretary is committed to any particular management regime or priority criteria for access to the groundfish, halibut, or crab fisheries under the Council's authority. The Council may choose to take no further action to control entry or access to these fisheries. The Council may also choose any other date before or after June 24, 1992, as a criterion for future participation in these fisheries.

Dated: June 15, 1993.

Gary Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–14545 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Notice of Teleconference

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council will hold a telephone conference on July 1, 1993, beginning at 9:30 a.m., Pacific Standard Time. The purpose of the telephone conference is to discuss allocation of Pacific whiting in 1994 and future years.

The Council's allocation measure for Pacific whiting for 1993 and beyond was substantially altered by the Secretary of Commerce, who implemented a one-year plan for 1993, which effectively provided 70 percent of the resource to the offshore sector. Unless further action is taken, there will be no allocation in place for future years; all vessels would compete in an "Olympic" fishery. It is unclear at this time if the Department of Commerce will entertain a Council-recommended allocation for 1994, or if that recommendation could deviate from the 1993 measure. The Department has been asked to provide guidance on this matter.

In order for the Council to have a Pacific whiting management plan in effect for 1994, the Council must adopt a preferred measure for public review at the September Council meeting in Portland and take final action at its November meeting in San Francisco. The Council will decide how to address Pacific whiting allocation for future years at the conference of July 1.

Members of the public that wish to participate in this conference may do so at the following locations:

NMFS, Northwest Region, 7600 Sand Point Way, NE, Bldg. 1, Seattle, WA

Pacific Fishery Management Council, 2000 SW. First Avenue, Suite 420, Portland, OR

Oregon Department of Fish and Wildlife, 2040 SE Marine Science Dr., Newport, OR

Fishermen's Marketing Association, 320 Second Street, Suite 2B, Eureka, CA

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326–6352.

Dated: June 14, 1993.

David S. Crestin,

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

[FR Doc. 93–14472 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Permits

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

ACTION: Issuance of Scientific Research Permit No. 855 (P342C).

SUMMARY: On April 2, 1993, notice was published in the **Federal Register** (58 FR 17383) that an application had been filed by Mr. John Calambokidis, Cascadia Research Collective, Waterstreet Building, Suite 201, 218½ West Fourth Avenue, Olympia, WA 98501, for a scientific research permit to conduct photo-identification studies on humpback whales (*Megaptera novaeangliae*), blue whales (*Balaenoptera musculus*), and gray whales (*Eschrichtius robustus*) over a 5-year period in the waters of California, Oregon, Washington, and international waters of the North Pacific.

Notice is hereby given that on June 14, 1993, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (MMPA) (16 U.S.C. 1361 *et seq.*) and the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) NMFS issued a Permit for the above taking, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the ESA of 1973, is based on the finding that the Permit: (1) Was applied for in good faith; (2) Will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) Is consistent with the purposes and policies set forth in section 2 of the ESA.

The Permit and other related documentation are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, NMFS, 1335 East West Highway, room 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115 (206/526–6150); and

Director, Southwest Region, NMFS, 501 W. Ocean Blvd, Suite 4200, Long Beach, CA 90802–4213 (310/980–4016).

Dated: June 14, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–14499 Filed 6–18–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

June 15, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing a limit.

EFFECTIVE DATE: June 22, 1993.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 641 is being reduced for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 24597, published on June 10, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant

to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 15, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 5, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Indonesia and exported during the period July 1, 1992 through June 30, 1993.

Effective on June 22, 1993, you are directed to reduce the limit for Category 641 to 1,525,407 dozen,[1] as provided under the terms of the current bilateral agreement between the Governments of the United States and Indonesia.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–14585 Filed 6–18–93; 8:45 am]

BILLING CODE 3510-DR-F

[1] The limit has not been adjusted to account for any imports exported after June 30, 1992.

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

Title, Applicable Form, and OMB Control Number: 1992 Reserve Components Survey of Spouses.

Type of Request: Expedited Processing—Approval Date Requested: July 21, 1993.

Number of Respondents: 35,408.

Responses per Respondent: 1.

Annual Responses: 35,408.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 11,802.

Needs and Uses: This survey of the spouses of members of reserve components focuses on family reactions to reserve and guard programs. This, and the companion survey of reservists, examines attrition and retention, reactions to programs, treatment by the Department of Defense, and impact on families.

Affected Public: Individuals or households.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: June 15, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–14470 Filed 6–18–93; 8:45 am]

BILLING CODE 5000-04-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 225, Foreign Acquisition; DFARS Subpart 252.2, Texts of Provisions and Clauses.

Type of Request: Emergency submission—Approval date requested: June 11, 1993.

Average Burden Hours/Minutes per Response: .5 Hours.

Reponse per Respondent: 6.

Number of Respondents: 300.

Annual Burden Hours: 900.

Annual Responses: 1,800.

Needs and Uses: The clause at DFARS 252.225–7026, Reporting of Overseas Subcontracts, presently used in contracts exceeding $500,000, requires contractors to submit a Subcontract Report of Foreign Purchases for each subcontract over $25,000, if the location of the producer of the supplies, or provider of the services, is outside the United States. This information is needed for annual exchanges of data between the United States and foreign countries, in accordance with reciprocal memoranda of understanding. Section 840 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) provides that any firm that is performing a DoD contract exceeding $10,000,000, or is submitting a bid or proposal for such a contract, shall notify DoD in advance of any intention of the firm or its first tier subcontractor to perform outside the United States and Canada any part of the contract that exceeds $500,000 in value and could be performed inside the United States or Canada. The clause at DFARS 252.225–7026 is being revised to incorporate the reporting requirement of section 840 of the National Defense Authorization Act for Fiscal Year 1993. The reports will be maintained in compiled form for a period of 5 years after the date of submission and will be made available for use in the preparation of the national defense technology and industrial base assessment carried out under 10 U.S.C. 2305.

Affected Public: Businesses or other for-profit organizations; Small businesses or organizations.

Frequency: On occasion.

Respondents Obligation: Mandatory.

OMB Desk Officer: Mr. Peter N. Weiss. Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia, 22202–4302.

Dated: June 15, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–14471 Filed 6–18–93; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF ENERGY

Availability of a Supplement to the Draft Environmental Impact Statement on the Proposed Expansion of the Strategic Petroleum Reserve

AGENCY: Strategic Petroleum Reserve (SPR), Department of Energy (DOE).

ACTION: Notice of availability of a supplement to a draft environmental impact statement and notice to conduct public hearings on the supplement.

SUMMARY: The Department of Energy (DOE) announces the availability of the Supplement to the Draft Environmental Impact Statement on the Expansion of the Strategic Petroleum Reserve (DOE/EIS-0165). The Draft Environmental Impact Statement (DEIS), issued in October 1992, assessed a proposed plan for expanding the Strategic Petroleum Reserve (SPR) from 750 million barrels to one billion barrels pursuant to Congressional directive (Pub. L. 101-383 and Pub. L. 101-512). The expansion plan is considering five candidate sites. The Supplement assesses an alternative method of brine disposal by underground injection at two of the five candidate sites—Cote Blanche salt dome in St. Mary Parish, Louisiana and Richton salt dome in Perry County, Mississippi.

Comments on the Supplement to the DEIS are invited from interested persons, organizations, and agencies. Public hearings will be held at locations near each of the two candidate sites considered in the Supplement.

DATES: Written comments to the DOE should be postmarked by July 26, 1993, to ensure consideration in evaluating the additional brine disposal methods at the two candidate sites discussed in the Supplement. Oral comments will be received at the public hearings to be held on July 7 and 8, 1993 (schedule and locations given below). Individuals wishing to make oral statements at a hearing should notify the DOE no later than one week prior to the hearing so that the DOE may arrange a schedule for presentations.

ADDRESSES: Requests for copies of the Supplement, requests to present oral comments at the hearings, and requests for further information concerning this Supplement may be directed to: Mr. Hal Delaplane, Strategic Petroleum Reserve (FE-423), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Requests for copies of the Supplement can be submitted by telephone at 703-934-3320. Requests to present oral comments at the hearings also will be accepted by facsimile at 703-934-9740 (Attention: DOE Public Hearings, Deborah Shaver). For general information on the procedures followed by the DOE in complying with the requirements of the National Environmental Policy Act (NEPA), contact: Carol Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202-586-4600 or 800-472-2756.

SUPPLEMENTARY INFORMATION:

I. Background

The DEIS assessed the proposed plan to expand the SPR by 250 million barrels that involves the selection and development of two salt domes as sites for underground petroleum storage from five candidate salt domes being considered. These sites are located in Brazoria and Jefferson Counties, Texas; Iberia and St. Mary Parishes, Louisiana; and Perry County, Mississippi. To meet SPR petroleum distribution objectives, one site would be located in Texas and the other would be located in either Louisiana or Mississippi. All candidates are assessed at the same level of detail. No preferred alternative(s) has been selected at this time. The DEIS and the Supplement are documents which the DOE will use to select the preferred alternative(s) in the Final EIS.

All proposed storage facilities analyzed in the DEIS involve the development of underground salt caverns for petroleum storage which would be accomplished by solution mining of the salt. This process generates substantial quantities of saturated brine which must be disposed of in an environmentally acceptable manner. After site development, additional brine disposal will be required, but at substantially lower rates and quantities, for site fill and cavern pressure control.

The DEIS assessed the environmental impacts of brine disposal into the Gulf of Mexico as the principal brine disposal method for all sites. In addition, the DEIS assessed an alternative brine disposal configuration using underground brine injection wells in lieu of ocean discharge for the two Louisiana candidates —Weeks Island and Cote Blanche. For the Richton, Mississippi site, the DEIS assessed a single hybrid brine disposal configuration which would provide a combination of primary (high volume) brine disposal through a 96-mile pipeline into the Gulf of Mexico and secondary (low volume) brine disposal via underground injection. After completion of the site development, the 96-mile pipeline to the Gulf would be converted to oil distribution, and all subsequent brine disposal would be via the underground injection system.

Public hearings on the DEIS were held in December 1992 in Mississippi, Texas, and Louisiana. The comment period closed March 5, 1993. Among comments received by the DOE was a proposal for an underground injection system capable of meeting all of Richton's brine disposal requirements which was to be considered in lieu of ocean discharge due to perceived lower environmental impacts and costs.

In response to this comment, the DOE concluded that the proposal is reasonable for consideration. Therefore, consistent with 40 CFR 1502.9(c) of the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the DOE determined on March 11, 1993, that it would further the purposes of NEPA to discuss the proposal and circulate it for public review and comment in a Supplement to the DEIS. In addition, the Supplement provides information for public comment on a refinement to the brine injection alternative for Cote Blanche which substantially differs environmentally from that considered in the DEIS. The Supplement analyzes impacts to floodplains/wetlands, wildlife, surface water, and groundwater. The Supplement was approved by the DOE for publication and distribution on May 12, 1993.

II. Floodplains/Wetlands Notification

Pursuant to Executive Order 11988, Floodplain Management, and 11990, Protection of Wetlands, and to 10 CFR part 1022, Compliance with Floodplains/Wetlands Environmental Review Requirements, the DOE hereby provides notice that the construction and operation of the brine injection fields and associated pipelines at Cote Blanche, Louisiana and Richton, Mississippi would be located in the 100-year floodplain. Construction and operation would also impact wetlands at both candidate sites.

The DOE will prepare a floodplain and wetlands assessment for this proposed action. Implementation of this action would be done to avoid or reduce potential harm to or within these affected floodplains and wetlands. The potential environmental impacts are discussed in Chapter 5 of the Supplement to the DEIS. Any comments regarding the proposed plan's impact on floodplains and wetlands may be submitted to the DOE in accordance with the procedures described below. The assessment and a floodplain statement of findings will be included

in the Final Environmental Impact Statement.

III. Comment Procedures

A. Availability of the Supplement to the DEIS

Copies of the Supplement to the DEIS are available for inspection at the DOE's reading rooms at the information repositories in the vicinity of each of the five alternative sites evaluated in the DEIS. The locations where the Supplement to the DEIS may be found are as follows:

1. DOE Reading Rooms

—Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585
—SPR Project Management Office (c/o Mike Farley), 900 Commerce Road East, New Orleans, Louisiana 70123

2. Information Repositories

a. *Texas*

—Brazoria County Library, 401 East Cedar Lane, Angleton, Texas 77515
—Beaumont Public Library, 801 Pearl Street, Beaumont, Texas 77701

b. *Louisiana*

—Allen J. Ellender Memorial Library, Leighton Drive, Nicholls State University, Thibodaux, Louisiana 70310
—Dupre Library, 302 East St. Mary Blvd, University of Southwestern Louisiana, Lafayette, Louisiana 70504

c. *Mississippi*

—Library of Hattiesburg, 723 North Main Street, Hattiesburg, Mississippi 39401
—Pascagoula Public Library, 3214 Pascagoula Street, Pascagoula, Mississippi 39567

B. Written Comments

Interested parties are invited to provide comments on the content of the Supplement to the DEIS to the DOE at the above address. Envelopes should be marked "Attention: SPR Supplement to the DEIS Comments." Comments should be postmarked no later than July 26, 1993, to ensure consideration in evaluating the brine disposal methods at the two candidate sites discussed in the Supplement, should either be selected as a preferred alternative. Comments postmarked after July 26, 1993, will be considered to the extent practicable. Comments will not be accepted by telephone.

C. Public Hearings

1. Participation Procedures: The public is also invited to provide comments on the Supplement to the DEIS to the DOE at the scheduled public hearings. The purpose of the hearings is to receive substantive comments related to the Supplement. The hearings will not be judicial or evidentiary-type proceedings.

Persons who wish to speak at a hearing are advised to preregister by mail or by facsimile at the address or telephone number listed above. Preregistration requests will be accepted up to one week prior to the hearings. A separate request is required for each speaker. Registrants should confirm the time they are scheduled to speak at the registration desk at the hearing. Persons who have not preregistered may register at the door and will be accommodated on a first-come, first-served basis to the extent time allows. To ensure that as many persons as possible have the opportunity to speak, five minutes will be allotted to each. Additional sessions will be held after the scheduled date if the number of preregistrants indicates that there may be more persons wishing to speak than can be accommodated in the time available. Additional sessions will be announced prior to and at the scheduled hearings. Speakers are encouraged to provide the DOE with written copies of their comments at the hearing. In addition, persons at the hearing may submit written comments in lieu of speaking. Written comments will receive the same weight in the hearing record as oral comments.

2. Hearing Schedules and Locations: Hearings will be held from 7 to 10 p.m. at the following locations on the dates indicated:

Wednesday, July 7, 1993

C.E. Roy Center, 300 East 5th Street, Hattiesburg, Mississippi

Thursday, July 8, 1993

Franklin High School, 1401 Cynthia Street, Franklin, Louisiana

3. Conduct of the Hearings: The DOE's basic procedures for conducting the hearings will be announced by the presiding officer at the start of the hearings. Clarifying questions regarding statements made at the hearings may be asked only by DOE personnel conducting the hearings. There will be no cross-examination of persons providing statements. A transcript of the hearings will be prepared, and the entire record of each hearing, including the transcript, will be retained by the DOE for inspection at information repositories and DOE reading rooms listed above.

Issued in Washington, DC on June 16, 1993.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

[FR Doc. 93–14579 Filed 6–18–93; 8:45 am]

BILLING CODE 6450–01–P

Preparation of Nuclear Waste Management Plan Report

AGENCY: Office of Civilian Radioactive Waste Management, Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE) Office of Civilian Radioactive Waste Management hereby requests the views and comments of the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), and other interested parties on the Office of Civilian Radioactive Waste Management's Draft Nuclear Waste Management Plan Report. This report considers whether current programs and plans for management of nuclear waste, as mandated by the Nuclear Waste Policy Act of 1982, as amended, are adequate for management of any additional volumes or categories of nuclear waste that might be generated by any new nuclear power plants that might be constructed and licensed after the date of the enactment of the Energy Policy Act of 1992. Views and comments received in accordance with the instructions given in this notice will be considered by the Office of Civilian Radioactive Waste Management in preparation of the final Nuclear Waste Management Plan Report required under section 803 of the Energy Policy Act.

DATES: Comments on the draft report are to be submitted to the Office of Civilian Radioactive Waste Management at the address below no later than August 20, 1993. The meetings will be held on July 20, 1993, in Las Vegas, Nevada, beginning at 2 p.m. and on July 29, 1993, in Washington, DC, beginning at 9 a.m.

ADDRESSES: Comments should be addressed to: Dwight E. Shelor, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

The first public meeting will be held on July 20, 1993, from 2–10 p.m. (with a 5:30–6:30 p.m. dinner break) in the Board Room on the campus of the University of Nevada at Las Vegas (702) 736–3610. The second public meeting will be held on July 29, 1993, from 9 a.m.–5 p.m. (with a 12:30–1:30 p.m.

lunch break) at the Hilton Hotel at Connecticut Avenue and Columbia Road in Washington, DC (202) 483–3000.

FOR FURTHER INFORMATION CONTACT: For information and to receive a copy of the draft report, please contact Dwight E. Shelor, Office of Civilian Radioactive Waste Management, (202) 586–6046.

SUPPLEMENTARY INFORMATION:

Background

In development and preparation of the section 803 report, the Office of Civilian Radioactive Waste Management will solicit extensive public comment and conduct external review prior to submitting a final report to Congress. The first step in this process was a February 17, 1993, public meeting on the report's annotated outline.

Section 803 of the Energy Policy Act of 1992 (Pub. L. 102–486, October 24, 1992) states that the Secretary of Energy shall prepare the report for submission to the President and Congress within one year after the date of the enactment of the Energy Policy Act. The report shall examine any new relevant issues related to management of spent nuclear fuel and high-level radioactive waste that might be raised by the addition of new nuclear-generated electric capacity, including anticipated increased volumes of spent nuclear fuel or high-level radioactive waste, any need for additional interim storage capacity prior to final disposal, transportation of additional volumes of waste, and any need for additional repositories for deep geologic disposal. DOE evaluated programs and plans mandated by the Nuclear Waste Policy Act of 1982, as amended, specifically those implemented by the Office of Civilian Radioactive Waste Management. DOE believes that the current waste management programs and plans are adequate to manage additional radioactive materials that may be generated by the aforementioned nuclear power plants and other radioactive materials that are not part of our current programs, but may require disposal in a geologic repository.

The Energy Policy Act of 1992 requires DOE to evaluate its programs and plans to determine whether they are adequate to manage additional waste that may be generated by nuclear power plants constructed and licensed after October 24, 1992.

In addition to waste that may be generated by new nuclear power plants, the Department considered waste from other sources.

Since current programs and plans for the management of nuclear waste as mandated by the Nuclear Waste Policy Act of 1982, as amended, address spent nuclear fuel and high-level radioactive waste from both commercial and defense sources, the adequacy of these programs and plans could not be determined without considering both sources.

DOE has concluded that current waste management programs and plans are adequate for any additional volumes and categories of nuclear waste produced by new power plants. Those programs and plans are also adequate for managing potential volumes or categories of high-level radioactive waste resulting from the Department's waste stabilization and disposal programs. The analysis found that:

1. Radioactive materials from new nuclear power plants, and most other radioactive materials not managed as part of the current waste management system, will not be generated until well into the future. There will be sufficient time to modify the current programs and plans after the amount of additional waste to be generated by new plants is known. For example, the uppermost projection of new nuclear power plants operation would result in 35 percent more spent nuclear fuel by 2030 than provided for in current plans. Most of this increase would occur between 2020 and 2030, leaving ample time to make program adjustments.

2. Flexibility has been built into the current programs and plans. The system development process, the waste acceptance process, and the cost estimating and cost recovery programs can be adjusted to changing demands on the waste management system. Evaluation of potential additional waste that may be generated after October 24, 1992, indicates that any need for increased storage or disposal capacity can be handled by the current program planning process.

3. Development of the waste management system is at an early stage, allowing ample opportunity to accommodate changing needs. Major facilities for storage, transportation, and disposal have not been sited, and final designs for their construction have not been developed. Therefore, the system design can be adjusted to meet new requirements.

The requirement for additional disposal capacity to handle increased quantities of nuclear waste does not necessarily mean that additional repositories will be needed. Only when site characterization has provided enough data will it be possible to determine the first repository's disposal capacity, and only from that can we determine the need for a second repository. The Nuclear Waste Policy Act of 1982, as amended, requires an evaluation of the need for a second repository be done between 2007 and 2010. There is no need for an earlier evaluation.

These findings are based on an analysis of waste generation scenarios that generate the largest amount of waste. In order to perform a thorough evaluation of current programs and plans to manage potential waste generation, DOE developed two scenarios that would generate large amounts of waste at an early date using reasonable assumptions by authoritative sources.

The first scenario assumes the maximum amount of spent nuclear fuel from commercial plants and high-level radioactive waste from DOE activities. It assumes new nuclear power plants are introduced between 2006 and 2010, and that 70 percent of the existing plants renew their licenses for 20 years; this results in generation of 115,800 metric tons of spent nuclear fuel through 2030. The scenario also assumes that high-level radioactive waste, currently stored at the West Valley Demonstration Project (New York), the Savannah River site (South Carolina), the Idaho National Engineering Laboratory (Idaho), and the single- and double-shell tanks at the Hanford site (Washington), is solidified in 48,900 canisters.

The second scenario assumes the same amount of nuclear power is being generated as the first scenario, but 19 advanced liquid metal reactors are deployed between 2012 and 2030 in addition to other advanced light-water reactors. In this scenario, 40,900 metric tons of spent nuclear fuel are reprocessed to supply fuel for the advanced liquid metal reactors, resulting in generation of 74,900 metric tons of spent nuclear fuel through 2030. Reprocessing results in 46,100 packages of high-level radioactive waste, added to the 48,900 canisters in the first scenario for a total of 95,000 canisters and packages of high-level radioactive waste through 2030.

The scenarios were not developed to predict or endorse future activities. In reality, future waste generation will differ because actual conditions will not be the same as those assumed in the scenarios. However, DOE is confident that the findings would be valid over a wide range of actual conditions because the scenarios were developed to maximize waste generation and changes in assumptions would most likely result in less waste being generated. Changes in waste projections would not change the Department's findings that current programs and plans are adequate to

manage all of the spent nuclear fuel and solidified high-level radioactive waste projected.

Meetings

Both July meetings are open to the public and consist of two parts. The first part of each meeting (in the afternoon in Las Vegas, Nevada, and in the morning in Washington, DC), will include a brief presentation by the Office of Civilian Radioactive Waste Management on the section 803 report to a group of invited participants. The invited participants will interact with the authors of the section 803 report and provide input on a section-by-section basis. Representatives from Nevada, and affected counties; utility, environmental, and labor groups; other Federal agencies; regional energy boards; civic organizations; and others will be invited to participate. The second part of each meeting (in the evening in Las Vegas, Nevada, and in the afternoon in Washington, DC), will also include a brief presentation by the Office of Civilian Radioactive Waste Management. The public will be invited to participate in this information exchange that will include a question and answer session. This session would be educational in nature and designed to help meeting attendees better understand the report in order to assist them in the preparation of their written comments.

Issued in Washington, DC on June 16, 1993.

Jerome Saltzman,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 93–14582 Filed 6–18–93; 8:45 am]

BILLING CODE 6450–01–P

Public Road Work Draft Funding Policy

AGENCY: Department of Energy.

ACTION: Notice of availability of draft statement of policy.

SUMMARY: The Department of Energy (DOE) is announcing the availability of its draft policy for funding public road work off DOE-owned sites.

ADDRESSES: The draft policy can be obtained at the following address: Department of Energy, AD–141, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Thomas Knox, Department of Energy, AD–141, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–1191.

SUPPLEMENTARY INFORMATION: This draft policy is in response to the Conference Report accompanying H.R. 2100, the National Defense Authorization Act for Fiscal Years 1992 and 1993 (H. Rept. 102–311). The draft policy sets forth the parameters that are proposed for governing DOE's funding of public road work off DOE-owned sites.

Issued in Washington, DC, June 15, 1993.

Linda G. Sye,

Acting Assistant Secretary for Human Resources and Administration.

[FR Doc. 93–14580 Filed 6–18–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Environment, Safety and Health

Radiological Health and Safety Policy

AGENCY: Department of Energy.

ACTION: Notice of publication of Radiological Health and Safety Policy.

SUMMARY: Today's notice publishes the Department's Radiological Health and Safety Policy. The Secretary signed the Policy Statement on June 8, 1993. This policy statement formally expresses the Department's fundamental policies and objectives on radiological health and safety, and is a key element in the Department's initiatives directed towards establishing DOE as a pacesetter in the area of radiological protection. This policy is applicable to all elements and activities conducting radiological operations within the Department.

FOR FURTHER INFORMATION CONTACT: C. Rick Jones, Director, Office of Health Physics/Industrial Hygiene Programs, EH–41, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585 or telephone (301) 903–6061.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

It is the policy of the Department of Energy to conduct its radiological operations in a manner that ensures the health and safety of all its employees, contractors, and the general public. In achieving this objective, the Department shall ensure that radiation exposures to its workers and the public and releases of radioactivity to the environment are maintained below regulatory limits and deliberate efforts are taken to further reduce exposures and releases in accordance with a process that seeks to make any such exposures or releases as low as reasonably achievable. The Department is fully committed to implementing a radiological control program of the highest quality that consistently reflects this policy.

In meeting this policy, the Department shall:

1. Establish and maintain a system of regulatory policy and guidance reflective of national and international radiation protection standards and recommendations. The Assistant Secretary for Environment, Safety and Health (or the Director, Naval Reactors, for that program), has responsibility for promulgating and maintaining policies, standards, and guidance related to radiological protection. Departmental radiological protection requirements are, at a minimum, consistent with the Presidentially approved Radiation Protection Guidance to Federal Agencies developed by the Environmental Protection Agency in accordance with its mandated Federal guidance responsibilities. Departmental requirements often are more stringent and reflect, as appropriate, recommendations and guidance from various national and international standards-setting and scientific organizations, including the International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, the American National Standards Institute, and others. Departmental requirements related to radiological protection will be set forth, as appropriate, in rules and Department of Energy Orders, and guidance documents will be issued on acceptable means to implement these requirements.

2. Ensure personnel responsible for performing radiological work activities are appropriately trained. Standards shall be established to ensure the technical competency of the Department's work force, as appropriate, through implementation of standardized and mandated radiological training and development programs.

3. Ensure the technical competence of personnel responsible for implementing and overseeing the radiological control program. An appropriate level of technical competence gained through education, experience, and job-related technical and professional training is a critical component for achieving the goals of the Department's radiological control policy. Qualification requirements commensurate with this objective shall be established for technical and professional radiological control program positions and shall, at a minimum, be consistent with applicable industry standards and promote professional development and excellence in radiological performance.

4. Establish and maintain, from the lowest to the highest levels, line management involvement and accountability for departmental

radiological performance. The responsibility for compliance with departmental radiological protection requirements, and for minimizing personnel radiation exposure, starts at the worker level and broadens as it progresses upward through the line organization. The Department's line managers are fully responsible for radiological performance within their programs and the field activities and sites assigned to them, and shall take necessary actions to ensure requirements are implemented and performance is monitored and corrected as necessary.

5. Ensure radiological measurements, analyses, worker monitoring results and estimates of public exposures are accurate and appropriately made. The capability to accurately measure and analyze radioactive materials and workplace conditions, and determine personnel radiation exposure, is fundamental to the safe conduct of radiological operations. Policy, guidance, and quality control programs shall be directed towards ensuring such measurements are appropriate, accurate, and based upon sound technical practices.

6. Conduct radiological operations in a manner that controls the spread of radioactive materials and reduces exposure to the work force and the general public and that utilizes a process that seeks exposure levels as low as reasonably achievable. Radiological operations and activities shall be preplanned to allow for the effective implementation of dose and contamination reduction and control measures. Operations and activities shall be performed in accordance with departmental conduct of operations requirements and shall include reasonable controls directed towards reducing exposure, preventing the spread of radiological contamination, and minimizing the generation of contaminated wastes and the release of effluents.

7. Incorporate dose reduction, contamination reduction, and waste minimization features into the design of new facilities and significant modifications to existing facilities in the earliest planning stages. Wherever possible, facility design features shall be directed towards controlling contamination at the source, eliminating airborne radioactivity, maintaining personnel exposure and effluent releases below regulatory limits and utilizing a process that seeks exposure levels and releases as low as reasonably achievable. Radiological design criteria shall reflect appropriate consensus recommendations of national and international standards setting groups.

8. Conduct oversight to ensure departmental requirements are being complied with and appropriate radiological work practices are being implemented.

All departmental elements shall conduct their radiological operations in a manner consistent with the above policies and objectives.

Hazel R. O'Leary,

Secretary.

[FR Doc. 93-14581 Filed 6-18-93; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket Nos. EL93-43-000, et al.]

Alcoa Generating Corp., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

June 15, 1993.

Take notice that the following filings have been made with the Commission:

1. Alcoa Generating Corp.

[Docket No. EL93-43-000]

Take notice that on June 2, 1993, Alcoa Generating Corporation (AGC) tendered for filing a letter seeking reconsideration of the letter of August 25, 1992 denying its request that the Federal Energy Regulatory Commission waive the requirement that AGC file information on Form 423 for AGC's electric generating units in Warrick County Indiana. AGC further requests that in the event that the Commission determines that a formal petition for a declaratory order is appropriate, that AGC's filing be considered as made under Rule 207, 18 CFR 385.207 (1992).

Comment date: June 30, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Puget Sound Power & Light Co.

[Docket No. ER93-699-000]

Take notice that on June 8, 1993, Puget Sound Power & Light Company (Puget) tendered for filing the Average System Cost Rate Filing for the Exchange Period beginning October 1, 1992 and a Motion for Hearing and for Appointment of a Joint State Board to Review Average System Cost Rate.

Comment date: June 29, 1993, in accordance with Standard Paragraph E end of this notice.

3. Central Louisiana Electric Co., Inc.

[Docket No. ER93-659-000]

Take notice that on May 21, 1993, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing a Notice of Cancellation of FPC Rate Schedule No. 2 between CLECO and the City of Franklin, Louisiana.

Comment date: June 30, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. PSI Energy, Inc.

[Docket No. ER92-653-000]

Take notice that PSI Energy, Inc. (PSI) on June 8, 1993, tendered for filing an amended Service Schedule to the FERC Filing in Docket No. ER92-653-000 to comply with a FERC Staff request.

Copies of the filing were served on Indianapolis Power and Light Company and the Indiana Utility Regulatory Commission.

Comment date: June 29, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. The United Illuminating Co.

[Docket No. ER93-365-000]

Take notice that on May 24, 1993, The United Illuminating Company (UI) tendered for filing supplemental information relating to UI's filing of an agreement to modify and extend the term of capacity exchange agreement between UI and The Connecticut Light and Power Company (CL&P).

UI states that the amendment was filed in response to a request by Commission Staff for additional information and that a copy of this filing has been mailed to CL&P.

UI requests that the rate schedule filed become effective May 1, 1993.

Comment date: June 30, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Niagara Mohawk Power Corp.

[Docket No. ER93-553-000]

Take notice that on May 27, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing an amendment to its filing dated April 6, 1993 regarding the Marcy South Facilities Agreement with the Power Authority of the State of New York (NYPA).

Copies of the filing were served upon NYPA and the Public Service Commission of New York.

Comment date: June 30, 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. 93–14512 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF89–126–004]

Cedar Bay Generating Co., Limited Partnership; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

June 16, 1993.

On June 7, 1993, Cedar Bay Generating Company, Limited Partnership (Applicant), 7475 Wisconsin Avenue, Bethesda, Maryland 20814–3422, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility will be located in Jacksonville, Florida. The Commission originally certified the facility as a 249 MW qualifying cogeneration facility, *AES Cedar Bay, Inc.*, 46 FERC ¶ 62,284 (1989). Subsequently, the Commission granted recertification to AES Cedar Bay, Inc. for a 269 MW cogeneration facility, 54 FERC ¶ 62,018 (1991) and recertification to AES CB Limited Partnership to reflect a change in ownership from AES Cedar Bay, Inc. to AES CB Limited Partnership and the addition of a second steam customer, 58 FERC ¶ 62,253 (1992). The instant request for recertification is requested to reflect changes in ownership, one of the steam hosts and the operating and efficiency values.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14519 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF87–452–002]

Northampton Generating Co., L.P.; Application for Commission Recertification of Qualifying Status of a Small Power Production Facility

June 16, 1993.

On June 9, 1993, Northampton Generating Company, L.P. of 7475 Wisconsin Avenue, Suite 1000, Bethesda, Maryland 20814–3422, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility is located in the Borough of Northampton, Northampton County, Pennsylvania. The Commission previously certified the facility as an 84.1 MW old anthracite culm and silt-fired topping-cycle cogeneration facility. The instant request for recertification is due to a change in the facility's fuel supply sources, a change in the ownership structure, and an increase in the maximum net electric power production capacity to 98.0 MW.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14513 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF93–104–000]

Southern California Gas Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 16, 1993.

On June 10, 1993, Southern California Gas Company (Applicant), P.O. Box 3249, M.L. 22HO, Los Angeles, California 90051–1249, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to Applicant, the topping-cycle cogeneration facility, which will be located at the applicant's Aliso Canyon Underground Natural Gas Storage Field in the Santa Susana Mountains north of Northridge, California, will consist of a combustion turbine generator, a separately fired heat recovery steam generator, and an extraction/condensing steam turbine-generator. Thermal energy in the form of steam will be used for compressed gas cooling using absorption chillers in the gas injection process, and gas dehydration in the gas withdrawal process. The primary energy source will be natural gas. The maximum net electric power production capacity will be 49.9 MW. The electric energy will be used by the Applicant and also sold to the Southern California Edison Company. Construction of the facility is expected to commence on August 1, 1994.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-14518 Filed 6-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2544-001 Washington]

Washington Water Power Co.; Availability of Environmental Assessment

June 15, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new minor license for the existing Meyers Falls Hydroelectric Project, located on the Colville River in Stevens County, Washington, near the town of Kettle Falls, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the existing and potential future environmental effects of the project and concludes that approval of the project would not be a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93-14476 Filed 6-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP93-433-000, et al.]

Northern Natural Gas Company, et al., Natural Gas Certificate Filings

June 14, 1993.

Take notice that the following filings have been made with the Commission:

1. Northern Natural Gas Company

[Docket No. CP93-433-000]

Take notice that on June 7, 1993, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed an application with the Commission in Docket No. CP93-433-000 pursuant to Section 7(c) of the Natural Gas Act (NGA) for authority to construct and operate certain pipeline and compression facilities in order to provide incremental firm transportation service to Iowa-Illinois Gas and Electric Company (Iowa-Illinois) and Cedar Falls Utilities (Cedar Falls), all as more fully set forth in the request which is open to public inspection.

Northern proposes to replace various minor pipeline compression equipment on its East Leg mainline, which extends from Ogden, Iowa, to Waterloo, Iowa, to Galena, Illinois, and terminates near Eagle, Wisconsin. Northern states that it would boost the maximum allowable operating pressure (MAOP) on the East Leg mainline from 960 psig to 991 psig between the Ogden and Waterloo compressor stations. Northern also states that the increase in MAOP on the East Leg would enable Northern to transport an additional 30,200 Mcf of natural gas per day.

Northern also proposes to install two rented 1,000 H.P. Saturn turbine compressors at the Waterloo compressor station in order to discharge the incremental natural gas volumes into the Cedar Rapids branchline. Northern states that it would use these compressors as branchline compressors to deliver approximately 30,000 Mcf of natural gas per day to Iowa-Illinois at the Cedar Rapids/Vinton, Iowa, town border station and approximately 200 Mcf of natural gas per day to Cedar Falls at the Cedar Falls, Iowa, delivery point. Northern also states that it would pay $505,200 annually to rent these compressors.

Northern states that it would cost approximately $725,000 to modify the East Leg mainline's MAOP and approximately $600,000 to install the two rental compressor units at the Waterloo compressor station. Northern proposes to finance the project with internally generated funds.

Northern would transport the 30,200 Mcf of natural gas per day for Iowa-Illinois and Cedar Falls under Northern's FERC Rate Schedule TF for terms of two and eight years, respectively, according to their precedent agreements.

Comment date: July 6, 1993, in accordance with Standard Paragraph F at the end of the notice.

2. United Gas Pipe Line Company

[Docket No. CP93-447-000]

Take notice that on June 10, 1993, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP93-447-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a 4-inch tap and appurtenant facilities to provide interruptible natural gas service to Murphy Oil Refinery (Murphy) in St. Bernard Parish, Louisiana, under United's blanket certificate issued in Docket No. CP82-430-000 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.

United states that the tap would be constructed on the Venice Junction-Chalmette 16-inch line at Index 293, St. Bernard Parish, Louisiana. United states further that the facilities would provide an estimated daily volume of 10,048 MMBtu of natural gas to Murphy.

It is said that the estimated cost of the facilities is $6,870 and that Murphy would reimburse United for such costs.

United states that the interruptible service to Murphy would have no impact on United's curtailment plan nor affect United's ability to serve its other customers.

Comment date: July 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

3. Transcontinental Gas Pipe Line Corporation

[Docket No. CP93-442-000]

Take notice that on June 9, 1993, Transcontinental Gas Pipe Line Corporation (TGPL), P.O. Box 1396, Houston, Texas 77251 filed in Docket No. CP93-442-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new point of delivery to Public Service Electric & Gas Company (PSE&G), all as more fully set forth in the request that is on file with the Commission and open to public inspection.

TGPL states that it will construct, install, own, operate and maintain a new delivery point to PSE&G (referred to as the "Hoechst Celanese Delivery Point") which shall include a 4-inch hot tap and appurtenant facilities at milepost 1798.00 on TGPL's existing 36-inch Caldwell "B" Lateral, all in Somerset County, New Jersey. PS&E construct, or cause to construct, appurtenant facilities to enable it to receive gas from TGPL at such delivery point.

The Hoechst Celanese Delivery Point will be used by PSE&G to receive up to a maximum daily delivery point entitlement of 3,000 Mcf per day of gas from TGPL on a firm interruptible basis in order to enable PSE&G to serve Hoechst Celanese Corporation, an incremental cogeneration customer of PSE&G that will use the gas as fuel for

its cogeneration plant. The authorized total transportation and sales service entitlement for PSE&G will not be altered from the current level, and the addition of the Hoechst Celanese Delivery Point will have no effect on TGPL's peak day or annual deliveries to PSE&G. Furthermore, TGPL has sufficient system delivery flexibility to accomplish deliveries at the Hoechst Celanese Delivery point without detriment or disadvantage of TGPL's other gas transportation sales customers, and, therefore, the addition of such point will have no effect on TGPL's peak day or annual deliveries to such other customers. Also, the addition of such delivery point is not prohibited by TGPL's FERC Gas Tariff. PSE&G will continue to have total firm mainline sales and transportation capacity of 430,549 Mcf per day.

Comment date: July 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

4. Columbia Gulf Transmission Company

[Docket No. CP93–436–000]

Take notice that on June 7, 1993, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP93–436–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon natural gas transmission facilities under Columbia Gulf's blanket certificate issued in Docket No. CP83–496–001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Columbia Gulf proposes to abandon its Carney Lateral by sale to Arkansas Oklahoma Gas Corporation (AOG). Columbia Gulf states that the Carney Lateral consists of approximately 11,024 feet of 6-inch pipeline and a single 3-inch measuring station and associated piping and dehydration equipment and rights-of-way connecting the Carney #1 Well to AOG's 8-inch pipeline in Sebastian County, Arkansas. Columbia Gulf further states that the facilities would be sold for $150,000 (as compared to a net depreciated book value of $279,832). It is indicated that the lateral would be purchased for continued use as a pipeline and not for salvage. Columbia Gulf advises that the sale of facilities would save approximately $15,900 yearly in operation and maintenance costs, as well as an estimated $40,000 in retirement costs.

It is stated that the Carney Lateral facilities were installed in 1981, under authorization issued in Docket No. CP80–281–000, to receive system supply for Columbia Gas Transmission Corporation (Columbia Transmission) and to transport the gas to AOG's system. It is alleged that Columbia Transmission is no longer purchasing natural gas production from the Carney #1 Well, and, since Columbia Transmission would have little if any sales function after its Order No. 636 restructuring proceedings, additional purchases of gas from the well would not be feasible.

Columbia Gulf states that no service currently is being provided through the facilities and it no longer has a use for the facilities. Columbia Gulf advises that Shippers purchasing gas production from the Carney #1 Well ship on a line owned by Ozark Gas Transmission System rather than incur an incremental transportation cost by using the Carney Lateral.

Comment date: July 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

5. TransColorado Gas Transmission Company

[Docket No. CP90–1777–006]

Take notice that on June 7, 1993, TransColorado Gas Transmission Company (TransColorado), 12055 West 2nd Place, Lakewood, Colorado 80228, filed in Docket No. CP90–1777–006 pursuant to Section 7(c) an amendment to its application for a certificate of public convenience and necessity filed July 20, 1990, in Docket No. CP90–1777–000 requesting authority to conform the preliminary authorization received by TransColorado in the December 20, 1990, Preliminary Determination on Non-Environmental Issues (PD) issued in this docket with pipeline routing modifications made during the environmental review process and with the Commission's Order No. 636 restructuring rules, all as more fully set forth in the application, which is on file and open to public inspection.

In its amended application, TransColorado states that it seeks to incorporate pleadings and exhibits that reflect (1) the final pipeline route, (2) revised facility costs based upon the finalized pipeline route and a 1994 construction period, (3) a restatement of the proposed initial transportation rates reflecting updated facility costs and a straight fixed-variable (SFV) rate methodology consistent with the Commission's Order No. 636, and (4) a pro forma tariff consistent with the provisions of Order No. 636.

TransColorado requests authority to construct and operate the following facilities: (1) 251 miles of 22-inch O.D. pipeline extending from the Big Hole area of Rio Blanco County, Colorado, to Red Mesa, La Plata County, Colorado (approximately 19 miles less than the original proposal), (2) 41 miles of 24-inch O.D. pipeline extending from Red Mesa, La Plata County, Colorado, to Blanco, New Mexico, terminating at anticipated points of interconnection with the transmission systems of El Paso Natural Gas Company and Transwestern Pipeline Company located in San Juan County, New Mexico (unchanged from the original proposal), (3) One 4,750 HP turbine compressor station to be constructed near Olathe, Colorado (unchanged from the original proposal), (4) Two 2,700 HP reciprocating compressors to be constructed near Dolores, Colorado (unchanged from the original proposal), and (5) miscellaneous measuring and regulating facilities (unchanged from original proposal.)

TransColorado indicates that the revised total estimated cost of the proposed facilities, based on estimated 1994 dollars, including line pack, is $183,585,625.

TransColorado notes that it proposes no changes to its initial proposal to maintain a constant total cost of service and levelized rates over two distinct periods: Period I, years 1 through 15, and Period II, years 16 through 25. TransColorado states that a 25-year life is assumed for the project. The revised rates applicable to firm transportation service provided under Rate Schedule FT and interruptible service under Rate Schedule IT, TransColorado explains, are designed based upon the original financial parameters approved by the Commission in its December 20, 1990, PD.

TransColorado further explains that cost associated with providing firm transportation service were allocated between the reservation and usage components through application of the SFV rate methodology required by the Commission's Order No. 636 and that rates are based upon a 300,000 Mcf per day throughput level, a 95 percent load factor and peak summer-design conditions. Finally, TransColorado clarifies that upon receipt of permanent certificate authority in this proceeding, it will become a natural-gas company engaged in the transportation of natural gas in interstate commerce subject to the Commission's Natural Gas Act jurisdiction and, for this reason, submits a pro forma tariff intended to bring it into full compliance with the provisions of Order No. 636.

Comment date: July 6, 1993, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is 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 the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the 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 Section 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. 93–14482 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–10273T Wyoming–41]

Department of the Interior; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

June 15, 1993.

Take notice that on June 10, 1993, the United States Department of Interior, Bureau of Land Management (BLM) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Lower Lewis Formation in Sweetwater County, Wyoming, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The notice covers certain Federal lands previously noticed in Docket No. JD92–01588T (Wyoming-11 Addition) in Sweetwater County, Wyoming and consists all or portions of the following acreage:

Township 24 North, Range 97 West, 6th P.M.

Section 15: All
Section 21–22: All
Section 27–28: All
Section 29: W/2 and SE/4
Section 33: W/2 and SE/4
Section 34: E/2 and SW/4
Section 35: All

The notice of determination also contains BLM's findings that the referenced portion of the Lower Lewis Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14480 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ93–8–63–001; TM93–8–63–001]

Carnegie Natural Gas Co.; Compliance Filing

June 15, 1993.

Take notice that on June 11, 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 June 1, 1993:

Sub Forty-Fourth Revised Sheet No. 8
Sub Forty-Fourth 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 reflect the correct rates of Carnegie's pipeline supplier, Texas Eastern Transmission Corporation (Texas Eastern). Carnegie states that it has revised its rates to incorporate the rates filed by Texas Eastern on May 14, 1993, in its restructuring proceeding in Docket No. RS92–11–000, pursuant to Texas Eastern's implementation of restructured services under Order No. 636, as authorized by the Commission to become effective June 1, 1993, citing *Texas Eastern Transmission Corp.*, 63 FERC ¶ 61,100 (1993). Accordingly, Carnegie states that the above substitute revised tariff sheets reflect an overall demand charge increase of $1.9123 per Dth, an overall commodity charge decrease of $0.7053 per Dth, and an overall DCA charge increase of $0.0629 per Dth in the adjusted sales rates under Rate Schedules CDS and LVWS, as well as a $0.6425 per Dth decrease in the maximum rate and a $.7091 per Dth decrease in the minimum rate for interruptible sales service under Carnegie's Rate Schedule SEGSS, all as compared with Carnegie's compliance filing in its last fully-supported PGA in Docket No. TQ93–7–63–000, as filed by Carnegie on June 3, 1993.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before June 22, 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 in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93-14478 Filed 6-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP93-489-000]

Columbia Gulf Transmission Co.; Request Under Blanket Authorization

June 16, 1993.

Take notice that on June 11, 1993, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP93-489-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to abandon and sell natural gas compression facilities located in Vermilion Parish, Louisiana, to Exxon Company U.S.A. (Exxon), under its blanket certificate issued in Docket No. CP83-496-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gulf states that it was authorized on Docket No. CP74-104-000 to construct an 1100 horsepower (HP) compressor station and appurtenances at Exxon's Pecan Island production facilities in Vermilion Parish, Louisiana. It is stated that the facilities were installed to enable Columbia Gulf's affiliate Columbia Gas Transmission Corporation (Columbia Gas) to fulfill its purchase obligation under a June 28, 1963 gas purchase contract. It is further stated that Columbia Gas has ceased purchasing natural gas from Exxon in the Pecan Island field and the facilities are no longer needed for system supply.

Columbia Gulf seeks to sell the compressor station and appurtenances to Exxon in order to save operation, maintenance and retirement costs. It is stated that Columbia Gulf will sell the facilities to Exxon at a cost of $40,000. Columbia Gulf maintains that it will save $90,000, annually, in operation and maintenance costs, as well as an estimated $482,000 in retirement costs as a result of the proposed sale to Exxon. Columbia Gulf states that it will continue to transport gas produced from the Pecan Island field through its 18-inch lateral.

Columbia Gulf states that it proposes to account for the abandonment by sale as a normal retirement in Account 108, Accumulated Provision for Depreciation of Gas Utility Plant. Columbia Gulf states, however, that the proposed accounting treatment does not recognize a loss on the sale of the compression facilities as provided for in Gas Plant Instruction 5 of the Uniform System of Accounts. Columbia Gulf requests a waiver of those requirements to the extent required.

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. 93-14516 Filed 6-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP93-485-000]

East Tennessee Natural Gas Co.; Request Under Blanket Authorization

June 15, 1993.

Take notice that on June 11, 1993, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 2511, Houston, Texas 77252-2511, filed in Docket No. CP93-485-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a new point of delivery to Middle Tennessee Natural Gas Utility District (MTUD), under the blanket certificate issued in Docket No. CP82-412-000, pursuant to section 7(c) 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.

East Tennessee proposes to construct and operate a hot tap, interconnection pipe and measurement facilities in Jackson County, Tennessee to permit deliveries to MTUD, one of its existing customers, of up to 3,000 Mcf per day of natural gas on a firm basis under Rate Schedule FT. East Tennessee estimates that the cost of the facilities would be $98,665, which would be reimbursed by MTUD. In support of the request, East Tennessee makes the following statements:

1. The total quantities to be delivered to MTUD after establishment of the delivery point would not exceed the total quantities authorized to be delivered.

2. Establishment of this delivery point is not prohibited by East Tennessee's tariff.

3. East Tennessee has sufficient capacity to accomplish deliveries at this point without detriment or disadvantage to East Tennessee's other customers.

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. 93-14475 Filed 6-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ93-7-24-000 and TM93-4-24-000]

Equitrans, Inc; Proposed Change in FERC Gas Tariff

June 15, 1993.

Take notice that Equitrans, Inc. (Equitrans) on June 11, 1993, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with a proposed effective date of June 1, 1993:

Seventh Revised Sub Forty-Second Revised Sheet No. 10

Eighth Revised Thirteenth Revised Sheet No. 34

Equitrans states that this filing implements an Out-of-Cycle Purchased Gas Adjustment to reflect a decrease in Equitrans' Rate Schedule PLS commodity rate of $0.6590 per Dth and a decrease in the demand cost of $1.7019 per Dth. The purchased gas adjustment to the Rate Schedule ISS is a decrease of $0.8236 per Dth. The filing also implements a change in Equitrans' Account No. 858 transmission and compression costs by other tracker.

consisting of an increase in the demand rate of $1.9277 per Dth and a decrease in the commodity rate of $0.1720 per Dth.

Equitrans states that the proposed rate adjustments are intended to reflect the elimination of gas costs incurred on the system of Texas Eastern Transmission Corporation (TETCO) effective June 1, 1993 when TETCO terminated its merchant function, and the corresponding increase in Account No. 858 costs due to Equitrans' conversion of its firm sales entitlements to firm transportation entitlements on TETCO's system.

Equitrans requests that the Commission grant waivers as needed, including a waiver of the thirty-day notice requirement, to permit the tariff sheets to become effective on June 1, 1993.

Equitrans states that a copy of its filing has been served upon its affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 835 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions to intervene and protests should be filed on or before June 22, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 93–14479 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–437–000]

Northwest Pipeline Corp.; Application

June 15, 1993.

Take notice that on June 7, 1993, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP93–437–000 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing an uprating in the horsepower of the existing compressor units at its Snohomish and Sumner Compressor Stations on its mainline transmission system in Washington, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest proposes to add 2,000 horsepower at its Snohomish Compressor Station by upgrading each of the two existing compressor units from 4,000 to 5,000 horsepower and to add 1,200 horsepower at its Sumner Compressor Station by upgrading the existing compressor unit from 4,000 to 5,200 horsepower. It is said that the estimated cost attributable to these horsepower upgrades totals approximately $1.6 million, which cost will be financed with fund on hand.

Northwest states that the proposed horsepower upratings will increase the capacity through these two compressor stations by about 30 MMcf per day under an off-peak design day flow scenario, which will enhance Northwest's operational capability to accommodate receipt point flexibility, especially switches from domestic gas to Canadian gas, under existing transportation agreements serving markets south of these compressor stations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is 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 Northwest to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14474 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–702–000]

Philadelphia Electric Co., Notice of Filing

June 14, 1993.

Take notice that on June 9, 1993, Philadelphia Electric Company (PE) tendered for filing as a changed rate under section 205 of the Federal Power Act and part 35 of the regulations issued thereunder, a Supplemental Agreement to the Interconnection Agreement between PE and Pennsylvania Power & Light Company (PL) dated January 15, 1963.

PE requests that the Commission allow this Agreement to become effective on August 12, 1993.

PE states that a copy of this filing has been sent to PL and will be furnished to the Pennsylvania Public Utility 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 28, 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. 93–14483 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–157–000]

Puget Sound Power and Light Co.; Filing

June 14, 1993.

Take notice that on June 9, 1993, Portland General Electric Company (PGE) tendered for filing an amendment

to its filing of April 9, 1993 under Docket No. ER93–157–000, related to the sale of the output of the Skookumchuck Hydroelectric Project to Puget Sound Power and Light. The amendment asks for waiver of the Commission's notice requirements to allow the agreements to take effect when service commenced.

Copies of this agreement have been served on the distribution list, as included in the filing.

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 28, 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. 93–14473 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF92–186–002]

Rye Patch Limited Partnership; Amendment to Filing

June 15, 1993.

On June 9, 1993, Rye Patch Limited Partnership tendered for filing a supplement to its filing in this docket.

The supplement pertains to the ownership structure and technical aspects of its small power production facility. No determination has been made that the submittal constitutes a complete filing.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed by June 30, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14477 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–490–000]

Tennessee Gas Pipeline Co.; Request Under Blanket Authorization

June 16, 1993.

Take notice that on June 14, 1993, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed a prior notice request with the Commission in Docket No. CP93–490–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate an additional delivery point for a firm natural gas sales service to Greater Dickson Gas Authority (Greater Dickson), a local distribution company, under the blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Tennessee proposes to construct and operate two 2-inch hot taps with a meter as a delivery point (Kingston Springs sales meter station) on its existing right-of-way in Cheatham County, Tennessee, for a firm natural gas sales service to Greater Dickson under a July 9, 1992, contract. Tennessee would deliver up to 3,942 dekatherms of natural gas daily and up to 659,727 dekatherms annually to Greater Dickson pursuant to Tennessee's FERC Rate Schedule GS–1. Tennessee states that Greater Dickson has requested this additional delivery point in order to provide natural gas service to two new customers, the cities of Kingston Springs and Pegram, Tennessee. Tennessee also states that Greater Dickson would reimburse Tennessee for the estimated $46,460 in construction costs for the delivery point and that Tennessee's FERC tariff allows the establishment of additional delivery points.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14517 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–443–000]

Transcontinental Gas Pipe Line Corp.; Notice of Application

June 16, 1993.

Take notice that on June 9, 1993, Transcontinental Gas Pipe Line Corporation (TGPL), P.O. Box 1396, Houston, Texas 77251 filed in Docket No. CP93–443–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a firm transportation service to CNG Transmission Corporation (CNG), successor-in-interest to Consolidated Gas Supply Corporation (Corporation) under TGPL's Rate Schedule X–168, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

TGPL indicates that the transportation services are no longer desired by the relative parties and that the termination of the respective services would relieve both parties from contractual obligations of such agreements.

TGPL also contends that there will be no abandonment of facilities nor will the abandonment of the service proposed herein result in any abandonment of service to its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for TGPL to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14514 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–139–000]

Transwestern Pipeline Co; Notice of Proposed Changes in FERC Gas Tariff

June 15, 1993.

Take notice that on June 9, 1993, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with a proposed effective date of August 1, 1993:

Primary Tariff Sheets

102nd Revised Sheet No. 5
8th Revised Sheet No. 5A
4th Revised Sheet No. 5A.01
6th Revised Sheet No. 5B
Original Sheet No. 5D(viii)
2nd Revised Sheet No. 5E(v)
Original Sheet No. 5E(vi)
Original Sheet No. 5E(vii)
15th Revised Sheet No. 89
4th Revised Sheet No. 89A
14th Revised Sheet No. 90
11th Revised Sheet No. 90A

Alternative Tariff Sheet

Alternate Original Sheet No. 5D(viii)

Transwestern states that the above-referenced primary and alternative tariff sheets are being filed to modify its take-or-pay, buy-out and buy-down mechanism (Transition Cost Recovery or TCR mechanism) in order to recover certain take-or-pay, buy-out, buy-down, and contract reformation costs (Transition Costs) which qualify under the Litigation Exception provision of its tariff, and additional Transition Costs paid subsequent to the implementation of its Gas Inventory Charge (GIC), October 1, 1989, which do not qualify under the Litigation Exception provision of its tariff. Transwestern proposes to amortize such costs over a 39-month period ending October 31, 1996.

Transwestern states that it has incurred a total of $20,100,000 in additional settlement costs and interest (TCR Amount Thirteen) and is revising certain tariff sheets and requesting authority to begin recovery of portion of such amount.

Transwestern states that copies of the filing have been mailed to each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 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 22, 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. 93–14481 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–486–000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

June 16, 1993.

Take notice that on June 11, 1993, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP93–486–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate facilities for deliveries of gas to Gas Resources, Inc. (Western) under United's blanket certificate issued in Docket No. CP82–430–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United proposes to install approximately 7,920 feet of 12-inch pipeline, a 12-inch tap, meter station and communications equipment to enable United to transport natural gas to serve Western. United States that upon execution of an open-access transportation agreement it will be authorized to provide interruptible service to Western, which would have no impact on its other existing customers.

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. 93–14515 Filed 6–18–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4669–2]

Proposed Consent Decree; Onboard Refueling Vapor Recovery

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113 (g) of the Clean Air Act ("Act"), notice is hereby provided of a proposed consent decree concerning litigation instituted against the Environmental Protection Agency ("EPA") regarding the fact that EPA has not promulgated a final rule to implement the mandate of the U.S. Court of Appeals for the District of Columbia Circuit in *Natural Resources Defense Council* v. *Reilly*, 983 F. 2d 259 (January 22, 1993). That decision held that EPA has a mandatory duty to promulgate onboard refueling vapor recovery standards for light duty motor vehicles pursuant to section 202(a)(6) of the Act. *Id.* at 261, 273. The proposed consent decree provides that,

by January 22, 1994, EPA is to promulgate the regulations required by section 202(a)(6) requiring onboard refueling vapor recovery systems capable of achieving at least 95 percent evaporative emission capture efficiency.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the consent decree. EPA or the Department of Justice may withhold or withdraw consent to the proposed consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Copies of the consent decree are available from Jerry Ellis, Air and Radiation Division (LE-132A), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7610. Written comments should be sent to Steven Silverman at the above address (mail code LE-132S) and must be submitted on or before July 21, 1993.

Dated: June 11, 1993.

Gerald H. Yamada,

Acting General Counsel.

[FR Doc. 93-14570 Filed 6-18-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4669-1]

Stipulation to Modify Prior Stipulated Settlement of Litigation; Suit to Establish Schedule for Promulgation of Ozone and Carbon Monoxide Federal Implementation Plans for the South Coast Air Quality Management District Under Clean Air Act Section 110(c)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed stipulated settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a Stipulation to Modify a prior (March 28, 1989) Stipulation and Agreement of Partial Settlement, to establish a schedule by which EPA must propose and promulgate ozone and carbon monoxide federal implementation plans ("FIPs") for the South Coast Air Quality Management District pursuant to section 110(c) of the Clean Air Act, 42 U.S.C. section 7410(c). *Coalition for Clean Air, Inc.* v. *EPA*, No. CV 88 4414 HLH (C.D. Cal.).

The parties to the litigation, desiring to settle the matter without extensive proceedings, entered into a Joint Stipulation that obligates the EPA Administrator to sign a Notice of Proposed Rulemaking by February 22, 1994, and to sign a Notice of Final Rulemaking no later than February 22, 1995. The Joint Stipulation has been approved by counsel and for all parties, and on June 7, 1993, was approved by the Court, with the knowledge that the section 113(g) process had not been completed.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed schedule.

Copies of the Joint Stipulation are available from Jerry Ellis, Air and Radiation Division (LE-132A), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7610. Written comments should be addressed to Jerry Ellis at the above address and must be submitted on or before July 21, 1993.

Dated: June 14, 1993.

Gerald H. Yamada,

Acting General Counsel.

[FR Doc. 93-14571 Filed 6-18-93; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100123; FRL-4590-4]

Science Applications International Corporation, Dyncorp/Viar and Computer Science Corporation; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Science Applications International Corporation (SAIC) and its subcontractors Computer Science Corporation (CSC) and Dyncorp/Viar (CSC and Dyncorp/Viar) have been awarded a contract to perform work for the EPA Office of Pesticide Programs (OPP), and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to SAIC and its subcontractors CSC and Dyncorp/Viar consistent with the requirements of 40 CFR 2.307(h)(3) and 40 CFR 2.308(i)(2). This transfer will enable SAIC and its subcontractors CSC and Dyncorp/Viar to fulfill the obligations of the contract.

DATES: SAIC and its subcontractors CSC and Dyncorp/Viar will be given access to this information no sooner than June 28, 1993.

FOR FURTHER INFORMATION CONTACT: By mail: BeWanda B. Alexander, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 234, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5259.

SUPPLEMENTARY INFORMATION: Under Contract Number 68-W1-0055, Delivery Order Number 050, SAIC and its subcontractors CSC and Dyncorp/Viar will provide technical support in the enhancement of Label Use Information System, an automated reference data base of pesticide use information. SAIC, CSC, and Dyncorp/Viar will also provide assistance in the enhancement of the system's operating software, in expanding the repertoire of the reports and in the integration with other existing OPP data base systems.

OPP has determined that the contract herein described involves work that is being conducted in connection with FIFRA and that access by SAIC and its subcontractors CSC and Dyncorp/Viar to information on all pesticide products is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.37(h)(3), the contract with SAIC and its subcontractors CSC and Dyncorp/Viar, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, SAIC and its subcontractor CSC and Dyncorp/Viar are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of

information provided to this contractor will be maintained by the Delivery Order Manager for this contract in OPP. All information supplied to SAIC and its subcontractors CSC and Dyncorp/Viar by EPA for use in connection with this contract will be returned to EPA when SAIC and its subcontractors CSC and Dyncorp/Viar have completed its work.

Dated: June 4, 1993.

Daniel M. Barolo,

Acting Director, Office of Pesticide Programs.

[FR Doc. 93-14564 Filed 6-18-93; 8:45 am]

BILLING CODE 6560-50-F

[OPP-100124; FRL-4590-5]

Science Applications International Corporation and Dyncorp/Viar; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Science Applications International Corporation (SAIC) and its subcontractor Dyncorp/Viar have been awarded a contract to perform work for the EPA Office of Compliance Monitoring (OCM), and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to SAIC and its subcontractor Dyncorp/Viar consistent with the requirements of 40 CFR 2.307(h)(3) and 40 CFR 2.308(i)(2). This transfer will enable SAIC and its subcontractor Dyncorp/Viar to fulfill the obligations of the contract.

DATES: SAIC and its subcontractor Dyncorp/Viar will be given access to this information no sooner than June 28, 1993.

FOR FURTHER INFORMATION CONTACT: By mail: BeWanda B. Alexander, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 234, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5259.

SUPPLEMENTARY INFORMATION: Under Contract Number 68-W1-0055, Delivery Order Number 048, SAIC and its subcontractor Dyncorp/Viar will provide technical support to the Section Seven Tracking System (SSTS) which serves as the repository of pesticide production and facility information which is collected under section 7 of FIFRA.

The Office of Pesticide Programs (OPP) and OCM have determined that the contract herein described involves work that is being conducted in connection with FIFRA and that access by SAIC and its subcontractor Dyncorp/Viar to information on all pesticide products is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.37(h)(3), the contract with SAIC and its subcontractor Dyncorp/Viar, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, SAIC and its subcontractor Dyncorp/Viar are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Delivery Order Manager for this contract in OPP. All information supplied to SAIC and its subcontractor Dyncorp/Viar by EPA for use in connection with this contract will be returned to EPA when SAIC and its subcontractor Dyncorp/Viar have completed its work.

Dated: June 4, 1993.

Daniel M. Barolo,

Acting Director, Office of Pesticide Programs.

[FR Doc. 93-14565 Filed 6-18-93; 8:45 am]

BILLING CODE 6560-50-F

[OPP-50753B; FRL-4626-3]

Issuance of an Experimental Use Permit for Four Transgenic Plant Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Issuance and amendment.

SUMMARY: On April 29, 1993, EPA issued an Experimental Use Permit (EUP) to Monsanto Company to conduct field testing of four transgenic plant pesticides. EPA has determined that this permit may be of regional and national significance because it is the second EUP approved under the Federal Insecticide, Fungicide, and Rodenticide Act, for field testing altered plants having pesticidal properties. The Office of Pesticide Programs (OPP) within EPA is responsible for scientific review, risk assessment and issuance or denial of EUPs. OPP has evaluated the data submitted by Monsanto and, based on these data and other available data, can foresee no significant risks to humans or to nontarget organisms from this group of field tests as proposed by Monsanto. EPA's assessment, however, is based solely on the EUP; eventual commercialization of Monsanto's four transgenic potato pesticides may raise other issues not addressed with this EUP. The permit was assigned EUP number 524-EUP-79 and issued for 1 year, beginning April 29, 1993 and ending April 29, 1994; in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments. On April 23, 1993, just prior to issuance of the EUP, Monsanto applied to EPA for an amendment. This amendment was for the addition of two sites thereby increasing the acreage for this EUP an additional 0.03 acres; EPA has granted this amendment.

DATES: Written comments must be received on or before July 21, 1993.

ADDRESSES: Comments, in triplicate, should bear the docket control number OPP-50753B and be submitted to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Crystal City, VA 22202.

Information submitted in any comment concerning this notice 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 to the submitter. Written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Phillip O. Hutton, Product Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, Crystal Mall #2, 1921 Jefferson Davis Highway, Crystal City, VA, (703) 305–7690.

SUPPLEMENTARY INFORMATION: The permit was issued to Monsanto Agricultural Company, 700 Chesterfield Village Parkway, St. Louis, Missouri 63198. Monsanto is testing the Colorado Potato Beetle (CPB) control protein, delta-endotoxin, derived from the soil microbe *Bacillus thuringiensis* subspecies *tenebrionis* (B.t.t.), as expressed in plants and tubers of several lines of potato cultivars. According to the application, CPB control protein, B.t.t. delta-endotoxin, will be present at no more than .2 percent of the total weight of the potato plants or tubers.

Some of the potato cultivar lines will contain only the B.t.t. δ-endotoxin gene or an expression-enhancer fusion product of B.t.t. for mediating Colorado Potato Beetle resistance. Other potato cultivar lines have been modified to contain the B.t.t. gene mediating Colorado Potato Beetle resistance and genes expressing viral coat proteins mediating Potato Virus Y (PVY) or Potato Leaf Roll Virus (PLRV) resistance.

The δ-endotoxin as produced by the eight lines of genetically-engineered potato plants will be evaluated for effectiveness against the Colorado Potato Beetle (CPB), and its impact, if any, upon nontarget insect species. The experimental program is designed to evaluate the expressed CPB control proteins, from the B.t.t. CryIIIA gene or the expression enhancer-CryIIIA fusion product, for efficacy, agronomic evaluations, performance confirmation, host plant resistance and population dynamics. These experiments are designed to further evaluate the performance of the expressed δ-endotoxin proteins against the Colorado Potato Beetle in the various geographical areas in which potato is commercially grown.

In January of 1993, Monsanto amended their EUP application with the elimination of Hawaii as a test site. A FR Notice announcing this amendment was published on February 17, 1993. On April 23, 1993, Monsanto submitted a request to amend the EUP after its issuance, to include additional sites in Idaho and Maryland. Regarding Idaho, Monsanto is requesting to split the original acreage to make two separate sites in order to reduce the potential risk of frost damage and the possible spread of disease throughout the site if it were to occur. The addition of the Maryland site will increase the overall acreage of the EUP from 86.87 to 86.90 acres. According to the application, not more than 80 potato plants of Russet Burbank variety expressing vector PV-STBT02, which contains the B.t.t. gene only, will be planted at the Maryland site.

Monsanto's test sites are located in the following 13 States: Colorado, Idaho, Maine, Maryland, Michigan, Montana, New York, North Dakota, Ohio, Oregon, Pennsylvania, Washington and Wisconsin. A maximum of 15,000 plants or tubers will be planted per acre, each weighing approximately 5.6 grams per plant and 60 grams per tuber. Some of the potato cultivar lines will contain only the B.t.t. gene for mediating CPB resistance. Other potato cultivar lines have been modified to contain genes mediating both CPB and PYV or PLRV resistance. The total plant material, at planting, will contain 129.31 grams B.t.t. protein, with levels rising to a maximum of 39.4 kilograms of B.t.t. protein at harvest. Likewise, the amount of viral coat protein, at planting, will be approximately 0.005 grams of PLRV coat protein and 0.10 grams of PVY coat protein; how much would be present at harvest is not known, however, for the viral coat proteins.

Upon completion of testing, some potato plants and tubers will be collected and saved for future research, analyses or plantings. All other plant material will be destroyed. Because no plants or tubers will be used for food or feed, no tolerances for this EUP are requested.

The labeling states the following:

The package contains Colorado potato beetle resistant potato plants containing a *Bacillus thuringiensis* subspecies *tenebrionis* protein. Contains potato variety _____ containing vector PV-ST—TO—. For use only at an application site of a cooperator and in accordance with the terms and conditions of the Experimental Use Permit. This labeling must be in the possession of the user at the time of planting of the potato plants or tubers. Not for sale to any person other than a participant or cooperator of the EPA-approved Experimental Use Program.

1. *Product Label One.* Active Ingredient: IR-22, *Bacillus thuringiensis* subspecies *tenebrionis* δ- endotoxin as produced in potato by Cry IIIA gene and its controlling sequences and found in the following constructs:

PV-STBT02 .....0.01 - 0.2 %*
PV-STBT04 .....01 - 0.2 %*
PV-STMT01 .....0.01 - 0.2 %*

2. *Product Label Two.* Active Ingredient: IR-23, *Bacillus thuringiensis* subspecies *tenebrionis* δ-endotoxin as produced in potato by an expression enhancer-CryIIIA fusion product and its controlling sequences and found in the following construct:

PV-STBT05.....0.01 - 0.2 %*

3. *Product Label Three.* Active Ingredients: IR-22, *Bacillus thuringiensis* subspecies *tenebrionis* δ-endotoxin as produced in potato by Cry IIIA gene and its controlling sequences and found in the following constructs:

PV-STMT02.....0.01 - 0.2 %*
PV-STMT04.....0.01 - 0.2 %*
PV-STMT10.....0.01 - 0.2 %*
PV-STMT11.....0.01 - 0.2 %*
PV-STMT12.....0.01 - 0.2 %*
PV-STMT13.....0.01 - 0.2 %*
PV-STMT14.....0.01 - 0.2 %*

Potato Leaf Roll Virus (PLRV) coat protein as produced in potato by PLRV modCP gene and its controlling sequences and found in the following constructs:

PV-STMT02.....0.001 - 0.01 %*
PV-STMT04. .....0.001 - 0.01 %*
PV-STMT10 .....0.001 - 0.01 %*
PV-STMT11 .....0.001 - 0.01 %*
PV-STMT12 .....0.001 - 0.01 %*
PV-STMT13 .....0.001 - 0.01 %*
PV-STMT14 .....0.001 - 0.01 %*

4. *Product Label Four.* Active Ingredients: IR-22, *Bacillus thuringiensis* subspecies *tenebrionis* δ-endotoxin as produced in potato by Cry IIIA gene and its controlling sequences and found in the following constructs:

PV-STMT15..... 0.01 - 0.2 %*
PV-STBT02 in combination with PV-STPY01....0.01 - 0.2 %*

Potato Y Virus (PYV) coat protein as produced in potato by PYV gene and its controlling sequences and found in the following constructs:

PV-STMT15 ..... 0.006 - 0.1 %*
PV-STPY01 in combination with PV-STBT02 .....0.006 - 0.1 %*

[The active ingredient percentages are each asterisked (*) to indicate that the values are percentages of total protein on a dry weight basis.] It is a violation of Federal law to use these plants or tubers in any manner inconsistent with this labeling. This plant material contains *Bacillus thuringiensis* subspecies *tenebrionis* insecticidal protein and may only be used according to the protocols as included in the approved EUP program for evaluation of the control of the following insect:
Colorado Potato Beetle/*Leptinotarsa decemlineata*

Cooperators must have a copy of each applicable protocol prior to initiating any research with these plants or tubers. Potatoes should be planted at a maximum of 15,000

plants or tubers per acre depending on the site variety. Do not contaminate water, food, or feed by storage and/or disposal. Store in cool dry place inaccessible to children. Any plants or tubers not used in these experiments must be returned to Monsanto or disposed of as specified in the field protocols. All plant material that is not saved for further research analyses or future plantings must be destroyed as specified in the field protocols. None of the plants or plant material may be sold or allowed to enter into commerce. Do not reuse bag. Discard in trash. Ensure that the bag is completely empty of plants before disposing in the trash.'

EUP Program

The EUP program will include the following five experiments designed to evaluate the performance of the expressed protein against the Colorado Potato Beetle: Efficacy and Agronomic Evaluations; Performance Confirmation; Population Dynamics and Resistance Management. In addition, seed increase trials will be conducted in order to produce seed for future plantings. In keeping with acceptable agronomic practices for each region, fertilizer, herbicides, and fungicides will be used, if needed, to improve soil nutrient levels, and to control weeds and diseases. If CPB populations exceed economic threshold levels, additional insecticides will be applied in accordance with local Integrated Pest Management (IPM) practices to meet the objectives of the experiment. Any conventional pesticides used in this EUP program will be applied according to each pesticide's application rate as specified on its label.

The Agency has evaluated the potential for adverse effects on nontarget species and the environment as a result of this EUP. The Agency believes that the containment procedures as described by Monsanto in their EUP application, and subsequently modified by EPA are adequate to prevent any significant pesticide production outside of the test site.

The various toxins produced by *Bacillus thuringiensis* have been studied extensively. Pending further testing to fully evaluate any effect of the pesticidal toxin on human health and nontarget environmental species, OPP has evaluated the exposure potential to humans and nontargets only for this particular EUP. The amount of toxin produced on these field test sites is not sufficient to cause concern.

Monsanto's use of viral coat proteins potentially raises some issues; however, PVY viral coat protein requires an additional protein called Helper Factor for transmission of the virus particles by aphid vectors, and PLRV viral coat protein is believed to require the presence of a readthrough product of the coat protein gene for transmission by aphids; the additional protein and gene were not transferred during the transformation process. In addition, viral coat proteins are highly specific to plant viruses, and have no apparent effect on nonviral organisms. For these reasons, EPA believes that the PLRV and PVY coat proteins that will be expressed by the various lines of transgenic potato, for this EUP, present low potential risks. Because of the low exposure, due to the limited acreage and duration of the EUP, EPA believes that there will not be a situation warranting a formal review under the Endangered Species Act for any endangered mammals, birds, invertebrates, plants or aquatic species.

Based upon EPA's scientific review of Monsanto's proposed protocol and the scientific Peer Review recommendations, the Agency is requiring the following protocol modifications to Monsanto's Experimental Program.

1. Fields planted in 1994 with transgenic tubers remaining from the 1993 harvest, and/or fields which serve as a 1994 disposal area for 1993 tubers, be monitored for volunteers during the 1995 growing season and any such volunteers destroyed if containment of the potatoes to test sites is still required beyond the 1994 growing season.

2. Monitoring for volunteer potato plants during the 1995 growing season will require that the fields in which the tests were conducted during 1993 and the disposal areas for the 1993 tubers not be planted to nontransgenic potatoes in both 1994 and 1995.

3. Disposal of potatoes by burying should be at a depth of one foot or more to be effective.

Written Scientific Peer Review

The Monsanto EUP application and OPP's Preliminary Scientific Document were sent to four individuals in the scientific community having specific expertise in biotechnology to obtain a "peer review" of OPP's Scientific Position. For this EUP application, the Agency asked these individuals to address specific risk issues, containment provisions, and the protocol modifications recommended by OPP. The following individuals provided a written scientific peer review: George G. Kennedy, Ph.D., Department of Entomology, North Carolina State University; Kathleen H. Keeler, Ph.D., School of Biological Sciences, University of Nebraska, Lincoln; Dr. Peter Palukaitis, Ph.D., Department of Plant Pathology, Cornell University; Richard E. Wetzler, Ph.D., Center for Environmental Management, Tufts University.

Dr. Kennedy concurred "with finding of negligible environmental and health risks." Although Dr. Kennedy agreed with OPP's protocol modifications, he recommended that it be explicitly stated that the fields should not be planted to nontransgenic potatoes during the 1994 and 1995 growing seasons because of the difficulty in monitoring for transgenic volunteers. Dr. Kennedy's recommendations have been incorporated into EPA's protocol modifications.

Dr. Keeler stated that she doubted "there are meaningful problems associated with these field tests"; however, she did recommend that disposal of potatoes by burying should be at a depth of 1 foot or more to be effective. Dr. Keeler also recommended that additional data be collected to facilitate an environmental assessment; her recommendations have been incorporated into EPA's protocol modifications. Dr. Keeler's recommendations for additional data also have been forwarded to Monsanto.

Regarding plant viruses and their transgenically expressed coat proteins for this EUP—Dr. Palukaitis foresees "no problem with the application as described." In addition, Dr. Palukaitis described the inability of PLRV and PVY coat protein from being transferred to other plants in the ecosystem by aphid vectors due to the absence, in PVY, of an additional protein called Helper Factor and, in PLRV, of the readthrough product of the coat protein gene. Dr. Wetzler agreed with OPP's scientific position that "risks associated with proposed releases or potential accidental releases of the transgenic *Solanum tuberosum* (Potato) are minor." Dr. Wetzler concurred with Dr. Kennedy's recommendations to explicitly state that nontransgenic potatoes cannot be grown in the fields where testing will be conducted during the 1994 and 1995 growing seasons. Lastly, Dr. Wetzler made some suggestions regarding insect resistance testing and efficacy evaluation which have been forwarded to Monsanto.

Interagency Coordination

As per an August 11, 1987, Letter of Agreement, the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) and EPA have shared preliminary assessments of Monsanto's application for field testing the effectiveness and environmental impact of B.t.t. δ-endotoxin when produced by potato. APHIS assessed the potential for plant material to escape

into the environment and the possible effects an escape would have on other plant species; the APHIS assessment concurs with EPA's on these issues.

In addition, many States have passed biotechnology laws which require Monsanto to submit a state application for a permit prior to experimental use testing in the State. Monsanto has been advised to consult with the appropriate regulatory agency of each of the 13 States to determine if a State permit is necessary prior to the onset of field testing.

Public Involvement

Notice of receipt of Monsanto's EUP application was published in the **Federal Register** on December 14, 1992, and provided a 30–day public comment period. Concurrently, Monsanto's application, deleted of all "Confidential Business Information," was assigned public docket number OPP–50753 and was made available for public inspection in OPP's Public Docket Room. A second **Federal Register** Notice, which extended the public comment period for another 30 days, was published on February 17, 1993 (58 FR 8758), announcing Monsanto's amendment of their EUP application eliminating Hawaii as a site. An amendment Notice creates a secondary docket, and therefore, a companion docket was created using the Public Docket number OPP–50753A. As a consequence, the second amendment, which icreases the number of sites in Maryland and Idaho, creates the Public Docket number OPP–50753B.

Both of Monsanto's amendment requests, EPA's "Peer Review" comments, and EPA's Final Scientific Position document can be retrieved by the public using the docket numbers OPP–50753A and OPP–50753B. Because most of the aforementioned documents were not available for public review until after issuance of the EUP, the comment period has been extended an additional 30 days.

To date, only one comment was received by this Agency; the commenter, an independent research advocate living in the State of Washington, voiced concerns about applying "classical toxicology" to bioengineered organisms to ensure their safety. Regarding consumption of bioengineered foods containing pesticides, the commenter voiced concern that EPA is not taking into consideration in its risk assessment sensitive subpopulations, who may be allergic or suffer from digestive tract disorder whereby this technology could be life-threatening. The Tolerance Support and Science Analysis Branches of the Heatlh Effects Division of OPP have received copies of the commenter's letter and are evaluating the concerns. Moreover, the commenter's comments will be forwarded for consideration to FDA, USDA, and the Biotechnology Risk Assessment Research Planning Group for the EPA Office of Research and Development. Because this EUP will be conducted in a crop destruct fashion, the commenter's concerns regarding the consumption of bioengineered foods are not relevant to this EUP.

In addition to the above comment, APHIS provided EPA with a copy of comments they had received from the Director of the Division of Plant Industry of the Maine Department of Agriculture. The Director indicated that a subcommittee of the State of Maine's Commission of Biotechnology and Genetic Engineering had a number of reservations about the impact of [future] large-scale trials on the potential for the Colorado Potato Beetle developing resistance to the B.t.t. δ-endotoxin. They suggested that a risk assessment be performed before these products approach commercialization. The EPA has recently formed an OPP workgroup to examine the issue of resistance induction and to determine the best regulatory approach for EPA to adopt.

Dated: June 10, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 93–14561 Filed 6–18–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4669–3]

Estimation of Greenhouse Gas Emissions and Sinks for the United States: 1990

AGENCY: Environmental Protection Agency.

ACTION: Notice of document availability and request for comments.

SUMMARY: The Review Draft of Estimation of Greenhouse Gas Emissions and Sinks for the United States: 1990, will be made available for public review and comment on June 18, 1993. A summary of 1990 U.S. emissions by greenhouse gas is presented by source category and sector. The inventory contains estimates of CO_2, CH_4, N_2O, CO, NO_x, NMVOC, and CFC emissions. The approach used to produce emissions estimates for the greenhouse gases in various source categories was adapted from methodologies recommended by the Intergovernmental Panel on Climate Change. The U.S. greenhouse gas inventory will serve as part of the U.S. submission to the Secretariat of the International Negotiating Committee to the Framework Convention on Climate Change and will contribute to the revision of the U.S. National Action Plan for Global Climate Change. To ensure inclusion in the current review, comments should be received by July 16, 1993. However, comments received after that date will still be welcome.

DATES: The review draft will be available on June 18, 1993. Comments are requested by July 16, 1993.

ADDRESSES: Send request for document to: Environmental Protection Agency, Climate Change Division, OPPE/OPA, PM–221, 401 M Street, SW., Washington, DC 20460, or, telefax request to (202) 260–6405.

FOR FURTHER INFORMATION CONTACT: William G. Hohenstein, Environmental Protection Agency, Office of Policy Planning and Evaluation, Climate Change Division, (202) 260–7019.

Dated: June 9, 1993.

Approved:

Dennis A. Tirpak,

Director, Climate Change Division.

[FR Doc. 93–14569 Filed 6–18–93; 8:45 am]

BILLING CODE: 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1946]

Petitions For Reconsideration And Clarification Of Actions In Rulemaking Proceedings

June 11, 1993.

Petitions for reconsideration and clarification, have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857–3800. Opposition to these petitions must be filed July 6, 1993. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of part 22 of the Commission's Rules Relating to License Renewals in the Domestic Public Cellular Radio Telecommunications Service. (CC Docket No. 90–358) Number of Petitions filed: 3

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Bradenton and High Point, Florida) (MM Docket No. 92–59, RM Nos. 7923 & 8042) Number of Petitions Filed: 1.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–14525 Filed 6–18–93; 8:45 am]

BILLING CODE 6712–01–M

Richard P. Bott II; Application

1. The Commission has before it the following application for assignment of an FM construction permit:

Applicant	City/state	File No.	MM docket
Richard Bott II, Assignor Western Communications, Inc., Assignee	Blackfoot, Idaho	BAPH–920917GO	93–155

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing upon the issues set forth below.

(a) To determine whether Richard P. Bott II has misrepresented facts to or lacked candor with the Commission, either in connection with his integration pledge presented in the course of the Blackfoot, Idaho comparative proceeding, or in his opposition to the petition to deny filed in the instant proceeding.

(b) To determine, in light of the evidence adduced pursuant to issue (a), whether Richard P. Bott II is qualified to remain a Commission licensee.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the captioned application should be granted.

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857–3800).

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–14524 Filed 6–18–93; 8:45 am]

BILLING CODE 6712–01–M

Renewal Application Designated For Hearing

1. The Commission has before it the following application for renewal of license:

Applicant	City/state	File No.	MM docket No.
A. Moenkopi Communications, Inc	Moab, Utah	BR–900703YA	93–152

(Seeking a renewal of the license of Station KCNY (AM))

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing in a proceeding upon whose issues are set forth below:

1. To determine whether Moenkopi Communications, Inc. has the capability and intent to expeditiously resume broadcast operations of KBZB(AM) consistent with the Commission's Rules.

2. To determine whether Moenkopi Communications, Inc. has violated §§ 73.1740 and/or 73.1750 of the Commission's Rules;

3. To determine, in light of the evidence adduced pursuant to the preceding issues, whether or not grant of the subject renewal of license application would serve the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 320), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street NW., Suite 140, Washington, DC 20037 (telephone 202–857–3800).

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–14526 Filed 6–18–93; 8:45 am]

BILLING CODE 6712–01–M

Renewal Applications Designated For Hearing

1. The Commission has before it the following applications for renewal of license:

Applicant	City/state	File No.	MM Docket No.
A. The Rex Company	Bisbee, AZ	BR–831115UA, BR–900420YB	93–151

(Seeking a renewal of the license of Station KBZB (AM))

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a proceeding upon whose issues are set forth below:

1. To determine whether the Rex Company has the capability and intent to expeditiously resume broadcast operations of KBZB (AM) consistent with the Commission's Rules.

2. To determine whether the Rex Company has violated §§ 73.1740 and/or 73.1750 of the Commission's Rules;

3. To determine, in light of the evidence adduced pursuant to the preceding issues, whether or not grant of the subject renewal of license applications would serve the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 320), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street NW., Suite 140, Washington, DC 20037 (telephone 202–857–3800).

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–14527 Filed 6–18–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. 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, D.C. 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.: 202–007540–065.

Title: United States Atlantic and Gulf/Southeastern Caribbean Conference.

Parties:

Crowley American Transport, Inc.

Puerto Rico Maritime Shipping Authority

Sea-Land Service, Inc.

Kirk Line, Ltd.

Seaboard Marine, Ltd.

Synopsis: The proposed amendment modifies the rules governing financial obligations of the member lines.

Agreement No.: 202–010424–022.

Title: United States Atlantic and Gulf Hispaniola Steamship Freight Association.

Parties:

Crowley American Transport, Inc.

Puerto Rico Maritime Shipping Authority

Sea-Land Service, Inc.

Kirk Line, Ltd.

Seaboard Marine, Ltd.

Synopsis: The proposed amendment modifies the rules governing financial obligations of the member lines.

Dated: June 16, 1993.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–14560 Filed 6–18–93; 8:45 am]

BILLING CODE 6730–01–M

Security For The Protection Of The Public; Financial Responsibility To Meet Liability Incurred For Death Or Injury To Passengers Or Other Persons On Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Club Med Sales, Inc., Services et Transports Cruise Lines 2 and Copropriete du Navire Club Med 2, 40 West 57th Street, New York, NY 10019

Vessel: CLUB MED 2

Dated: June 15, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–14503 Filed 6–18–93; 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:

Club Med Sales, Inc. and Services et Transports Cruise Lines 2, 40 West 57th Street, New York, NY 10019

Vessel: CLUB MED 2

Dated: June 15, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–14504 Filed 6–18–93; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR 510.

License Number: 88
Name: W.L. Richeson & Sons, Inc.
Address: 442 Canal St., Ste 405, Sanlin Bldg., New Orleans, LA 70150
Date Revoked: April 13, 1993
Reason: Surrendered license voluntarily

License Number: 1654
Name: Inter-Continental Customs Brokers, Inc.
Address: 1600 W. Lafayette, Detroit, MI 48216
Date Revoked: May 6, 1993
Reason: Surrendered license voluntarily

License Number: 1505
Name: Frank Delgadillo dba Gateway Forwarders International
Address: 256 Putnam St., San Francisco, CA 94110
Date Revoked: May 7, 1993
Reason: Failed to furnish a valid surety bond.

License Number: 3517
Name: Leticia S. Redondo
Address: 718 Edinburgh St., San Francisco, CA 94112
Date Revoked: May 9, 1993
Reason: Failed to furnish a valid surety bond

License Number: 1531–R
Name: Glory International Forwarders, Inc.
Address: 1 Edgewater Plaza, Staten Island, NY 10305
Date Revoked: May 14, 1993
Reason: Surrendered license voluntarily.

License Number: 1208
Name: Hamilton Brothers, Inc.
Address: 1901 E. Second Ave., Ste. A, Tampa, FL 33605
Date Revoked: May 17, 1993
Reason: Surrendered license voluntarily.

License Number: 3662
Name: Ashley Shipping Company Inc.
Address: 7220 N.W. 36th St., Penthouse 624, Miami, FL 33166
Date Revoked: May 19, 1993
Reason: Failed to furnish a valid surety bond.

License Number: 1915
Name: Alfonso X. Soto dba Soto Forwarding Agency
Address: 3600 East 14th St., P.O. Box 4199, Brownsville, TX 78520
Date Revoked: May 19, 1993
Reason: Failed to furnish a valid surety bond.

License Number: 2243
Name: Williams International Forwarders, Inc.
Address: 332 W. Broadway, Ste. 1504, P.O. Box 832, Louisville, KY 40201
Date Revoked: May 19, 1993
Reason: Failed to furnish a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 93-14559 Filed 6-18-93; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

Information Collection Activities Under Office of Management and Budget Review

AGENCY: Office of Acquisition Policy (VP), GSA.

SUMMARY: The GSA hereby gives notice under the Paperwork Reduction Act of 1980 that it is requesting the Office of Management and Budget (OMB) to renew expiring information collection 3090-0235, Multiple Award Schedule Policy Statements (MAS)—Discount Schedule and Marketing Data Sheets (DSMD) and Price Reductions. DSMD sheets are used to collect data about certain sales, discount and marketing. The data are used to determine the commerciality of items offered, set the Government's negotiation objective and determine price reasonableness. The Price Reductions clause ensures that the Government maintains its relationship with a MAS contractor's customer or category of customer upon which the MAS contract is predicated.

ADDRESSES: Send comments to Ed Springer, GSA Desk Officer, room 3235, NEOB, Washington, DC 20503, and to Mary L. Cunningham, GSA Clearance Officer, General Services Administration (CAIR), 18th & F Street NW., Washington, DC 20405.

Annual Reporting Burden:

DSMD sheets: 3,961 respondents; 10 average hours per response; 118,830 burden hours. Price Reductions clause: 6,127 respondents; 3 average hours per response; 36,762 burden hours.

FOR FURTHER INFORMATION CONTACT: Les Davison, (202) 501-4768. Copy of Proposal: May be obtained from the Information Collection Management Branch (CAIR), 7102, GSA Building, 18th & F Street NW., Washington, DC 20405, by telephoning (202) 501-2691, or by faxing your request to (202) 501-2727.

Dated: June 11, 1993.

Emily C. Karam,

Director, Information Management Division.

[FR Doc. 93-14542 Filed 6-18-93; 8:45 am]

BILLING CODE 6820-21-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR-70]

Quarterly Public Health Assessments Completed and Public Health Assessments To Be Conducted in Response to Requests From the Public

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice contains the following: 1. A list of sites for which ATSDR has completed a public health assessment, or issued an addendum to a previously completed public health assessment, during the period January-March 1993. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL) and a non-NPL site for which ATSDR has prepared a public health assessment in response to a request from the public (petitioned site). 2. A list of sites for which ATSDR, during the same period, has accepted a request from the public to conduct a public health assessment. Acceptance for a request for the conduct of a public health assessment is based on a determination by the Agency that there is a reasonable basis for conducting a public health assessment at the site.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E-32, Atlanta, Georgia 30333, telephone (404) 639-0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments, public health assessments with addenda, and petitioned public health assessments which were accepted by ATSDR during October-December 1992, was published in the **Federal Register** on March 5, 1993, (58 FR 12586). The quarterly announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR part 90). This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) [42 U.S.C. 9604(i)], and appeared in the **Federal Register** on February 13, 1990, (55 FR 5136).

Availability

The completed public health assessments are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487-4650. There is a charge determined by NTIS for these public health assessments. The NTIS order numbers are listed in parentheses after the site name.

1. Public Health Assessments or Addenda Completed or Issued

Between January 1, 1993 and March 31, 1993, public health assessments or addenda to public health assessments were issued for the sites listed below:

NPL Sites

California

Sola Optical USA, Inc.—Petaluma—(PB93-142461)

Florida

Munisport Landfill—North Miami—(PB93-150365)

Georgia

Marine Corps Logistics Base—

Albany—(PB93–178804)

Minnesota

Freeway Sanitary Landfill—Burnsville—(PB93–178663)

New York

Circuitron Corporation—Farmingdale—(PB93–159317)
Colesville Municipal Landfill—Colesville—(PB93–174936)
Tri-Cities Barrel Company, Inc.—Fenton—(PB93–174910)

Ohio

Buckeye Reclamation—St. Clairsville—(PB93–178283)
Fultz Landfill—Byesville—(PB93–176147)

Pennsylvania

Crossley Farm/Hereford Groundwater—Hereford Township—(PB93–150357)

Rhode Island

University of Rhode Island (Plains Road) Disposal Area—South Kingstown—(PB93–164580)
West Kingston Town Dump/URI Disposal Area—South Kingstown—(PB93–164580)

South Carolina

Carolawn—Fort Lawn—(PB93–146249)
Palmetto Wood Preserving, Inc.—Cayce—(PB93–176220)
Sangamo/Twelve-Mile Creek/Hartwell PCB—Pickens—(PB93–160737)

Texas

French Limited—Crosby—(PB93–178721)
Petro-Chemical, Inc. (Turtle Bayou)—Liberty (PB93–178275)
United Creosoting Company—Conroe—(PB93–159200)

Washington

Vancouver Water Station No. 4 Contamination Area—Vancouver—(PB93–178267)

Petitioned Site—(Non-NPL Site)

Mississippi

Country Club Lake Estates—Hattiesburg—(PB93–149706)

2. Petitions for Public Health Assessments Accepted

Between January 1, 1993, and March 31, 1993, ATSDR determined that there was a reasonable basis to conduct public health assessments for the sites listed below in response to requests from the public. As of March 31, 1993, ATSDR initiated public health assessments at these sites.

Connecticut

Gallup's Quarry—Plainfield
Yaworski Dump—Canterbury
Yaworski Lagoon—Canterbury

Florida

Buckeye Cellulose—Perry

Georgia

Southwire Company—Carrollton
Southwire Copper Division—Carrollton

Ohio

U.S. Department of Energy Portsmouth Gaseous Diffusion Plant—Piketon.

Dated: June 15, 1993.

Walter R. Dowdle,

Acting Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 93–14500 Filed 6–18–93; 8:45 am]

BILLING CODE 4160–70–P

Health Care Financing Administration

[BPO–103–FN]

Medicare Program; Data, Standards and Methodology Used To Establish Fiscal Year 1992 Budgets for Fiscal Intermediaries and Carriers

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

SUMMARY: This notice is published in accordance with sections 1816(c)(1) and 1842(c)(1) of the Social Security Act which require us to publish the final data, standards and methodology used to establish budgets for Medicare intermediaries and carriers.

It announces that we are adopting as final without revision proposed data, standards, and methodology used to establish Medicare fiscal intermediary and carrier budgets for the fiscal year (FY) 1992, beginning October 1, 1991. It also contains our response to public comments on the proposal.

EFFECTIVE DATE: The data, standards and methodology are effective for the fiscal year beginning October 1, 1991.

FOR FURTHER INFORMATION CONTACT: Tom Hessenauer, (410) 966–7542.

SUPPLEMENTARY INFORMATION:

I. Background

Summary of Proposed Notice

On January 2, 1992, we published in the **Federal Register** (57 FR 57) a proposed notice describing the data, standards and methodology we intended to use to establish budgets for Medicare program fiscal intermediaries and carriers for the Federal fiscal year (FY) beginning October 1, 1991. The notice was published in accordance with sections 1816(c)(1) and 1842(c)(1) of the Social Security Act, which require us to publish for public comment the data, standards and methodology we propose to use to establish budgets for Medicare intermediaries and carriers. Following the same format we have used in prior years' notices, the notice described the budget development process in general gave an overview of how we intend to use the contractor budget data, standards and methodology to establish the FY 1992 budgets; and identified the FY 1992 national Medicare contractor budget, standards and methodology.

In the proposed notice, we indicated that, as in the prior fiscal year, the Medicare contractor budget would be structured to coincide with the seven functional areas of responsibilities performed by intermediaries for part A and eight functional areas of responsibilities performed by carriers for part B. The functional area responsibilities for part A are: (1) Bills Payment; (2) Reconsiderations and Hearings; (3) Medicare Secondary Payer, (4) Medical Review and Utilization Review; (5) Provider Audit (Desk Reviews, Field Audits and Provider Settlements); (6) Provider Reimbursement; and (7) Productivity Investments. The functional area responsibilities for part B are: (1) Claims Payment; (2) Reviews and Hearings; (3) Beneficiary/Physician Inquiries; (4) Medical Review and Utilization Review; (5) Medicare Secondary Payer; (6) Participating Physicians; (7) Professional Relations; and (8) Productivity Investments. These functions are funded from the Hospital Insurance (HI) and Supplementary Medical Insurance (SMI) trust funds.

We proposed that final funding would be allocated based on current claims processing trends, legislative mandates, administrative initiatives, current year performance standards and criteria, and the availability of funds appropriated by the Congress. The FY 1992 Budget Performance Requirements (BPRs) give the contractors the authority to manage their budgets on a bottom-line basis. Previously, contractors were not allowed to shift more than 5 percent of funds from one line item to another in their budget. With the exception of Payment Safeguards, Productivity Investments, and the Other line items, we proposed that contractors have total flexibility in the use of their funds.

We announced that final BPRs were sent to each contractor in June 1991 to assist them in preparing their FY 92

budget requests. Intermediaries and carriers are expected to perform the work as described in the BPR package and in accordance with the standards included in the Contractor Performance Evaluation Program (CPEP) for FY 1992 which was published in the **Federal Register** on September 20, 1991 (56 FR 47758). While the contractors are preparing their budget requests, we develop preliminary budget allocations for the 15 functional areas based on historical patterns, workload growth, inflation assumptions, statistical forecasting reports, and any other available information.

A key step in the budget process is the development of contractor unit costs for processing part A bills and part B claims. The notice pointed out that FY 1992 is the first year in which we have developed a bottom-line unit cost for each individual contractor. These bottom-line unit costs encompass all contractor functions except Audit (part A only), Productivity Investments, and Other.

We noted that, also new in FY 1992 is the application of the Complexity Index (CI), which was designed to improve efficiency and reduce contractor-by-contractor cost inequities, and is based on the application of the Industrial Engineering (IE) Study we commissioned. The notice described in detail the development and application of the CI.

We developed the CI by identifying the contractor with the least complicated FY 1991 workload mix and, therefore, the lowest weighted unit cost. Each individual contractor's unit cost was divided by this contractor's unit cost to calculate its CI.

In order to develop each contractor's final bottom-line unit cost for FY 1992, we divided its Equivalency Work Units (EWUs) (the CI multiplied by the contractor's actual FY 1990 workload volume in order to weight the workload for the appropriate level of complexity) into its actual FY 1990 costs, adjusting for various savings and the postage increase. We then arrayed the contractors' unit costs per EWU and identified the contractor at the 70th percentile. Each contractor with a unit cost per EWU higher than the 70th percentile was held to this unit cost multiplied by the contractor's own CI. Each contractor at or below the 70th percentile retained its own unit cost per EWU multiplied by its own CI.

We proposed that the total FY 1992 budget (excluding Audit, Productivity Investments, and Other) for each contractor be established by multiplying the bottom-line unit cost by the contractor's projected workload volume. Each RO is responsible for allocating among its contractors the General Savings (as described in the BPRs) that we must realize to accommodate our budget limitations in FY 1992. Therefore, we proposed that, while the RO cannot exceed the bottom-line unit cost discussed above, it can adjust the unit costs downward to realize the General Savings.

II. Analysis of and Responses to Public Comments

In response to our request for comments, we received 6 timely items of correspondence. Comments were received from 1 provider association, 1 beneficiary advocacy association, 2 national specialty associations, 1 national health insurance association, and 1 insurance company.

The following are our responses to the comments and issues raised by those submitting comments on the data, standards and methodology.

Comment: Two commenters, noting that the proposed notice was published well after the beginning of FY 1992, expressed the view that the timing denied consumers and providers the opportunity to comment before implementation of the budget.

Response: We will do our best to publish all proposed notices as timely as possible. Although due to considerations in reviewing data and developing a budget, we did not publish the proposed notice before the beginning of the fiscal year, we provided adequate opportunity for all affected parties to comment on the data, standards and methodology and were fully prepared to issue revised Budget and Performance Requirements (BPRs) to intermediaries and carriers based on the comments received and renegotiate any affected areas of intermediary and carrier budgets within the levels of funding made available by the Congress if changes were warranted.

Comment: One commenter expressed the opinion that the notice lacks the specificity about the development of the contractor budgets that the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) was intended to elicit. The commenter also stated that most of the methodology described in the notice is general and could apply to any contractor budget year.

Response: The congressional intent was for us to provide sufficient description of the data, standards and methodology used in determining the annual budgets, and we believe the notices comply with the intent of the Congress. The commenter is correct that some methodologies are retained from year to year. However, we always apply the most recent data. Additionally, legislative changes and budget priorities or constraints affect the standards.

Comment: One commenter stated that the notice does not provide standards or methodology for physician payment reform (PPR) implementation and monitoring of that implementation. The commenter also believes that physician compliance with the limiting charge requirements of PPR (erroneously referred to as the "MAACs" in the proposed notice) should also be addressed in the final notice.

Response: These notices are intended to include only the data, standards and methodology to be used to establish budgets for fiscal intermediaries and carriers for that fiscal year. Specific instructions on how to implement and monitor certain initiatives (e.g., PPR) are presented through other means, such as program memoranda and manual instructions. A separate rule, Fee Schedule for Physicians' Services, was published on November 25, 1991 (56 FR 59502) detailing the specifics of PPR implementation policies and procedures.

Comment: One commenter was concerned about the statement in the proposed notice that contractors will have greater flexibility in managing their budgets through the ability to shift money from one line item of their budget to another. He was concerned that no payment safeguards have been built into the system to prevent a carrier from underspending in PPR related activities.

Response: PPR is categorized as a Productivity Investment (PI) in the FY 1992 budget. As stated in the notice, no more than 5 percent of the PI funding may be shifted to other functions. The PI line of the budget is treated as a whole, not by separate projects.

Comment: One commenter was concerned that the proposed notice did not indicate whether the figure used for Beneficiary and Physician Inquiries in FY 1992 includes the increase in workload that will occur due to PPR.

Response: The OBRA 1989 and 1990 provisions related to PPR were taken into consideration in determining beneficiary and physician inquiries workload.

Comment: Another commenter stated that the proposed notice does not indicate that the unique requirements of the first years of the new physician payment system—such as specialized training for carrier personnel—were even considered.

Response: In addition to PPR being included as a PI, funding for carrier and provider training was included under

another budget line item entitled, Professional Relations Activity.

Comment: Three commenters questioned whether the budgets will include funding for continuation of the toll-free beneficiary information lines.

Response: Contingency funds were released to fund continuation of the toll-free beneficiary telephone lines for FY 1992. Toll-free beneficiary lines will, therefore, not be eliminated.

Comment: One commenter questioned whether any safeguards will be built into the Automated Response Unit (ARU) systems to ensure that beneficiaries and providers are not precluded from having direct access to a carrier representative.

Response: The scripts voiced by the ARUs will be standardized, providing a uniform approach to beneficiary and provider communications. As part of this uniform script, there is an "opt-out" function that the caller may use to exit the ARU and hold for a service representative. In addition, if the caller stays on the line after the script has finished, the call will be directed to a service representative.

Comment: One commenter pointed out that the proposed notice outlines several general initiatives which are designed to improve the effectiveness of Medicare program administration. The commenter believes that in order to improve the effectiveness of Medicare program administration, the Explanation of Medicare Benefits (EOMB) form should be revised to include specific information on the balance billing limit.

Response: Beginning in 1993, the EOMB will include information on limiting charges.

Comment: One commenter stated that the Medicare carrier bonus system for FY 1992 should include criteria other than the carrier's ability to increase the rate of participation.

Response: The Medicare carrier incentive payment is structured consistent with the intent of the Congress. It is designed to reward carriers for their efforts in increasing either the rate of physician participation in the Medicare program or the proportion of payments for participating physicians' services. Other criteria such as speed and accuracy of claims processing are evaluated through the Contractor Performance and Evaluation Program and are unrelated to carrier efforts to increase either the rate of participation or the participating physician payment proportion. In addition, carriers currently receive funding for provider education and training functions with which they are encouraged to establish provider educational programs and distribute educational materials on the Medicare program to providers in their service area. Increased physician participation is a measure of the effectiveness of the carrier's overall provider education and training efforts.

Comment: The same commenter stated that when notifying physicians and suppliers of procedure changes prior to the effective date of changes, the term "prior" should be clearly specified.

Response: It has always been HCFA's policy to notify physicians and suppliers prior to the effective date, and, where possible, with sufficient lead time to plan for the changes.

Comment: One commenter believed that E.O. 12291 does apply to the proposed notice and that a regulatory impact analysis should have been published along with the notice. Specifically, the commenter stated that the aggregate contractor budget for FY '92 promulgated as a result of this notice totals $1,457 million, well beyond the $100 million limitation, and the revision to the notice, BPRs, or funding level referenced in the proposed notice (57 FR 58) would produce a change in either contractor activities or program activities.

Response: The Executive Order referenced by the commenter contains a number of requirements that apply to policy statements published by agencies in the **Federal Register**. Most importantly, agencies are to consider alternatives to regulating and weigh the cost to the public and major segments of the public against the benefits of the proposal. In structuring proposals, agencies strive to maximize benefits and minimize inappropriate burden.

In developing intermediary and carrier budgets, as we have explained, we operate within the constraints of budget appropriations and structure activities and priorities to carry out statutory requirements. Further, as we negotiate individual intermediary and carrier budgets, we strive to maximize efficiency in carrying out the functions of each contractor. Thus, some flexibility is needed, and all contracts have some variations. Although E.O. 12291 does not apply to this administrative process, the underlying principles are very similar. For example, development of efficient information systems by the contractors can result in less burden for providers.

The commenter is incorrect in asserting that the contractor budget is promulgated as a result of this notice. The purpose of our publication of the data, standards, and methodology is to share with the public baseline considerations used in developing contractor budgets. There are no costs or benefits associated with sharing this information, hence, we concluded that the impact threshold of $100 million is not met.

Comment: Several commenters addressed issues related to calculations of the unit cost targets (e.g., complexity index, general savings, etc.), suggesting that a more complete explanation be given.

Response: The national Medicare contractor administrative budget has been severely constrained over the last several years as a result of the Federal budget deficit. These budget restraints have presented a challenge to both the contractor community and us. It is our responsibility to ensure that available funding is distributed in a responsible and appropriate manner. In order to do this, we have provided unit cost targets for the Medicare contractors for the past several years.

For the past 3 years (FYs 1990–1992), we have used each individual contractor's most recent full-year's actual unit cost as the baseline unit cost for the upcoming fiscal year. In order to recognize the inherent differences in the costs that each contractor realizes by participating in the Medicare program, the basis for each contractor's FY 1992 unit cost target was its actual unit cost as reported on the FY 1990 Final Administrative Cost Proposal. This calculation confirms that our methodologies do consider the actual costs incurred by contractors in delivering required services.

In accordance with sections 1816 and 1842 of the Act, all of our methodologies were developed to provide each contractor with the incentive and direction needed to conduct its Medicare business in an efficient and economical manner. It is true that the majority of our contractors are in a cost contract arrangement with HCFA. However, it is our role to encourage the Medicare contractors to identify and institute more efficient (and less costly) ways of doing business. The unit cost targets do not supplant the cost contract arrangement, but rather provide direction to ensure that our own administrative initiatives will be fully considered by the contractors. We would be negligent in our responsibilities if we failed to encourage contractors to reduce administrative costs.

We believe we are acting within the authority of Medicare statutory sections, the Federal Acquisition Regulation (FAR), and the Medicare contracts. For example, in establishing intermediaries' administrative costs, section 1816(c)(1) of the Act explicitly provides that the

Secretary ". . . shall provide for payment of so much of the cost of administration of the agency or organization *as is determined by the Secretary to be necessary and proper* for carrying out the functions covered by the agreement." (Emphasis added.) Parallel language regarding carriers' administrative costs is set out in section 1842(c)(1).

Commenters infer that the imposed "target costs" for contractors, in effect, are intended to convert the contracts from a cost to a fixed-price basis. Again, referring to the FAR, we note that our actions are well within the definition of a cost-reimbursement type contract. Section 16.301–1 states that "Cost-reimbursement types of contracts provide for payment of allowable incurred costs, to the extent prescribed in the contract. These contracts establish an estimate of total costs for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without the approval of the contracting officer." We believe that the use of the Complexity Index (CI) is in compliance with this section of the FAR.

The CI was developed because of a perception (both within and outside of HCFA) that too much variation exists among contractors' unit costs. There is also a perception that some contractors are realizing costs that are out of proportion to the difficulty of the workload they process.

Use of the CI has allowed us to grant contractors an extra degree of budget flexibility. We have been able to substitute the "micromanagement" of functional unit costs with the bottom-line concept. As previously mentioned, we believe that a contractor's costs are driven by its overall bill/claims workload mix. This workload mix also impacts other contractor functions such as Medicare Secondary Payer and Inquiries. We believe that it is appropriate, given the level of budget flexibility granted to the contractors, to provide a bottom-line budget with which contractors can finance their operations as they deem appropriate. It should also be noted that application of the CI allows us to identify high cost contractors within the context of the entire Medicare contractor community. If a contractor is experiencing an inordinately high level of inquiries, we want to provide an incentive for it to investigate the reason for the excessive volume.

Based on the results of the Industrial Engineering Study, we believe that the savings per bill/claim that we apply for increases in electronic media claims (EMC) volume are conservative. We do not believe that we have overstated the potential savings associated with EMC. Also, the discussion concerning the elimination of the toll-free telephone lines for beneficiary inquiries is now moot since the release of the FY 1992 contingency funds negated the need to eliminate this service. Full funding was reinstated to the contractor budgets.

Since the CI includes a full consideration of each individual contractor's workload mix and its actual costs as reported on the FY 1990 Final Administrative Cost Proposals, we believe that this methodology is an equitable and efficient method of formulating contractor unit cost targets.

The "General Savings" that are also included in the CI methodology represent an equitable distribution among all contractors of the existing shortfall within the national budget. It should be noted that the scope of work contained within the FY 1992 BPRs was developed to reflect the effectuation of the General Savings. Thus, the constraints of the unit cost targets are in keeping with the level of work that we expect the contractors to perform.

The use of unit cost targets does not preclude the negotiation process between the regional offices (ROs) and the contractors. As always, contractors should submit budget requests in keeping with their estimated administrative expenses. However, they also need to consider all of HCFA's administrative initiatives, including cost reduction initiatives, in formulating their budgets. Furthermore, the contractors identified as high cost should be investigating the reasons for their status and actively seeking to remedy these conditions.

III. Provisions of the Final Notice

Based on our review of the comments submitted, we are making no changes to the data, standards and methodology as published on January 2, 1992 (57 FR 57). Therefore, we are adopting as final, the data, standards and methodology as proposed.

IV. Collection of Information Requirements

This final notice contains no information collection requirements. Consequently, this notice need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

V. Regulatory Impact Statement

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any final notice that meets one of the E.O. 12291 criteria for a "major rule"; that is, that will be likely to result in—

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

In addition, we generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless a final notice will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, fiscal intermediaries and carriers are not considered to be small entities. Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a final notice may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

As stated in our initial regulatory impact statement published in the **Federal Register** (January 2, 1992, 57 FR 65), this final notice fulfills our obligation under sections 1816(c) and 1842(c) of the Act, as amended by section 4035(a) of OBRA '87, to publish annually in the **Federal Register** the data, standards, and methodology to be used in establishing fiscal intermediary and carrier budgets. Since the purpose of this notice is informational, it is not a rule nor will it be a part of, or substitute for, any negotiations we intend to conduct with the intermediaries and carriers. Thus, this document, of itself, will not produce a change either in contractor operations or on program activities. For these reasons, this notice does not meet the $100 million criterion nor do we believe that it meets the other E.O. 12291 criteria. Therefore, this final notice is not a major rule under E.O. 12291, and a regulatory impact analysis is not required.

With respect to the impact on contractors, providers, or beneficiaries, this notice describes data, standards, and methodology for FY 1992 that underlie a budget plan that is designed to give contractors greater flexibility in

developing their own budget plans and using their own resources to perform activities described in the BPRs. The notice will not affect provider or supplier reimbursement rates or fees, but describes the data, standards, and methodology underlying a process that is expected to result in improved contractor efficiency, which will be beneficial to both providers and beneficiaries. Thus, we have also determined, and the Secretary certifies, that this final notice will not result in a significant economic impact on a substantial number of small entities and will not have a significant economic impact on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act.

Authority: Sec. 1816(c) and 1842(c) of the Social Security Act (42 U.S.C. 1395h(c) and 1395u(c)).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 15, 1993.

William Toby,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 93-14469 Filed 6-18-93; 8:45 am]

BILLING CODE 4120-01-P

Privacy Act of 1974; Report of New System

AGENCY: Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

ACTION: Notice of new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, "Medicare Cataract Surgery Alternate Payment Demonstration Data Base" HHS/HCFA/ORD No. 09-70-0062. We have provided background information about the proposed system in the "Supplementary Information" section below. Although the Privacy Act requires only that the "routine uses" portion of the system be published for comment, HCFA invites comments on all portions of this notice.

DATES: HCFA filed a new system report with the Chairman of the Committee on Government Operations of the House of Representatives, the Chairman of the Committee on Governmental Affairs of the Senate, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), on June 14, 1993. Comments received within 30 days after the publication of this notice will be considered regarding any prospective alterations to the system. The new system of records, including routine uses, will become effective 60 days from the date submitted to OMB unless HCFA receives comments which require alteration to the system.

ADDRESSES: The public should address comments to Richard DeMeo, HCFA Privacy Act Officer, Office of Budget and Administration, HCFA, Room 2-H-4 East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207-5187. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Anne Francoeur-Wilson, Project Officer, Medicare Cataract Surgery Alternate Payment Demonstration, Office of Research and Demonstrations, HCFA, Room 2302 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207-5187. Her telephone number is (410) 966-6682.

SUPPLEMENTARY INFORMATION: The Medicare Cataract Surgery Alternate Payment demonstration data base will be developed and maintained for the purpose of evaluating the Medicare Cataract Surgery Alternate Payment demonstration.

To accomplish the evaluation, the data that are collected will be analyzed to:

- Assess the initial impact of the demonstration on Medicare costs, program provider patterns of practice; provider participation and beneficiary choice and selection;
- Determine the operational feasibility of the Medicare Cataract Surgery Alternate Payment demonstration; and
- Test the value of alternative appropriateness indicators in predicting successful outcomes of cataract surgery.

Given the variety of demonstration demands to be met, both evaluative and monitoring, the data base will be multipurpose in scope and longitudinal in design. The cataract demonstration data base will consist of:

- Claims data
- Clinical data
- Patient functional status data (preoperative and postoperative), and
- Patient satisfaction data.

The principal components of the system are:

- The *National Claims History (NCH)—Privacy Act System No. 09-70-0005.* This will serve as the primary data source for the analysis of Medicare costs, including volume and costs per episode of care for demonstration beneficiaries and a sample of control beneficiaries. Episodes constructed using these data will also be used to address utilization issues.
- *Clinical data.* This will be used to analyze the impacts of the demonstration on service utilization for each stage of the cataract episode (preoperatively, intraoperatively, and postoperatively) and on the quality and appropriateness of care. A clinical checklist will be completed for each demonstration and control beneficiary.
- A *beneficiary survey.* This will collect patient functional status prior to and after cataract surgery, as well as the patient's level of satisfaction with the process and the outcome of the surgery.

The demonstration evaluation will involve primary data collection of several types of data (measuring both preoperative and postoperative conditions). Clinical information, including visual acuity and results of preoperative tests will be collected using a clinical checklist. Best corrected visual acuity will be measured prior to surgery and following recovery from surgery. Functional status, health status, and patient satisfaction will be collected prior to and following surgery using a beneficiary survey and interview format. Two aspects of the overall health of the patient will be examined, including the patient's self-rated health, and the patient's symptoms related to the existing cataract. Patient satisfaction, probed during the postoperative patient interview, will focus on at least two areas: Satisfaction with the process of care and satisfaction with the outcome of care. A separate aspect of the data analysis will focus on the relationship among the various appropriateness indicators and between alternative measures of appropriateness and outcome.

The evaluation of the Medicare Cataract Surgery Alternate Payment Demonstration will measure the impact of the new payment methodology by addressing the following research questions:

- What is the impact of the demonstration on aggregate Medicare expenditures (including volume and per episode cost effects) for cataract surgery in demonstration areas?
- Are the practice patterns (the manner in and frequency with which services are delivered) of demonstration providers (with respect to both within-bundle services and outside-of-bundle services) altered in a manner that achieves efficiency without compromising quality after the demonstration begins?
- As with any prospective reimbursement system, the demonstration will create incentives for

providers to find ways to reduce the costs of providing medical services. Therefore, it will be important to determine the impact of the demonstration on quality of care. For example, are differences in complications rates, outcomes, or patient satisfaction identified?

• To the extent that demonstration providers are restricted in the fees they can charge for services included within the bundle definition, it is important to determine the susceptibility of the bundled payment system to "gaming." For example, do differences in indications for surgery, or the frequency, timing, or content of visits exist?

• What are the effects of "optional" elements of the negotiated bundled payment; e.g., volume-related discounts or treatment of complications?

• What is the impact of the demonstration on demonstration and nondemonstration providers? Do demonstration providers attract a difference type or mix of cataract surgery patients (e.g., demographically or clinically) than nondemonstration providers?

• What are the administrative costs associated with the bundled payment system? What can be inferred about the feasibility of the bundled payment system based upon demonstration provider involvement?

The Medicare Cataract Surgery Alternate Payment demonstration began in April, and it will last for approximately 3 years. Claims data on the beneficiary will be retrieved from the National Claims History on a quarterly basis. Checklists will be completed by Medicare providers as each episode of care is provided to the Medicare beneficiary. Beneficiary interviews will be conducted in the preoperative stage for patients participating in the demonstration only, and interviews will be conducted 4 months into the postoperative stage for both demonstration and control patients.

The Privacy Act permits us to disclose information without the consent of individuals for "routine uses," which means disclosures that are compatible with the purpose for which the information was collected. The proposed routine uses for this system meet the compatibility criteria since the information is collected for the purpose of conducting and evaluating a demonstration study under authority of 42 U.S.C. 1395b–1 (section 402 of the Social Security Amendments of 1967, Pub. L. 90–248). We anticipate that disclosures under the routine uses will not result in any unwarranted adverse effects on personal privacy.

Dated: June 7, 1993.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

09–70–0062

SYSTEM NAME:

Medicare Cataract Surgery Alternate Payment Demonstration Data Base, HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The system will be maintained by the evaluation contractor selected by HCFA. Contact the System Manager for the location of the contractor. The system, or portions of the system, may also be maintained at the HCFA Data Center located at the Lyon Building, 7131 Rutherford Road, Baltimore, Maryland 21207–5187.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries who receive cataract surgery from certain participating demonstration providers in Cleveland, Ohio; Dallas and Forth Worth, Texas; and Phoenix, Arizona. In addition, a random sample of Medicare outpatient cataract surgery patients in Cincinnati, Columbus, and Dayton, Ohio; Houston, Texas; Tucson, Arizona; and Albuquerque, New Mexico will serve as "controls."

Two type of ophthalmologists will be identifiable in the system: (1) Those who provide cataract surgery under the demonstration, and (2) those who provide cataract surgery to Medicare "control" patients and agree to provide clinical information to HCFA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system will be identifiable through demographic information such as age and geographic location; medical utilization and cost data; clinical condition data; health, functional status, and satisfaction data; personal identifiers (name of Medicare beneficiary and Medicare health insurance claim number); and medical provider name and unique provider identification number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system is 42 U.S.C. 1395b–1 (section 402 of the Social Security Amendments of 1967, Pub. L. 90–248).

PURPOSE(S):

The purpose of the data base system is to evaluate the impact of the Medicare Cataract Surgery Alternate Payment demonstration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosures may be made:

1. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. To the Bureau of Census for use in processing research and statistical data directly related to the administration of Agency programs.

3. To the Department of Justice, to a court or other tribunal, or to another party before such court or other tribunal, when

a. HHS, or any component thereof; or

b. Any HHS employee in his or her official capacity; or

c. Any HHS employee in his or her individual capacity where the Department of Justice (or HHS where it is authorized to do so) has agreed to represent the employee; or

d. The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components;

is party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, or the other party before such court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

4. To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained,

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the very minor effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is a reasonable probability that the objective for the use would be accomplished.

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law.

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

5. To a contractor for the purpose of collating, analyzing, aggregating, or otherwise refining or processing records in this system or for developing, modifying, and/or manipulating automated data processing (ADP) software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for an ADP or telecommunications system containing or supposing records in the system.

6. The evaluation contractor, selected by HCFA, who will use this information to analyze the effects of the demonstration. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic media.

RETRIEVABILITY:

Records are retrieved by health insurance claim number, health care provider number, beneficiary name, and health care provider name.

SAFEGUARDS:

Access is limited to authorized HCFA personnel and HCFA contractor employees in the performance of their duties. HHS contractors and collaborating researchers are required to comply with the provisions of the Privacy Act and are required to sign Assurance of Confidentiality Forms (or Data Security Statements) which are kept on file by the contractor. For computerized records, safeguards established in accordance with Department standards and National Institute of Standards and Technology guidelines (e.g., security codes) will be used, limiting access to authorized personnel. System securities are established in accordance with HHS, Information Resource Management (IRM) Circular No. 10, Automated Information Systems Security Program, and HCFA Automated Information Systems (AIS) Guide, Systems Security Policies.

RETENTION AND DISPOSAL:

Hard copy data collection forms and magnetic tapes (or equivalent media) with identifiers will be retained in secure storage areas. Records will be retained for 2 years after the termination of the evaluation contract. The disposal techniques of degaussing will be used to strip magnetic tape (or equivalent media) of identifying names and numbers. Hard copy records with individual identifiers will be destroyed at this time.

SYSTEM MANAGER AND ADDRESS:

Joseph R. Antos, Ph.D., Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 2230 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207–5187.

NOTIFICATION PROCEDURE:

For the purpose of access, write the system manager, who will require the system name, health insurance claim number, and for verification purposes, name, address, date of birth, and sex, to determine whether the individual's record is in the system.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department regulation (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above and reasonably identify the record and specify the information to be contested. State the corrective action being sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation (45 CFR 5b.7).)

RECORDS SOURCE CATEGORIES:

Medicare bill records; Medicare enrollment records; Medicare provider records (a) participating in the demonstration and (b) providing cataract surgery for a sample of Medicare enrollees selected as "controls."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 93–14537 Filed 6–18–93; 8:45 am]

BILLING CODE 4120–03–M

National Institutes of Health

National Institute of Mental Health; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meeting of a review committee of the National Institute of Mental Health for June 1993.

This meeting will be open to the public as indicated below for the discussion of NIMH policy issues and will include current administrative, legislative, and program developments.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. 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.

Ms. Joanna L. Kieffer, Committee Management Officer, National Institute of Mental Health, Parklawn Building, room 9–105, 5600 Fishers Lane, Rockville, MD 20857, Area Code 301, 443–4333, will provide a summary of the meeting and a roster of committee members.

Other information pertaining to the meeting may be obtained from the contact person indicated.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.

Contact: Phyllis L. Zusman, Parklawn Building, room 9C02, Telephone: 301, 443–3940.

Meeting Date: June 30, 1993.

Place: Bethesda Ramada Inn, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Open: June 30, 1993, 9 a.m.–10 a.m.
Closed: June 30, 1993, 10 a.m.–5 p.m.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the contact person named above in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers 93.126, Small Business Innovation Research; 93.176, ADAMHA Small Instrumentation Program Grants; 93.242, Mental Health Research Grants; 93.281, Mental Research Scientist Development Award and Research Scientist Development Award for Clinicians; 93.282, Mental Health Research Service Awards for Research Training; and 93.921, ADAMHA Science Education Partnership Award.)

Dated: June 15, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–14489 Filed 6–18–93; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Division of Research Grants Behavioral and Neurosciences Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications 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 meeting and roster of panel members.

Meeting to Review Individual Grant Applications

Scientific Review Administrator: Dr. Lillian Pubols (301) 594–7340
Date of Meeting: June 24, 1993
Place of Meeting: Westwood Bldg., Rm 306A, NIH, Bethesda, MD
Time of Meeting: 1 p.m.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(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 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–14487 Filed 6–18–93; 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 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications 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 Small Business Innovation Research Program Applications

Scientific Review Administrator: Dr. Teresa Levitin (301) 594–7141
Date of Meeting: July 1–2, 1993
Place of Meeting: Embassy Suites Hotel, Washington, DC
Time of Meeting: 4 p.m.
Scientific Review Administrator: Dr. Peggy McCardle (301) 594–7293
Date of Meeting: July 8–9, 1993
Place of Meeting: Holiday Inn, Chevy Chase
Time of Meeting: 8:30 a.m.
Scientific Review Administrator: Dr. Anita Sostek (301) 594–7358
Date of Meeting: July 15–16, 1993
Place of Meeting: Omni Shoreham Hotel, Washington, DC
Time of Meeting: 9 a.m.
Scientific Review Administrator: Ms. Carol Campbell (301) 594–7165
Date of Meeting: July 27, 1993
Place of Meeting: River Inn, Washington, DC
Time of Meeting: 9 a.m.
Scientific Review Administrator: Dr. Leonard Jacubczak (301) 594–7198
Date of Meeting: August 1–2, 1993
Place of Meeting: Marriott Pooks Hill, Bethesda
Time of Meeting: 8:30 a.m.
Scientific Review Administrator: Dr. Jane Hu (301) 594–7269
Date of Meeting: August 6, 1993
Place of Meeting: Holiday Inn, Chevy Chase
Time of Meeting: 9 a.m.

Meetings to Review Individual Grant Applications

Scientific Review Administrator: Dr. Bob Weller (301) 594–7340
Date of Meeting: July 8, 1993
Place of Meeting: Hyatt Regency, Bethesda
Time of Meeting: 9 a.m.
Scientific Review Administrator: Dr. Anita Sostek (301) 594–7358
Date of Meeting: July 9, 1993
Place of Meeting: Westwood Bldg., Rm 319C, NIH, Bethesda, MD (Telephone Conference)
Time of Meeting: 1 p.m.
Scientific Review Administrator: Dr. Anita Sostek (301) 594–7358
Date of Meeting: July 12, 1993
Place of Meeting: Westwood Bldg., rm 319C, NIH, Bethesda, MD (Telephone Conference)
Time of Meeting: 2 p.m.
Scientific Review Administrator: Dr. Peggy McCardle (301) 594–7293
Date of Meeting: July 14, 1993
Place of Meeting: Westwood Bldg., rm. 305, NIH, Bethesda, MD (Telephone Conference)
Time of Meeting: 9:30 a.m.
Scientific Review Administrator: Dr. Peggy McCardle (301) 594–7293
Date of Meeting: July 15, 1993
Place of Meeting: Westwood Bldg., rm 305, NIH, Bethesda, MD (Telephone Conference)
Time of Meeting: 1 p.m.
Scientific Review Administrator: Dr. Bob Weller (301) 594–7340
Date of Meeting: July 20, 1993
Place of Meeting: Westwood Bldg., room 307, NIH, Bethesda, MD (Telphone Conference)
Time of Meeting: 11 a.m.
Scientific Review Administrator: Dr. Bob Weller (301) 594–7340

Date of Meeting: July 28, 1993
Place of Meeting: Hyatt Regency, Bethesda, MD
Time of Meeting: 9 a.m.

This notice for the meeting July 1–9 is being published less than 15 days prior to the meetings due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(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 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–14488 Filed 6–18–93; 8:45 am]

BILLING CODE 4140–01–M

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Public Health Service (PHS) is publishing information on closed investigations of alleged scientific misconduct in which there was a finding of misconduct and administrative actions have been taken. This information will include the name of the subject of the investigation, the name of the institution(s) involved, the nature of the misconduct, and the type and duration of the administrative actions. Corrections or retractions of scientific literature and any threats to public health arising from the scientific misconduct will also be identified. The PHS will publish the results of all investigations resulting in a finding of misconduct that were completed after May 29, 1992, the date the Secretary established the Office of Research Integrity. Following this initial notice of findings in fourteen cases, future notices will be published individually as cases are closed.

FOR FURTHER INFORMATION CONTACT: Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

SUPPLEMENTARY INFORMATION: The Public Health Service is fulfilling its responsibilities for maintaining integrity in Federally-supported research by developing policies and procedures for dealing with misconduct in science, overseeing the activities related to misconduct in science in PHS research agencies, reviewing final reports of investigations, imposing administrative actions where scientific misconduct has been confirmed and providing information about instances of scientific misconduct to the public and scientific and institutional communities for scientific, educational, and deterrent purposes. This information will also aid institutional officials in making informed decisions affecting their institution.

Closed Investigations of Scientific Misconduct

The Office of Research Integrity has issued findings of scientific misconduct and has imposed administrative actions in the following cases completed since May 29, 1992:

James H. Freisheim, Ph.D., Medical College of Ohio

An inquiry and an investigation conducted by the University found that Dr. Freisheim had submitted a research grant application to the National Institutes of Health which contained substantial portions plagiarized from another scientist's grant application. Dr. Freisheim had served as an assigned reviewer of the other scientist's application when it was reviewed about two years earlier by an NIH Study Section. During the inquiry, Dr. Freisheim produced a handwritten draft of the plagiarized material that he claimed he had written before the other scientist had submitted his grant application, and that therefore the other scientist had plagiarized Dr. Freisheim's work. The investigation reviewed the handwritten draft and concluded that it had been written much later than purported by Dr. Freisheim, possibly during the inquiry to establish the basis for his defense. The investigation also concluded that Dr. Freisheim and plagiarized material for two post-doctoral fellowship applications to the NIH. The ORI concurred in the University's findings, and Dr. Freisheim has been debarred from receiving Federal grant or contract funds for a period of 3 years beginning May 5, 1993. He had also been required for a 10 year period beginning May 5, 1993, to certify that future applications for research support submitted to the PHS are his own work, and he has been prohibited from serving on PHS Advisory Committees or review groups for the same period.

Judy Guffee, University of Miami

An investigation conducted by the University found that Ms. Guffee had fabricated data in a research project that was supported by a grant from the National Institutes of Health. Ms. Guffee admitted to falsifying the labeling of solutions alleged to contain polyclonal antiserum, when in fact she filled the tubes with fetal calf serum. The investigation concluded that this was done to hide the fact that the animal preparation used to generate the polyclonal antiserum had died before large quantities of antiserum could be produced. Records indicating collection of large quantities of serum from the animal over a two-year period were also fabricated. ORI concurred in the University's finding and has required, for a five year period beginning January 7, 1993, that she and the institution submit a certification with any PHS fellowship or grant application or contract proposal prepared by her attesting to the accuracy of the statements therein.

Raymond J. Ivatt, Ph.D., Cetus Corporation, Emeryville, CA

An investigation conducted by the Corporation found that Dr. Ivatt falsified progress reports in a research project grant supported by the National Institutes of Health. Dr. Ivatt reported progress from an earlier budget period, claiming that the work had been done during the period for which current funds were awarded. The ORI concurred with the Corporation's findings and has required that applications for PHS research support and reports of PHS sponsored research involving Dr. Ivatt be reviewed and certified by the sponsoring institution for the reliability and accuracy of the application, contract proposal, or report. Dr. Ivatt is also prohibited from serving on PHS Advisory Committees, boards, or peer review groups. These actions are effective for 3 years beginning February 28, 1993.

Mark M. Kowalski, M.D., Ph.D., Dana Farber Cancer Institute and Harvard University

An investigation conducted by the Institute found that Dr. Kowalski had plagiarized a complete grant application and submitted it to the National Institutes of Health. He copied the previously funded grant application of his former mentor and submitted it as his own work. The ORI concurred in the Institute's finding and has required that, for any PHS application, proposal or report prepared by Dr. Kowalski, a signed affirmation be submitted that all material is entirely his own work or accurately attributed to others. In addition, he has been prohibited by the ORI from serving on Public Health Service Advisory Committees, Boards, or review groups. These actions became effective January 6, 1993 for a three year period.

Paul F. Langlois, D.Sc.N., Laboratory of Clinical Investigation, National Institute of Allergy and Infectious Diseases

An inquiry by the NIAID and a subsequent investigation conducted by the former Office of Scientific Integrity at the National Institutes of Health concluded that Dr. Langlois, a former post-doctoral fellow in the laboratory, had falsified and fabricated data in immunological research. Dr. Langlois presented to his supervisor computer printouts and graphs for which primary data did not exist. Dr. Langlois admitted to fabricating the data. Dr. Langlois also admitted to manipulating the reagents used by other laboratory personnel in efforts to replicate his findings, spiking them with radioactive antibody to show positive results. The Public Health Service recommended that Dr. Langlois be debarred from receiving Federal grants or contract funds for a three year period, and that he be prohibited from serving on PHS Advisory Committees, Boards, or peer review groups for three years. Dr. Langlois appealed the term of the proposed debarment to a Research Integrity Adjudications Panel of the HHS Departmental Appeals Board, but the Panel upheld the PHS recommendation. Accordingly, Dr. Langlois has been debarred for three years beginning May 12, 1993, and is prohibited from serving on PHS Advisory Committees, Boards, or peer review groups for the same period. The fabricated and falsified data was never published in the scientific literature.

Tian-Shing Lee, M.D., Joslin Diabetes Center, Harvard Medical School

An investigation conducted by Harvard found that Dr. Lee, a former post-doctoral fellow at the Joslin Diabetes Center, fabricated and falsified data in research on diabetes supported by the National Eye Institute. Primary data was missing for almost half of the figures and tables in a series of published papers and manuscripts prepared by Dr. Lee. Many instances of data fabrication and falsification were found, including presenting data for cell counts that were never performed, indicating that multiple data points were determined when in fact only a single data point was obtained, eliminating the highest or lowest values in sets of experimental readings, alteration or transposition of data to achieve a desired experimental result, and misrepresentation of the time intervals at which data was collected. The Office of Research Integrity concurred in the University's findings. Dr. Lee has been debarred from receiving Federal grants or contracts and is prohibited from serving on Public Health Service Advisory Committees, Boards, peer review groups for a five year period beginning April 18, 1993. Harvard University notified the four scientific journals which had published papers containing data fabricated or falsified by Dr. Lee that the papers should be retracted. These papers are: "Differential regulation of protein kinase C and (Na,K)-adenosine triphosphatase activities by elevated glucose level in retinal capillary endothelial cell" *Journal of Clinical Investigation, 83:* 90–94, 1989; "Endothelin stimulates a sustained 1,2-diacylglycerol increase and protein kinase C activation in bovine aortic smooth muscle cells" *Biochemical and Biophysical Research Communications, 162:* 381–386, 1989: "Activation of protein kinase C by elevation of glucose concentration: Proposal for a mechanism in the development of diabetic vascular complications" *Proceedings of the National Academy of Sciences, 86:* 5141–5145, 1989; and "Characterization of endothelin receptors and effects of endothelin on diacylglycerol and protein kinase C in retinal capillary pericytes" *Diabetes, 38:* 1642–1646, 1989.

Anthony A. Paparo, Ph.D., Southern Illinois University

An investigation conducted by the University found that Dr. Paparo had falsified data in publications citing support by a grant from the National Institutes of Health. He used the same micrograph in two papers, while stating that the micrographs had been obtained from two different biological species of mussel. Multiple instances were found of other such falsification of micrographs and radioisotope data in published scientific articles which were not supported by the PHS. The ORI concurred in the University's finding and has prohibited Dr. Paparo from serving on Public Health Service Advisory Committees, Boards, or review groups for a three year period. He has also been debarred from receiving Federal grants or contracts for three years, effective April 5, 1993. The two published papers which cited PHS support are: "The effect of STH and 6–OH–DOPA on the SEM of the branchial nerve and visceral ganglion of the bivalve *Elliptio companata* as it relates to ciliary activity" *Comparative Biochemistry and Physiology, 51*: 169–173, 1975; "The effect of STH on the SEM and frequency response of the branchial nerve in *Mytilus Edulis* as it relates to ciliary activity" *Comparative Biochemistry and Physiology, 51*: 165–168, 1975. The University has notified the editor of this journal, and the editors of other journals in which Dr. Paparo published, about the problems identified in the investigation.

Leo A. Paquette, Ph.D., Ohio State University

An investigation conducted by the University found that Dr. Paquette had submitted a grant application to the National Institutes of Health in which sections of the research design were plagiarized from an unfunded grant application written by another scientist. Dr. Paquette had received the other scientist's application in confidence as a peer reviewer for the NIH. Dr. Paquette claimed that the inclusion of the other scientist's text was inadvertent; he said that he had given the other scientist's application to a postdoctoral fellow, whom Dr. Paquette refused to name, for an educational exercise, and that text had somehow been inadvertently used in his own application. The ORI concurred in the University's finding of misconduct. Dr. Paquette stated that he was accepting full responsibility for this occurrence. The ORI has required institutional certification of proper attribution in any future grant proposals to the PHS from Dr. Paquette and has prohibited him from serving on Public Health Service Advisory Committees, Boards, or review groups. These actions are effective for a ten year period beginning December 31, 1992.

Roger Poisson, M.D., St. Luc Hospital, Montreal, Canada

An investigation conducted by the Division of Research Investigations of the ORI found that Dr. Poisson had fabricated and falsified research data in clinical trials supported by a cooperative agreement from the National Institutes of Health. Dr. Poisson fabricated or falsified data related to laboratory tests and dates of procedures in 115 separate instances dating from 1977 through 1990. The ORI has prohibited Dr. Poisson from serving on Public Health Advisory Committees, Boards, or review groups for an eight year period. Dr. Poisson has also been debarred from receiving Federal grants or contracts for an eight year period. These actions became effective March 30, 1993. The National Cancer Institute cooperative clinical trials group which sponsored the clinical trials, the National Surgical Adjuvant Breast and Bowel Project (NSABP), plans to publish corrected analyses of affected studies.

Sheela Ramasubban, University of Houston

An investigation conducted by the University found that Ms. Ramasubban, a former Master's degree student in the Department of Biochemical and Biophysical Sciences, falsified and fabricated data in research on the biochemical basis of rhythmic behaviors, supported by a grant from the National Institute of Mental Health. Ms. Ramasubban admitted to the investigation committee that she had altered that data in her notebooks and fabricated data in a number of instances. A hearing conducted by the University upheld the investigative findings of scientific misconduct. The ORI concurred in the University's findings, and Ms. Ramasubban has been debarred from eligibility for and involvement in Federal grants and contracts for a three-year period beginning May 18, 1993. Ms. Ramasubban has also been required to provide special certification for the accuracy and reliability of any PHS research fellowship application or contract proposal for a three-year period beginning December 1, 1992. The falsified and fabricated data did not appear in any scientific publications.

Mitchell H. Rosner, National Cancer Institute

An inquiry conducted by the National Cancer Institute (NCI) and a subsequent investigation conducted by the Office of Research Integrity (ORI) found that Mr. Rosner, a Howard Hughes Medical Institute-NIH Scholar in residence at the NCI, falsified research on embryonic development in mice. Mr. Rosner diluted control samples that were injected into mouse germ cells so that the control material would have a different effect on embryonic development from the experimental samples. The results of these experiments were published in the journal *Cell*, demonstrating that a certain regulatory protein was essential for normal embryonic development. In later efforts by Mr. Rosner's collaborator and supervisors to replicate the original findings, Mr. Rosner again diluted control samples before their injection into mouse germ cells, in order to obtain the previous results. Mr. Rosner admitted to these acts of falsification, and has signed an agreement with the Office of Research Integrity that he will exclude himself for a five year period beginning April 1, 1992 from any Federal grants or contracts, and from serving on any Public Health Service advisory committees. The publication containing the falsified results (*Cell, 64*: 1103–1110, 1991) has been retracted by a notice in *Cell, 69*: 724, 1992.

Craig T. Shelley, M.D., University of Tennessee at Memphis

Dr. Shelley was a neurosurgical resident at the University of Tennessee and a former resident fellow at the National Institute of Neurological Disorders and Stroke, National Institutes of Health. The University of Tennessee conducted an inquiry into allegations that Dr. Shelley had fabricated and falsified data in research on brain tumors. A followup investigation by the former Office of Scientific Integrity (OSI) confirmed that Dr. Shelley had altered an autoradiographic slide so that data from a single tumor were made to look as though several tumors were tested. Dr. Shelley admitted to falsifying the slide and falsely reporting the source of a clonal cell line. He also admitted that he had created other data by improperly selecting tissues so the results presented would support his hypothesis. The Office of Research Integrity concurred in the University's findings and the OSI findings, and has prohibited Dr. Shelley from serving on Public Health Service advisory or review committees for a three year period beginning October 10, 1992. Dr. Shelley was also debarred from receiving Federal grants or contracts for a three year period, beginning April 7, 1993. The fabricated and falsified data did not appear in any publications.

Michael A. Sherer, M.D., Addiction Research Center (ARC), Institute on Drug Abuse

An investigation conducted by the former Office of Scientific Integrity found that Dr. Sherer had falsified the nature, quality and methodology for data collection and behavioral ratings as well as the descriptions in two publications arising from research at the ARC in 1989. The ORI has required institutional certification of the reliability of the proposed research and the underlying data for any future PHS grant applications and publications submitted by Dr. Sherer, and notification of the advisory council of the funding agency reviewing such applications about the finding of scientific misconduct. Dr. Sherer has also been prohibited from serving on Public Health Service Advisory Committees, Boards, or review groups. These actions are effective for a three year period, beginning November 9, 1992. Dr. Sherer has also been required to submit a letter of retraction for the article "Suspiciousness induced by four-hour intravenous infusions of cocaine", *Archives of General Psychiatry, 45*: 673–677, 1988, and a letter of correction for the article "Intravenous cocaine: Psychiatric effects", *Biological Psychiatry, 24*: 865–885, 1988.

Raphael B. Stricker, M.D., University of California at San Francisco

An investigation conducted by the University found that Dr. Stricker falsified data for a manuscript and a PHS-supported publication reporting research on AIDS. In the manuscript, Dr. Stricker selectively suppressed data that did not support his hypothesis, and reported consistently positive data whereas only one of four experiments had produced positive results. In the publication, Dr. Stricker reported that an antibody was found in 29 of 30 homosexuals, but not found in non-homosexuals. However, Dr. Stricker's control data, which he suppressed, showed the antibody in 33 of 65 non-homosexuals. The falsified data was used as the basis for a grant application to the National Institutes of Health. The ORI concurred in the University's finding. Dr. Stricker executed a Voluntary Exclusion and Settlement Agreement in which he has agreed not to apply for Federal grant or contract funds and will not serve on PHS advisory committees, boards or peer review groups for a three year period beginning April 1, 1993. The publication "Target platelet antigen in homosexual men with immune thrombocytopenia" in the *New England Journal of Medicine, 313*: 1315–1380, 1985 has been retracted (*New England Journal of Medicine, 325*: 1487, 1991).

Dated: June 1, 1993.

Lyle W. Biven,

Acting Director, Office of Research Integrity.

[FR Doc. 93–14557 Filed 6–18–93; 8:45 am]

BILLING CODE 4160–17–M

Public Health Services

Announcement of Availability of Funds for Family Planning Service Grants

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Office of Population Affairs announces the availability of funds for FY 1994 family planning services grant projects under the authority of Title X of the Public Health Service Act (42 U.S.C. 300, *et seq.*) and solicits applications for competing grant awards to serve the areas set out below.

OMB Catalog of Federal Domestic Assistance: 13.217

DATES: Application due dates vary. See Supplementary Information below.

ADDRESSES: Additional information may be obtained from and completed applications should be sent to the appropriate Regional Administrator at the address below:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): DHHS/PHS Region I, John F. Kennedy Federal Building, Government Center, Room 1400, Boston, MA 02203.

Region II (New Jersey, New York, Puerto Rico, Virgin Islands): DHHS/PHS Region II, 26 Federal Plaza, room 3337, New York, NY 10278.

Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, W. Virginia): DHHS/PHS Region III, 3535 Market Street, Philadelphia, PA 19101.

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, N. Carolina, S. Carolina, Tennessee): DHHS/PHS Region IV, 101 Marietta Tower, Suite 1106, Atlanta, GA 30323.

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin): DHHS/PHS Region V, 105 West Adams Street, 17th Floor, Chicago, IL 60603.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas): DHHS/PHS Region VI, 1200 Main Tower Building, Room 1800, Dallas, TX 75202.

Region VII (Iowa, Kansas, Missouri, Nebraska): DHHS/PHS Region VII, 601 East 12th Street, 5th Fl. W., Kansas City, MO 64106.

Region VIII (Colorado, Montana, N. Dakota, S. Dakota, Utah, Wyoming): DHHS/PHS Region VIII, 1961 Stout Street, Denver, CO 80294.

Region IX (Arizona, California, Hawaii, Nevada, Commonwealth of the Northern Mariana Islands, American Samoa, Guam, Republic of Palau, Federated States of Micronesia, Republic of the Marshall Islands): DHHS/PHS Region IX, 50 United Nations Plaza, Room 327, San Francisco, CA 94102.

Region X (Alaska, Idaho, Oregon, Washington): DHHS/PHS Region X, Blanchard Plaza, 2201 Sixth Avenue, M/S RX-20, Seattle, WA 98121.

FOR FURTHER INFORMATION CONTACT: Grants Management Officers, Region I: Mary O'Brien—617/565-1482; Region II: Steven Wong—212/264-4496; 404/331-2597; Region V: Lawrence Poole—312/353-8700; Region VI: Joyce Bailey—214/767-3879; Region VII: Michael Rowland—816/426-2924; Region VIII: Susan A. Jaworowski—303/844-4461; Region IX: Howard F. (Al) Tevis—415/556-5810; Region X: Jim Tipton—206/442-7997.

Program Officers, Region I: James Sliker—617/565-1452; Region II: Eileen Connolly—212/264-2571; Region III: Elizabeth Reed—215/596-6686; Region IV: Christino Rodriquez—404/331-5254; Region V: George Hockenberry—312/353-1700; Region VI: Paul Smith—214/767-3072; Region VII: Susan Moskosky—816/426-2924; Region VIII: John J. McCarty, Jr.—303/844-5955; Region IX: James Hauser—415/556/7117; Region X: Vivian Lee—206/442-1020.

SUPPLEMENTARY INFORMATION: Title X of the Public Health Service Act, 42 U.S.C. 300, *et seq.*, authorizes the Secretary of Health and Human Services (HHS) to award grants to public or private nonprofit entitles to assist in the establishment and operation of voluntary family planning projects to provide a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents). The statute requires that, to the extent practicable, entities shall encourage family participation. Also, Title X funds may not be used in programs where abortion is a method of family planning. Implementing regulations appear at 42 CFR part 59 subpart A.

On February 5, 1993, HHS published at 58 FR 7462 an interim rule that suspends the 1988 Title X rules (popularly known as The "Gag Rule"), pending the promulgation of new regulations. The principle effect of this action was to suspend the definitions of "family planning," "grantee," "prenatal care," "Title X," "Title X Program," and "Title X Project" presently found at 42 CFR 59.2 and 42 CFR 59.7-59.10. Proposed rules were also published at 58 FR 7464 on the same date. During the pendency of rulemaking, the compliance standards that were in effect prior to the issuance of the 1988 rule, including those set out in the 1981 Family Planning Guidelines, will be used to administer the program.

The Administration's FY 1994 budget request for this program is $208 million which represents a 20 percent increase over the appropriation for FY 1993 of $173 million, of which $160 million was made available to Title X service grantees. Approximately 23 percent of the funds appropriated will be used for competitive grants. The remaining funds will be used for continuation grants. This program announcement is subject to the appropriation of funds and is a contingency action being taken to assure that, should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for the distribution of funds throughout the fiscal year. Since the precise funding levels for FY 1994 are uncertain at this point, the funding levels set out below are based on FY 1993 appropriation levels; it is our expectation that funding levels will be increased if the appropriation for FY 1994 increases.

Approximately $160 million nationwide will be awarded during FY 1993 for Title X services grants, which are normally awarded for 3 to 5-year project periods. The entire $160 million was allocated among the 10 departmental regions, and will be in turn awarded to public and private non-profit agencies located within the regions. Approximately $123 million of these funds will be awarded to fund projects throughout the Nation which will receive non-competing continuation grants in FY 1994. Each regional office is responsible for evaluating applications, establishing priorities, and setting funding levels according to criteria in 42 CFR 59.11.

This notice announces the availability of funds to provide services in 16 States, the U.S. Virgin Island and American Samoa. Applications are invited for the following areas:

Area(s) to be served	Number of grants to be awarded	FY 1993 funding level	Application due date	Grant funding date
Region II:				
US Virgin Islands	1	$263,000	6/1/94	9/30/94.
Region III:				
Delaware	1	595,000	12/1/93	4/1/94.
Maryland	1	2,764,000	3/1/94	7/1/94.
Central PA	1	1,797,000	3/1/94	7/1/94.
Northeastern PA	1	1,090,000	3/1/94	7/1/94.

Area(s) to be served	Number of grants to be awarded	FY 1993 funding level	Application due date	Grant funding date
Southeastern PA	1	2,781,000	3/1/94	7/1/94.
Western PA	1	2,361,000	3/1/94	7/1/94.
West Virginia	1	1,460,000	12/1/93	4/1/94.
Virginia	1	3,212,000	3/1/94	7/1/94.
Region V:				
Illinois	1	5,000,000	9/1/93	1/1/94.
Columbus and Central, OH	1	525,000	11/1/93	3/1/94.
Summit, Portage and Medina Counties, OH	1	600,000	3/1/94	7/1/94.
Balance of OH, excluding Cleveland	1	3,500,000	11/1/93	3/1/94.
Region VI:				
Louisiana	1	3,197,000	3/1/94	7/1/94.
Region VII:				
Kansas City-Wyandotte, Co. KS	1	164,000	8/1/93	12/1/94.
Region VIII:				
Colorado	1	1,702,000	9/1/93	1/1/94.
South Dakota	1	525,000	3/1/94	7/1/94.
Wyoming	1	539,000	11/1/93	3/1/94.
Region IX:				
Nevada	1	222,000	3/1/94	7/1/94.
American Samoa	1	67,000	3/1/94	7/1/94.
Region X:				
Anchorage, Alaska	1	213,000	4/1/94	7/1/94.
Oregon, 36 counties	1	1,487,000	4/1/94	7/1/94.
Washington, 26 counties	1	2,660,000	10/1/93	1/1/94.
Total	23	36,724,000		

Applications must be postmarked or, if not mailed, received at the appropriate Grants Management Office no later than close of business on application due dates listed above. Private metered postmarks will not be acceptable as proof of timely mailing. Applications which are postmarked or, if not sent by U.S. mail, delivered to the appropriate Grants Managements Office later than the application due date will be judged late and will not be accepted for review. (Applicants should request a legibly dated postmark from the U.S. Postal Service.) Applications which do not conform to the requirements of this program announcement or do not meet the applicable regulatory requirements at 42 CFR part 59, subpart A will not be accepted for review. Applicants will be so notified, and the applications will be returned.

Applications will be evaluated on the following criteria:

(1) The number of patients and, in particular, the number of low-income patients to be served;

(2) The extent to which family planning services are needed locally;

(3) The relative need of the applicant;

(4) The capacity of the applicant to make rapid and effective use of the Federal assistance;

(5) The adequacy of the applicant's facilities and staff;

(6) The relative availability of non-Federal resources within the community to be served and the degree to which those resources are committed to the project; and

(7) The degree to which the project plan adequately provides for the requirements set forth in the Title X regulations.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This announcement is related to the priority areas of Family Planning. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Application Requirements

Application kits (including the application form, PHS 5161) and technical assistance for preparing proposals are available from the regional offices. An application must contain: (1) A narrative description of the project and the manner in which the applicant intends to conduct it in order to carry out the requirements of the law and regulations; (2) a budget that includes an estimate of project income and costs, with justification for the amount of grant funds requested; (3) a description of the standards and qualifications that will be required for all personnel and facilities to be used by the project; and (4) such other pertinent information as may be required by the Secretary and specified in the application kit. In preparing an application, applicants should respond to all applicable regulatory requirements. (The information collections contained in this notice have been approved by the Office of Management and Budget and assigned control number 0937–0189.)

Application Review and Evaluation

Each regional office is responsible for establishing its own review process. Applications must be submitted to the appropriate regional office at the address listed above. Staff are available to answer questions and provide limited technical assistance in the preparation of grant applications.

Grant Awards

Grant projects are generally funded for 3 to 5 years with an annual non-competitive review of a continuation application to continue support. Non-competing continuation awards are subject to factors such as the project making satisfactory progress and the availability of funds. In all cases, continuation awards require a determination by HHS that continued funding is in the best interest of the Federal Government.

Review Under Executive Order 12372

Applicants under this announcement are subject to the review requirements of Executive Order 12372, State Review applications for Federal Financial Assistance, as implemented by 45 CFR

part 100. As soon as possible, the applicant should discuss the project with the State Single Point of Contact (SPOC) for each State to be served. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. For those States not represented on the listing, further inquiries should be made by the applicant regarding the submission to the Grants Management Office of the appropriate region. State Single Point of Contact comments must be received by the regional office 30 days prior to the funding date to be considered.

When final funding decisions have been made, each applicant will be notified by letter of the outcome of its application. The official document notifying an applicant that a project application has been approved for funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purpose of the grant, and terms and conditions of the grant award.

Dated: March 23, 1993.

Gerald J. Bennett,

Acting Deputy Assistant Secretary for Population Affairs.

[FR Doc. 93-14558 Filed 6-18-93; 8:45 am]

BILLING CODE 4160-17-M

Substance Abuse and Mental Health Services Administration

Supplemental Awards to Current Community Partnership Demonstration Program Grantees

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Availability of Supplemental Funds for Currently Funded Grantees in the Center for Substance Abuse Prevention's (CSAP) Community Partnership Demonstration Grant Program.

SUMMARY: This notice provides information to the public that CSAP is making available approximately $2 million in Fiscal Year 1993 for 40-50 supplemental awards to certain existing grantees in its Community Partnership Program (CPP) to improve current partnership efforts in building stronger mutually beneficial relationships with business, industry, labor, and related organizations. This initiative will build upon ongoing community partnership efforts to coordinate the delivery of employee assistance, health promotion, wellness and primary prevention programs in business and industry. Therefore, only currently funded CPP grantees whose applications included the business community in the partnership and specifically proposed to include a workplace-related component are eligible to apply for supplemental funding.

In order to receive a supplemental award, a grantee must have a minimum of one full project year remaining in the current grant as of September 30, 1993. Awards will be limited to one year and can not exceed $50,000 in direct costs plus allowable indirect costs. The receipt date for requests for supplemental funding is *July 16, 1993.* The application receipt and review and the award process will be handled in an expedited manner. Those applications judged by an objective review panel composed of Federal staff to have sufficient technical merit to warrant funding will receive awards no later than September 30, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Godwin or Mr. Charles Williams, Workplace Community Prevention Branch, CSAP, Rockwall II, 5600 Fishers Lane, Rockville, MD 20857; Telephone (301) 443-0369.

Authority: Awards will be made under the authority of section 516 of the Public Health Service Act (42 U.S.C. 290bb-22), as amended by the ADAMHA Reorganization Act (Pub. L. 102-321).

The Code of Federal Domestic Assistance (CFDA) number for the CPP is 93.194.

Dated: June 15, 1993.

Joseph R. Leone,

Acting Deputy Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 93-14577 Filed 6-18-93; 8:45 am]

BILLING CODE 4162-20-M

Child and Adolescent Service System Program (CASSP), Infrastructure Development Demonstration Grants

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of availability of funds.

Introduction

The Center for Mental Health Services (CMHS) announces the availability of demonstration grants to States for developing the State and community infrastructure needed to provide comprehensive, coordinated, community-based services for children and adolescents with serious emotional, behavioral, or mental disorders, or those that have a probability of becoming more seriously emotionally disturbed, and their families. These demonstration grants are offered through the Child, Adolescent and Family Branch, CMHS.

Child and Adolescent Service System Program (CASSP) Infrastructure Development Demonstration Grants are intended to support the development, implementation, and evaluation of systems of care in local communities as part of an overall plan of statewide development. States at earlier stages of development may undertake necessary planning and strategy development activities, while States with well-defined strategic plans may proceed directly to local level implementation activities.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000.[1] This RFA is related to priority area 6, Mental Health Disorders. Specific subsections include: 6.3, "Reduce to less than 10 percent the prevalence of mental disorders among children and adolescents" and 6.14, "Increase to at least 75 percent the proportion of providers of primary care for children who include assessment of cognitive, emotional, and parent-child functioning, with appropriate counseling, referral, and follow-up, in the clinical practices."

Program Description

History

Since 1984, the Federal Government has supported the development of more accessible and appropriate services for the population of children and adolescents with serious emotional disturbance and their families through the Child and Adolescent Service System Program (CASSP), now organizationally located within CMHS.[2] This program offered grants to States to: (1) Improve interagency cooperation and coordination in providing the full range of services required by this population, (2) enhance the capacity of mental health agencies to respond to the needs of the population, (3) expand the role of families in planning and developing

[1] A copy of "Healthy People 2000" (Full Report; Stock Number 017-001-00474-0) or "Healthy People 2000" (Summary Report; Stock Number 017-001-00473-1) may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone 202-783-3238).

[2] On October 1, 1992, the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) was reorganized into a new services agency called the Substance Abuse and Mental Health Services Administration (SAMHSA) within the Public Health Service of the Department of Health and Human Services (DHHS). SAMHSA consists of three Centers that administer the prevention and treatment services programs formerly in ADAMHA—the Center for Substance Abuse Prevention, Center for Substance Abuse Treatment, and Center for Mental Health Services. CMHS is responsible for coordinating the prevention and treatment of mental illnesses and the promotion of mental health.

service systems and in the care of their children, and (4) assure that services are provided in a culturally competent manner. First at the State level, and subsequently at the local level, CASSP emphasized the development of the infrastructure required for system improvement and for the development of an expanded array of community-based services. Infrastructure development efforts primarily involved the creation of structures and processes for system management and interagency coordination at State and local levels. The Infrastructure Development Demonstration Grants described in this RFA continue the CASSP focus on the development of the State-level system improvement activities and assists States in moving these strategies to the local level. These activities are intended to demonstrate the efficacy of various approaches to organizing the infrastructure and laying the foundation for actual services capacity expansion that provides comprehensive, coordinated, community-based services to children and adolescents with serious emotional disturbances.

The development of State and local infrastructure is a critical step in building community-based service systems and may prepare States and communities to develop systems of care through the new CMHS Child Mental Health Services Initiative. In 1992, Congress responded to the concern that there is a critical lack of services available to treat children and adolescents with serious emotional disturbances and that many communities continue to offer only the most expensive and restrictive forms of care. The CMHS Child Mental Health Services Initiative[3] encourages the delivery of intensive community-based services using a multi-agency, multi-disciplinary approach. The program provides funds to States, political subdivisions of a State, and Indian tribes or tribal organizations to build upon a previously developed infrastructure and provide the service array required to more fully meet the needs of the target population. CASSP Infrastructure Development Demonstration grants offer States the opportunity to demonstrate different approaches to organizing and financing the infrastructure necessary to prepare for community-based service development and delivery, which may be supported by the CMHS Child Mental Health Services Initiative or other funding sources.

Target Population[4]

The population of eligible children and adolescents with serious emotional, behavioral, or mental disorders is defined as follows:

Age. Client eligibility is limited to those under 22 years of age.

Diagnosis. Client eligibility requires the presence of an emotional, behavioral, or mental disorder diagnosable under DSM–III–R or their ICD–9–CM equivalents, or subsequent revisions [with the exception of DSM–III–R "V" codes, substance use disorders and developmental disorders, unless they co-occur with another diagnosable serious emotional disturbance].

Disability. Client eligibility should be defined on the basis of functional impairment which substantially interferes with or limits role functioning in family, school, or community activities. States may further define what level of impairment is required for eligibility.

Multi-agency Need. The level of disability defined by States should require multi-agency intervention. The children and adolescents should have service needs in two or more community agencies, such as mental health, substance abuse, health, education, juvenile justice, or social welfare.

Duration. Disability must be present for at least 1 year or, on the basis of diagnosis, is expected to last more than 1 year.

This population may include children and adolescents who, as a result of environmental and/or biological factors, have already experienced significant problems and who, without identification and early intervention, have a high probability of becoming more seriously emotionally disturbed as described above. Children and adolescents with serious emotional, behavioral, or mental disorders include but are not limited to:

- Those who are homeless, either as part of a family unit or alone; Those living with parents who are unable to provide adequate care and nurturance, including drug-addicted parents;
- Those who have been victims of violence;
- Those who abuse alcohol and/or other drugs;
- Those who are HIV infected;
- Those with a family history of psychiatric illness; and
- Those with multiple out-of-home placements.

Definitions

Community. For the purpose of this program, "community" is a geographic entity to be defined by the applicant; the scope and size of the community is left to State or local discretion. Thus, in planning and implementing infrastructure development strategies, States may focus on communities as small as single school districts or areas comprising one county or a group of contiguous counties.

System of Care. For the purpose of this program, "system of care" is defined as a comprehensive spectrum of mental health and other necessary services which are organized into a coordinated network to meet the multiple and changing needs of children and adolescents with serious emotional disturbance and their families. The creation of such systems of care involves a multi-agency, public/private approach to delivering services, an array of service options, and flexibility to meet the full range of needs of children, adolescents and their families. Mechanisms for managing, coordinating, and funding services are necessary. The system of care concept and philosophy developed through CASSP is delineated in the monograph, A System of Care for Severely Emotionally Disturbed Children and Youth.[5]

Program Goals

The goals of the CASSP Infrastructure Development Grant are to:

- Support interagency State-level structures and begin to create at the local level, structures and processes necessary for the development of systems of care in communities throughout the State consistent with the State Mental Health Plan;[6]
- Demonstrate different strategies for local systems of care development in multiple communities throughout the State including various approaches to organizing the infrastructure and

[3] The CMHS Child Mental Health Initiative (RFA No. SM 93–02) is available from the Child, Adolescent, and Family Branch, Division of Demonstration Programs, Center for Mental Health Services, 5600 Fishers Lane, Room 11C–09, Rockville, Maryland 20857 (Telephone 301–443–1333).

[4] Section 1912 (c) of the Public Health Service Act requires the Center for Mental Health Services to publish a definition of Children with a Serious Emotional Disturbance under the Community Mental Health Services Block Grant Program. Because this definition is for service planning, it includes multi-agency need and a broader age range of from birth up to age 22.

[5] Available through the CASSP Technical Assistance Center at the Georgetown University Child Development Center, 2233 Wisconsin Avenue, Suite 215, Washington, DC 20007 (Telephone 202–338–1831).

[6] The applicant must describe how the proposed system of care development strategies are consistent with the State's comprehensive community mental health services plan in accordance with the requirements of Section 1912 of the Public Health Service Act.

financing arrangements needed to prepare communities for service capacity expansion including a full array of community-based services options; and

• Evaluate the effectiveness of system building strategies in improving the availability and quality of local systems of care.

Project Requirements

Each applicant must demonstrate the impact on the design and effectiveness of the service system of various strategies for organizing and financing the infrastructure necessary for community based comprehensive services delivery including:

• Strategies for system of care development with the goal of developing local systems of care in every community throughout the State;

• Strategies for system development that address both the infrastructure needed for local systems of care and the development of increased service capacities;

• A relationship to State planning efforts for children and adolescents with serious emotional or mental disorders under section 1912 of the Public Health Service Act;

• Collaborative planning at State and local levels between mental health and other child service systems (including, but not limited to, education, child welfare, juvenile justice, health, and substance abuse) as demonstrated through interagency participation in the development of the application and the development of both State and local initiatives;

• Broad-based participation in planning and decisionmaking at State and local levels by such groups as health and human service agencies; paraprofessionals; professionals; provider organizations (including mental health centers, human service agencies, and alternative youth service agencies); and citizen, family, advocacy, and racial/ethnic minority groups concerned with human services;

• Flexibility of approach, so as to allow communities to develop systems in ways that reflect local needs and existing resources;

• Specific goals focusing on increasing the role of parents and the full participation of families in planning and implementing systems of care as well as in the planning and delivery of services to their own children;

• Assessment of the special needs of racial/ethnic minority children and youth, given the high percentage within the target population, and specific strategies for enhancing the cultural competence and gender appropriateness of services and systems of care;

• Adequate budgeting and provisions for obtaining approval for travel related to the grant, including at least three out-of-State trips annually for the project director and/or other key individuals to attend national program meetings; and

• Adequate budgeting for participation in a national evaluation of the grants funded under this announcement which will include both formative and outcome evaluations and which will expect the grantees to collect data as directed by the evaluator and to participate directly in evaluation-related interviews and activities.

Eligibility Requirements

All States and Territories that do not currently have, or are in the final year of, a CASSP Service System Demonstration Grant are eligible to apply for these grants. Those States in the final year of a CASSP grant that apply under this announcement must recognize that applications will only be accepted for new projects and cannot be extensions of current or previously funded projects. Each State and Territory may submit only one application.

Only State Mental Health Authorities, other State agencies in which the statewide responsibility for child mental health resides, or other State child services coordinating entities as designated by the Governor are eligible to apply for CASSP Infrastructure Development Demonstration grants. Applications from the latter organizations must be accompanied by a letter from the Governor making such a designation.

Potential applicants under this announcement are limited to State mental health authorities, or other appropriate State agencies, for several reasons. Because multiple agencies and providers must be involved in implementing these initiatives, centralized State assistance is needed to assure that sufficient resources and appropriate staff will be allocated to the project and that relevant agencies will be involved. Further, State agencies oversee a wide range of mental health services and other services to children and adolescents, and, therefore, are best qualified to undertake a leadership and coordination function. Additionally, prior Federal demonstration efforts under section 504 of the PHS Act have shown the eligible applicants under this RFA to be effective in coordinating services.

Availability of Funds

It is estimated that $1.9 million will be available in Fiscal Year 1993 for 10–12 projects. Actual funding levels will depend upon the availability of funds at the time of the award.

Period of Support

Support may be requested for up to three (3) years. Annual awards will be made subject to continued availability of funds and successful implementation of the proposal.

Special Requirements

Supplantation of Existing Funds

It is the intent of this RFA to support new or augmented services or programs. Therefore, award recipients may not use funds awarded under this RFA to replace funds that are currently supporting or are committed to support activities proposed in the application. A letter from the applicant entity which certifies that Federal funds will not be used to supplant or replace funds already committed for proposed services should be provided in the appendices.

Rapid Award of Federal Funds

For State applicants, the CMHS places considerable emphasis on rapid award of Federal funds by the State and implementation of individual projects by the sub-recipients. Projects in those states which provide a written assurance that funds will be awarded to sub-recipients within two (2) months following the date of Federal grant award will be considered in the CMHS Award decisionmaking process. For States that wish to make such an assurance, a letter from the director of the State applicant agency certifying rapid obligation of funds following the date of grant award should be included in the appendices.

Coordination With Other Federal/Non-Federal Programs

Applicants seeking support under this announcement are encouraged to coordinate with other programs. Program coordination helps to better serve the multiple needs of the client population, to maximize the impact of available resources, and to eliminate duplication of services. The extent to which applicants propose an integrated or coordinated approach to providing comprehensive mental health, education, child welfare, juvenile justice, health, substance abuse, and other related services will be considered in the review process. Applicants should identify the coordinating organizations by name and address and describe the process to be used for

coordinating efforts. Letters of commitment specifying the kinds and level of support from organizations (both Federal and non-Federal) which have agreed to work with the applicant should be included in the appendices.

Agencies and programs with which applicants may find coordination productive include:

• State and local agencies, both public and private, providing mental health, education, child welfare, juvenile justice, health, substance abuse, and other related services.

• other local services integration efforts that may be underway with State/local, public/private support (e.g. the Robert Wood Johnson Foundation Mental Health Services Program for Youth and the Annie E. Casey Foundation Child Mental Health Program).

• Ongoing Federal programs such as:

Department of Health and Human Services

Substance Abuse and Mental Health Services Administration

• Community Partnership Program, Center for Substance Abuse Prevention

• High Risk Youth, Center for Substance Abuse Prevention

• Critical Populations/Adolescents, Center for Substance Abuse Treatment

Health Care Financing Administration

• MEDICAID—Primary/Prenatal Care Services for low income pregnant women, infants, children, adolescents, and families with dependent children in any stage of HIV infection and adult males and females without children who have been determined to be disabled by HIV infection and/or AIDS.

Health Resources and Services Administration

Maternal and Child Health Bureau

• Special Projects of Regional and National Significance.

Administration on Children and Families

• Projects for Runaway and Homeless Youth, including drug education and Youth Shelters and Centers;

• Programs focused on reducing Child Abuse and Neglect; and

• Youth Gang Projects.

Department of Education

• Office of Special Education Programs;

• Projects funded under the Drug Free Schools Act; and

• Demonstration Program for Children with Serious Emotional Disturbances.

Intergovernmental Review (E.O. 12372)

Applications submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through HHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of and comment on applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application and to receive any necessary instruction on the State's applicable procedure. A current listing of SPOCs is included in the application kit. The SPOC should send any state process recommendations to the following address: Roger Straw, Ph.D., Acting Director, Office of Evaluation, Extramural Policy & Review; Center for Mental Health Services, 5600 Fishers Lane, Room 18C–07, Rockville, Maryland 20857, ATTN: SPOC.

The due date for State process recommendations is no later than 60 days after the deadline date for the receipt of applications. The CMHS does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Inclusion of Females and Minorities

The CMHS urges applicants to give added attention (where feasible and appropriate) to the inclusion of racial/ethnic minority groups and females in the program. If they are not included, a clear rationale for their exclusion should be provided. Racial/ethnic minority group and gender differences should be assessed and described.

Evaluation

The Center for Mental Health Services (CMHS) will conduct, under contract, a national evaluation of grants awarded under this program. Grantees will be expected to cooperate with the national evaluation including the collection and submission of data on strategies for and outcomes of developing State and community infrastructure needed to provide comprehensive, coordinated, community-based systems of care for children and adolescents with serious emotional, behavioral, or mental disorders, or those that have a high probability of becoming more seriously emotionally disturbed, and their families.

The grantees must provide written assurances that the organization will cooperate fully in the evaluation. CMHS will obtain OMB clearance of evaluation data collection plans prior to their implementation. The grantees should provide at least ½ FTE staff who will collect and enter data requested by the contractor. These costs should be included in the application budget.

Participant Protections/Human Subjects

Applicants and awardees are expected to develop and implement appropriate procedures to address confidentiality and other ethical issues pertinent to the protection of participants in proposed projects, including agreement, where applicable, to maintain the confidentiality of alcohol and drug abuse client data in accordance with 42 CFR part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."

Appplication Procedures

All applicants must use application form PHS 5161–1 (Rev. 7/92), which contains Standard Form 424 (face page). The following information should be typed in Item Number 10 on the face page of the application form: CASSP Infrastructure Development Program.

Grant application kits (including Form PHS 5161–1 with Standard Form 424, complete application procedures, and accompanying guidance materials for the narrative approved under OMB No. 0937–0189) may be obtained from: Mr. Steve Hudak, Grants Management Officer, Center for Mental Health Services, 5600 Fishers Lane, room 7C–23, Rockville, MD 20857, (301) 443–4456.

Applicants must submit: 1) An original copy signed by the authorized official of the applicant organization, with the appropriate appendices; and 2) two additional legible copies of the application and all appendices to the following address: Center for Mental Health Services, Division of Research Grants, NIH, Westwood Building, room 240, 5333 Westbard Avenue, Bethesda, Maryland 20892.*

*If an overnight carrier or express mail is used, the Zip Code is 20816.

Only one application seeking Public Health Service (PHS) support for the same programmatic service demonstration activities with the same population may be submitted to the Public Health Service, and that same application may be submitted in response to only one PHS Program Announcement or Request for Applications.

Appplication Receipt and Review Schedule

The schedule for receipt and review of applications under this announcement is as follows:

Receipt Date	July 30, 1993.
IRG Review	Aug 1993.
Start Date	Sept. 30, 1993.

Consequences of Late Submission

Applications received after the above receipt date will not be accepted and will be returned to the applicant without review. The DRG system requires that applications must be received by the published application receipt date[s]. However, an application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and the proof-of-mailing date is not later than one week prior to the deadline date.

Review Process

Applications submitted in response to this RFA will be reviewed for technical merit in accordance with established PHS/Substance Abuse and Mental Health Services Administration (SAMHSA) peer review procedures for grants. The Division of Research Grants, NIH, serves as a central point for the receipt of applications. Applications will be screened for completeness and compliance with instructions for submission. An application will not be accepted for review and will be returned to the applicant if:

- It is received after the specified receipt date;
- It is incomplete;
- It is illegible;
- It exceeds the specified page limits;
- It does not conform to instructions for format, which include that it be typed single-spaced, using standard size black type not smaller than 15 characters per 1 inch or 2.5 centimeters, one column per page, with conventional border margins (1 inch or 2.5 centimeters), on only one side of standard size 8–1/2 x 11 paper that can be photocopied;
- It is nonresponsive to the announcement; or
- The material presented is insufficient to permit an adequate review.

Returned applications may not be resubmitted due to the single receipt date of this RFA.

Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts. Notification of the IRG recommendation will be sent to the applicant upon completion of the initial review. In addition, the IRG recommendations on technical merit of applications will undergo a second level of review by the appropriate advisory council, when established, whose review may be based on policy considerations as well as technical merit.

Review Criteria

Each grant application is evaluated on its own merits. The following are the review criteria that will be used:

- Significance of the project plan;
- Appropriateness of goals and objectives;
- Feasibility, capability and commitment to project;
- Adequacy and appropriateness of the project management plan;
- Evidence of State readiness and commitment to the proposed project;
- Degree of interagency cooperation in the proposal;
- Commitment to family participation in system development and in the care of their children and adolescents;
- Degree of sensitivity to issues of cultural competence and attention to gender differences demonstrated;
- Qualifications and experience of applicant organization, project director, local project coordinators, consultants, and other key personnel;
- Reasonableness of the proposed budget and resource allocation;
- Adequacy of available resources; and
- Extensiveness of multi-agency integrated or coordinated approaches.

Award Criteria

Applications recommended for approval by the Initial Review Group will be considered for funding on the basis of their overall technical merit as determined through the review process. Other award criteria will include:

- Availability of funds;
- Geographic distribution to equitably allocate assistance among the principal geographical regions of the U.S.;
- Assurance of Rapid Award of Funds; and
- Focus on cultural and racial ethnic minority populations and females.

Terms and Conditions of Support

Allowable Items of Expenditure

Grant funds may be used only for expenses clearly related and necessary to carry out the approved activities, including both direct costs which can be specifically identified with the project and allowable indirect costs. In order to recover allowable indirect costs of a project, it may be necessary to negotiate and establish an indirect cost rate (unless such a rate has already been established for the applicant organization). For information and assistance regarding the timing and submission of an indirect cost rate proposal, applicants should contact the appropriate office of the DHHS Division of Cost Allocation referenced in the list of "Offices Negotiating Indirect Cost Rates," included in the application kit.

Funds cannot be used to supplant current funding for existing activities (see section on Supplantation of Existing Funds). Allowable items of expenditure for which grant support may be requested include:

- Salaries, wages, and fringe benefits of professional and other supporting staff engaged in the project activities;
- Travel directly related to carrying out service activities under the approved project;
- Supplies, communications, and rental of equipment and space directly related to approved project activities;
- Contracts for performance of activities under the approved project; and
- Other such items necessary to support approved project activities.

Funds cannot be used for the purchase of a facility to house any portion of the proposed program. Any funds proposed to be utilized for renovation expenses must be detailed and linked directly to programmatic activities. Any lease arrangements in association with the proposed program utilizing PHS funds may not extend beyond the project period or cover non-programmatic activities.

Alterations and Renovations

Costs for alterations and renovations (A&R) will be allowable only where such alterations and renovations are necessary for the success of the program. However, as subject to the Public Health Service (PHS) Grants Policy Statement, the maximum amount of funds budgeted or used for A&R under a single grant during three consecutive budget periods (whether or not the 3 years overlap two distinct competitive segments of support) cannot exceed the lesser of $150,000 or 25 percent of the total funds reasonably expected to be awarded by the PHS for direct costs for such 3-year period. (The maximum amount of PHS grant funds that may be applied to any single A&R project is $150,000.) Construction costs are not allowed.

Administrative Costs

Section 520A(d) of the Public Health Service Act specifies that a grant may not be made unless the applicant agrees that not more than 10 percent of the

grant award will be expended for administrative expenses.

Reporting Requirements

Annual and final progress reports and financial status and expenditure reports will be required and specified to awardees in accord with PHS Grants Policy requirements. The required yearly continuation application may be used in lieu of an annual report.

Contacts for Additional Information

Questions concerning program issues may be directed to: Judith Katz-Leavy, Child, Adolescent, and Family Branch, Division of Demonstration Programs, Center for Mental Health Services, 5600 Fishers Lane, room 11C-09, Rockville, MD 20857, (301) 443-1333.

Questions regarding grants management issues may be directed to: Steve Hudak, Grants Management Officer, Center for Mental Health Services, 5600 Fishers Lane, room 7C-23, Rockville, MD 20857, (301) 443-4456.

Questions concerning evaluation and data collection requirements may be directed to: Diane Sondheimer, Child, Adolescent, and Family Branch, Division of Demonstration Programs, Center for Mental Health Services, 5600 Fishers Lane, room 11C-09, Rockville, MD 20857, (301) 443-1333.

Authority and Regulations

Statutory Authority: Grants awarded under this RFA are authorized under Section 520A of the Public Health Service Act (42 U.S.C. 290bb-32).

Applicable Federal Regulations: Federal regulations at Title 45 CFR part 92, generic requirements concerning the administration of grants, are applicable to these awards.

PHS Grants Policy Statement: Grants must be administered in accordance with the PHS Grants Policy Statement (Updated September 1, 1991).

(*Catalog of Federal Domestic Assistance Number:* The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.125)

Dated: June 15, 1993.

Joseph R. Leone,

Acting Deputy Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 93-14578 Filed 6-18-93; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-919-03-4830-02-ADVB]

Northern Alaska Advisory Council Public Meeting

The Northern Alaska Advisory Council will hold a field trip to BLM-managed land in the Stevens Village area on Wednesday, July 21, 1993, and to the White Mountains National Recreation Area-Nome Creek area Thursday, July 22, 1993. The council will hold a public meeting in Stevens Village in conjunction with the trip.

The public meeting will be July 21 from 2:30 p.m. to 5:30 p.m. in the Stevens Village Community Hall, Stevens Village, Alaska. The public comment period will be from 3 p.m. until the close of the meeting. Written comments may be submitted.

The council will discuss coordination of BLM activities and cooperative management of BLM and Native lands.

For information, contact the Public Affairs Office, Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709-3844, telephone (907) 474-2231.

Dated: June 2, 1993.

Dee R. Ritchie,

Designated District Manager.

[FR Doc. 93-14630 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-JA-M

[OR-943-2300-02; GP3-254; OR-46444]

Order Providing for Opening of Lands: Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action will open 16.85 acres of acquired lands to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: July 19, 1993.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

SUPPLEMENTARY INFORMATION: Under the authority of section 205 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1715, the following described lands were acquired by the United States to be administered as public land under the jurisdiction of the Bureau of Land Management:

Willamette Meridian

T. 17 S., R. 4 W.,

Sec. 35, two parcels of land lying in the NW¼NW¼ further described as:

Parcel I: Beginning at a point on the West line of sec. 35, which is S. 00°21'W. 460.71' from the northwest corner of sec. 35; Thence S. 89°11'40" E., 30 feet to the intersection of the south line of West Fifth Avenue and the east line of Bailey Hill Road and the True Point of Beginning; Thence S. 00°21' W. 724.32 feet to the north line of West 7th Avenue; Thence S. 89°18' E. 961.18 feet to the Initial Point of Seneca Industrial Park, as platted and recorded in File 73, Slide 420, Lane County Plat Records; Thence N. 00°32'26" W. 722.48 feet along the west line of Seneca Industrial park to the south line of West Fifth Avenue; Thence N. 89°11'40" W. 963.59 feet to the True Point of Beginning. Parcel II: lot 5, Block 2, Seneca Industrial Park, as platted and recorded in File 73, Slide 420, Lane County Plat Records, in the City of Eugene, Lane County, Oregon.

The areas described aggregate approximately 16.85 acres in Lane County.

At 8:30 a.m., on July 19, 1993, the above described lands will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid existing applications received at or prior to 8:30 a.m., on July 19, 1993, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

At 8:30 a.m., on July 19, 1993, the above described lands will be opened to location and entry under the United States mining laws. Appropriation under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

At 8:30 a.m., on July 19, 1993, the above described lands will be opened to applications and offers under the mineral leasing laws.

Dated: June 3, 1993.

Champ C. Vaughan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 93-14529 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-33-M

[CA-060-02-7123-54-6506]

Establishment of Supplementary Rule for Public Lands in the Imperial Sand Dunes Recreation Area Regarding the Use of Audio Devices

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of supplementary rules.

SUMMARY: The purpose of this notice is to establish a supplemental rule regulating the use of audio devices in the Imperial Sand Dunes Recreation Area. Therefore, no person shall operate or use any audio device, such as a radio, television, musical instrument, or other noise producing device or motorized equipment between the hours of 10 p.m. and 6 a.m. in a manner that makes unreasonable noise that disturbs other visitors; or operate or use a public address system without the written authorization from the El Centro Authorized Officer, or construct, erect or use an antenna or aerial for radiotelephone, radio or television equipment, other than on a vehicle or as an integral part of such equipment, within the Imperial Sand Dunes Recreation Area as defined in the Recreation Area Management Plan dated July 1987 by the Bureau of Land Management, Department of the Interior. Approximately, the affected area is bordered by Mammoth Wash on the north boundary, international boundary with Mexico on the south boundary, the old Coachella Canal on the west boundary, and the east boundary is bordered by the Southern Pacific Railroad for Mammoth Wash on the northeast corner to where it intersects with Ogilby Road to the south and Ogilby Road south to interstate 8. Easterly from interstate 8 approximately 2½ miles and then southerly to the US/Mexico border, along the boundary identified in the Imperial Sand Dunes Recreation Area Management Plan 1987.

BACKGROUND: Thousands of visitors use the Imperial Sand Dunes each year. Due to the limited number of improved facilities and the terrain itself (lack of hard packed parking areas), visitors are forced to camp in close proximity of each other. This leads to arguments and fights when one group chooses to play loud music or run generators late at night and early morning hours, disturbing nearby campers. This rule will enable to BLM to prevent fights and arguments by preventing the cause of such activity.

EFFECTIVE DATE: This restriction will be effective June 21, 1993 and will remain in effect until recinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Chief Area Ranger R.M. Zimmer, Bureau of Land Management, El Centro Resource Area, 1661 S. 4th St., El Centro, CA 92243, (619) 353-1060.

SUPPLEMENTARY INFORMATION: The authority for this restriction is provided in 43 CFR 8365.1-6. Violations of this restriction are punishable by a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months.

Dated: June 4, 1993.

Lucia Kuizon,

Acting District Manager.

[FR Doc. 93-14238 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-40-M

CA-067-02-4740-01

Prohibition of Camping for a Distance of One Mile Outside the Boundaries of Pilot Knob and Hot Springs Long Term Visitor Areas in the El Centro Resource Area, Imperial County, and Midland and Mule Mountain Long Term Visitor Areas in the Palm Springs Resource Area, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of prohibition of camping for a distance of one mile outside the boundaries of Pilot Knob and Hot Springs Long Term Visitors Areas in the El Centro Resource Area, Imperial County, California.

Notice of prohibition of camping for a distance of one mile outside the boundaries of Midland and Mule Mountain Long Term Visitor Areas in the Palm Springs Resource Area, Riverside County, California.

SUMMARY: Notice is hereby given that camping outside the boundaries for a distance within one mile of Pilot Knob and Hot Springs Long Term Visitor Areas in the El Centro Resource Area, Imperial County, California, is prohibited. Exceptions to the rule may be granted on a case by case basis at the El Centro Resource Area Manager's discretion.

Notice is hereby given that camping outside the boundaries for a distance within one mile of Midland and Mule Mountain Long Term Visitor Areas in the Palm Springs Resource Area, Riverside County, California, is prohibited. Exceptions to this rule may be granted on a case by case basis at the Palm Springs Resource Area Manager's discretion.

Order: As of the prescribed effective date, camping is prohibited outside the boundaries for a distance within one mile of Pilot Knob, Hot Springs, Midland and Mule Mountain Long Term Visitor Areas. For the purpose of this rule, "camping" means the erecting and use of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy

All exemptions to this rule will be by written authorization of the El Centro and Palm Springs Resource Area Manager's. Persons seeking an exemption must submit a written request to the El Centro or Palm Springs Resource Area Manager's (1661 S. 4th St., El Centro, CA 9243, or 63-500 Garnet Ave, P.O. Box 2000, N. Palm Springs, CA 92258-2000.)

BACKGROUND: Permits are required for visitors to stay at Pilot Knob, Hot Springs, Midland and Mule Mountain Long Term Visitor Areas. On many occasions visitors camp immediately outside the boundaries of these Long Term Visitor Areas without needing the required permit. This causes concern among those visitors which are permitted inside the boundaries and enforcement problems for BLM personnel. Further, the Long Term Visitor Areas were created to concentrate camping in designated areas, thus limiting human impact to those areas.

EFFECTIVE DATE: This closure will be effective immediately upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT:

Walt Gabler, BLM Ranger, El Centro Resource Area, Bureau of Land Management, 1661 S. 4th St., El Centro, CA 92243, (619) 353-1060.

Fred DelCamp, BLM Ranger, Palm Springs Resource Area, Bureau of Land Management, 63-500 Garnet Ave., P.O. Box 2000, N. Palm Springs, CA 92258-2000.

SUPPLEMENTARY INFORMATION: The authority for this prohibition is found in 43 CFR 8365.1-6. Violation of this prohibition is punishable by a fine not to exceed $100,000 and/or imprisonment not to exceed one year.

Dated: June 4, 1993.

Lucia Kuizon,

Acting District Manager.

[FR Doc. 93-14350 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-40-M

[NM-030-4410-02]

Availability of Mimbres Resource Management Plan Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: On April 30, 1993, the Record of Decision (ROD) for the Mimbres Resource Management Plan (RMP) was signed by acting Bureau of Land Management (BLM) State Director Monte Jordan. The ROD documents the approval of the plan described in the Mimbres Proposed RMP/Final Environmental Impact Statement of October 1992 as the land use plan for the Mimbres Resource Area.

The ROD designates 21 Areas of Critical Environmental Concern (ACECs) (including four existing ACECs) totalling 183,180 acres; four Research Natural Areas (including one existing) totalling 17,870 acres; and maintains one existing National Natural Landmark, Kilbourne Hole (5,480 acres).

The ROD also designates the Butterfield Trail Corridor (15,690 acres), the Continental Divide National Scenic Trail Corridor (48,450 acres) and four new wilderness study areas (Pena Blanca, Organ Needles, Gray Peak, and Apache Box [33,280 acres]). The Gila Box (2,480 acres) and the Gila Middle Box (760 acres) are designated as wild and scenic river study areas.

The ROD makes the following designations for vehicle use management in the Resource Area: 16,190 acres open; 2,371,630 acres limited to existing roads and trails; and 133,470 acres closed.

FOR FURTHER INFORMATION CONTACT: Jon Joseph, Area Manager, Mimbres Resource Area, 1800 Marquess, Las Cruces, NM 88005 or at (505) 525-4352.

SUPPLEMENTARY INFORMATION: The RMP will provide the framework to guide management decisions during the next 10-20 years in the Mimbres Resource Area. The Resource Area covers public land in Dona Ana, Luna, Grant, and Hidalgo counties and includes 3,053,820 of surface estate and 4,126,780 acres of Federal mineral estate.

The goal of the RMP is to provide for a combination of resource uses that will protect important environmental values and sensitive resources, and at the same time allow development of resources which produce commercial goods and services.

The ROD lists modifications and corrections that were made as a result of comments and protest on the Proposed Plan. These changes will be carried forward in the Approved Plan.

Copies of the ROD have been distributed to a mailing list of identified interested parties. Copies of the ROD may be obtained from the BLM Las Cruces District Office, 1800 Marquess, Las Cruces, NM 88005.

Dated: June 11, 1993.

Timothy M. Murphy,

Acting District Manager.

[FR Doc. 93-14534 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-FB-M

[AK-932-4210-06-P; F-88329]

Proposed Withdrawal and Opportunity for Public Meeting, Amendment; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice amends the notice of proposed withdrawal for the Coldfoot Visitor Center, Administrative Site and Campground, Alaska.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, #13, Anchorage, Alaska 99513-7599, 907-271-5477.

SUPPLEMENTARY INFORMATION: The notice published on January 28, 1993, 58 FR 6417 & 6418, is amended as follows:

Page 6418, column two, line one, the sentence "No temporary land use will be permitted during this segregative period" is amended to read "The temporary uses which will be permitted during this segregative period would be for discretionary land use authorizations, as allowed by an Authorized Officer of the Bureau of Land Management".

Dated: June 9, 1993.

Sue A. Wolf,

Chief, Branch of Lands.

[FR Doc. 93-14496 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-JA-P

National Park Service

Mississippi River Corridor Study Commission; Meeting

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Mississippi River Corridor Study Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463).

Meeting Dates and Times:
July 15, 1993; 2 p.m. until 5 p.m.
July 16, 1993; 8 a.m. until noon

Addresses:
July 15—Plaza One, 17th Street and Third Avenue, Rock Island, Illinois 61201
July 16—Fort Armstrong Hotel, 1900 Third Avenue, Rock Island, Illinois 61201

The business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. The Chairman will permit attendees to address the Commission, but may restrict the length of presentations. An agenda will be available from the National Park Service, Midwest Region, 1 week prior to the meeting.

FOR FURTHER INFORMATION CONTACT: David N. Given, Associate Regional Director, Planning and Resources Preservation, National Park Service, Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102, (402) 221-3082.

SUPPLEMENTARY INFORMATION: The Mississippi River Corridor Study Commission was established by Public Law 101-398, September 28, 1990.

Dated: June 9, 1993.

William W. Schenk,

Acting Regional Director, Midwest Region.

[FR Doc. 93-14538 Filed 6-18-93; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on June 9, 1993, a proposed consent decree in *United States* v. *Pilot Industries of Texas, Inc. and Pilot Chemical Company* was lodged with the United States District Court for the Southern District of Texas. The civil action number of the case is H-93-1714.

The Complaint in this enforcement action was filed pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607, seeking reimbursement of costs incurred by the United States in responding to the release or threat of release of hazardous substances from the Geneva Industries Site located at 9334 Caniff Road, Houston, Texas. The proposed consent decree has been entered into between

the United States and Pilot Industries of Texas, Inc. and Pilot Chemical Company. Under the terms of the proposed consent decree, Pilot Industries of Texas, Inc. and Pilot Chemical Company will pay the United States $1.5 million to reimburse the United States for its response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Pilot Industries of Texas, Inc. and Pilot Chemical Company* (DOJ # 90–11–3–586).

The proposed Consent Decree may be examined at the United States Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202–2733. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., Washington, DC 20005, (202) 624–0892. In requesting a copy, please enclose a check in the amount of $7.00 (25 cents per page reproduction costs), payable to the "Consent Decree Library."

John C. Cruden,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–14540 Filed 6–18–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Toxic Substances Control Act

In accordance with Department of Justice Policy set forth at 28 CFR 50.7, notice is hereby given that a proposed modification to the consent decree previously entered by the United States District Court for the Southern District of Texas in *United States* v. *Texas Eastern Transmission Corp. d/b/a/ Texas Eastern Gas Pipeline Co.* Civ. No. H–88–1917, has been lodged with this Court on May 21, 1993.

The proposed modification makes several changes to the consent decree based upon experience developed by Texas Eastern and the United States Environmental Protection Agency since entry of the original decree in October 1989. Since that time, Texas Eastern has been implementing the cleanup program set forth in the original decree. The proposed modifications will allow Texas Eastern additional flexibility in implementing the cleanup program without relaxing, in any significant way, the cleanup requirements of the original agreement.

One significant change proposed in the modification would give Texas Eastern the option to utilize emerging computer technology, rather than the sampling regime specified by the decree, to predict the probable areal and vertical extent of soil contamination. Should Texas Eastern elect this option, it would still need to verify that the computer predictions were accurate by means of actual soil sampling. Thus, the amounts of contaminated soils that would be excavated would not be affected by this modification.

Another significant change would allow EPA to issue waivers or agree to minor modifications of the decree in the future without seeking approval from the Court. The parties could utilize this new authority, however, only in cases in which the proposed waiver would not significantly affect the overall scope or performance of the remedial program. A third significant change would allow Texas Eastern to use as backfill soils with PCB concentrations of up to two parts per million, rather than the one part per million specified in the original decree. The Agency believes that such a modification is consistent with its present permitting provisions, which also specify soil PCB levels of two parts per million.

The modification makes a number of other very minor changes to the decree, involving insurance requirements, numbers of reports to be filed with the Agency and the appropriate persons to receive such reports. None of the changes proposed, however, would affect in any significant way the cleanup requirements imposed by the original decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments related to the proposed modification. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Texas Eastern Gas Pipeline Co.* DOJ Ref. #90–5–1–1–2820.

The proposed modification may be examined at the TSCA Public Docket Office, room NE–G004, Environmental Protection Agency, 401 M Street, SW Washington, DC 20460 and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC (20005), 202–624–0892. A copy of the proposed modification may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC (20005). In requesting a copy, please refer to the referenced case and enclose a check in the amount of $7.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environment and Natural Resources Division, Environmental Enforcement Section.

[FR Doc. 93–14539 Filed 6–18–93; 8:45 am]

BILLING CODE 4410–01–M

National Institute of Corrections

Request for Applications; Resource Center for Jail and Mental Health Service Linkages

The Jails Division of the National Institute of Corrections (NIC) of the Department of Justice (DOJ) and the Substance Abuse Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) are seeking applications to establish and operate a jail resource center that can provide technical assistance to other jurisdictions regarding the development of linkages with the mental health system. A cooperative agreement for up to $35,000 will be awarded to the successful applicant for twelve months.

A selection will be made from applicants who operate ACA/CAC accredited county, municipal, or regional jails with an established mental health program that meets prevailing standards for mental health service delivery, and can serve as a national "Resource Center for Jail Mental Health Services Linkages". Applications must be received by close of business of July 23, 1993.

Applications should be submitted in six copies to the National Institute of Corrections, 320 First Street, NW., Washington, DC 20534. At least one copy of the application must bear the original signature of the applicant. A cover letter must identify the responsible audit agency for the applicant's financial accounts.

Applications must be prepared in accordance with the procedures included in the NIC Guidelines Manual: Instructions for Applying for Federal Assistance and submitted on OMB Standard Form 424, Federal Assistance. The applications should be concisely written and referenced by the title "Resource Center for Jail Mental Health Service Linkages."

Jail Mental Health Services Resources Center Development

A cooperative agreement for up to $35,000 will be awarded for a twelve

month period beginning September 1, 1993 and ending August 31, 1994. A noncompetitive renewal will be considered based on satisfaction of stated criteria and availability of funds. Applications must be received by July 16, 1993.

Background

Since 1977, the NIC Jails Division has been served as an identifiable resource for assistance to the nation's jails. Services offered by the Jails Division include, short and long term technical assistance and training.

The concept of a Jail Resource Center has evolved since its establishment in 1978. Several resource centers were developed to provide materials, regional training and technical assistance to jails with respect to jail design, operational, programmatic, food service and direct supervision issues. Since then, there has been a need to develop resource centers with a more specialized approach. As a result, NIC had developed Resource Centers in the area of objective jail classification, jail industries, direct supervision and policy and procedures.

Public Law 103–321 created CMHS which had previously been integrated into the National Institute of Mental Health (NIMH). This act mandates a vigorous Federal leadership role in mental health services delivery and policy development. CMHS assists States and communities in expanding the number and range of mental health and rehabilitative services for treatment and prevention, as well as improving the effectiveness of services.

Research, case studies, and administrative reports from program sites have shown an increased need to improve mental health service delivery in jails. In January 1993, the Directors of The National Institute of Justice (NIJ), NIC, and CMHS signed a Memorandum of Understanding (MOU). The purpose of this MOU is to foster a collaborative effect between the criminal justice and mental health communities. As part of this effort, a range of strategies and initiatives for dealing with persons/individuals with mental illness who are in jail will be developed and implemented.

The NIC Jails Division and CMHS will fund a Resource Center for mental health service linkages that will provide technical assistance to jurisdictions and agencies in the criminal justice and mental health areas interested in implementing or expanding mental health service linkages.

Program Description

The primary use of the resource center is to promote and facilitate technology transfer between local jurisdictions. The resource center will host onsite visits and events for criminal justice and mental health personnel from jurisdictions wishing to jointly implement mental health services in the jails. In addition, the resource center will facilitate subsequent on-site consultation at that jurisdiction.

It is anticipated that the Resource Center will be used by Sheriffs, Jail Administrators and State and Local Health Agencies and constituent groups in the following ways:

• The resource center will host structured site visit technical assistance events arranged through NIC or CMHS.

Site visit technical assistance will be coordinated between NIC and/or CMHS, the visiting jurisdiction, and the Resource Center. These visits will enable a jurisdiction to tour the Resource Center, observe programs, and interview staff and inmates on the effectiveness of services and programs. Specific objectives and activities will be established by NIC and/or CMHS and the visiting jurisdiction before the visit and approved by the Resource Center. NIC/CMHS will fund two individuals from a jurisdiction to travel to the Resource Center. In order to be eligible, the jurisdiction must be represented by one person from each of the criminal justice and mental health communities.

• Resource Center staff may travel to other jurisdictions at the expense of NIC and/or CMHS to provide technical assistance to other jails in the area of mental health services.

Again, this technical assistance event will be coordinated through NIC and/or CMHS, the Resource Center, and the jurisdiction prior to the event. All activities and assistance will be clearly established before the visit. These technical assistance events may include but is not limited to: a review of policy and procedures, staff training, and development of criteria for contracts with the mental health community. Other activities may be added as needed.

• The Resource Center staff will develop written materials and documents for other jurisdictions that support their technical assistance effort.

Materials include but is not limited to: pamphlets, brochures, sample program missions, sample policy and procedure manuals, audio-visual aids, and workshop materials.

• The Resource Center will provide written quarterly reports to CMHS and NIC.

These reports will include specific data on both site visit and on site technical assistance events. The specific requirements will be established with the Resource Center after the cooperative agreement has been awarded.

General Program Requirements

Grant applications will be reviewed by a team of NIC and CMHS staff. Among the criteria used to evaluate the applications are:

• Demonstrated effectiveness of jail/mental health system linkage program already in existence;

• Clearly defined and succinctly stated objectives for the resource center from both a criminal justice and mental health standpoint;

• Appropriateness of the proposed approaches for attaining stated objectives;

• Applicant's ability to clearly define the methods to be used to implement the program successfully;

• Estimated total costs of the project and clear budget narrative; and

• Ability to define the effectiveness of the resource center through the evaluation and measurement of the outcomes.

Use of Grant Funds: Use of grant funds will be restricted to off-setting direct administrative cost to the jurisdictions. Grant funds can be used in the following ways:

• Mental health and correctional staff training;

• Project materials and supplies (excluding equipment purchases, travel costs and construction cost);

• Professional standards accreditation fees;

• Programmatic enhancements.

Standards Compliance: Successful applicants must be accredited by The American Correctional Association, Commission on Accreditation for Corrections (ACA/CAC).

Geographical/Transportation Considerations: Preference will be given to jurisdictions located in areas close to major transportation centers.

Project Staff: The successful applicant must provide professional (jail and mental health staff) and support staff who will coordinate and support onsite technical assistance events. Staff travel to other agencies to provide technical assistance also may be required at NIC or CMHS expense.

Facilities: Successful applicants must have adequate space to accommodate onsite hosted activities.

Convenient Housing: Preference will be given to jurisdictions with convenient access to hotel or other suitable participant housing that falls within Federal per diem rates.

Program Evaluation: Preference will be given to jurisdictions with the ability to measure and evaluate the

effectiveness of their "Resource Center for Jail Mental Health Service Linkages" in terms of measures that include criminal justice and mental health objectives as well as client objectives.

Specific Program Requirements

Besides the general program requirements, applicants will be evaluated on these specific criteria:

• The agency will have mental health services provided by the local mental health community.

• The agency will provide documentation including, but not limited to, mission statements, policies and procedures, and initial evaluation screening standards.

• The agency will have comprehensive services, which include at a minimum:

—Initial screening tools for mental illness;
—Crisis intervention;
—Mental Health treatment Programs (including medication management);
—Transfer/discharge planning;
—Suicide Prevention.

• The agency will have implemented a cross training program to train mental health staff in correctional issues and correctional staff in mental health issues.

• The agency must provide a specific plan for collection of data, measurement of outcomes and evaluation of program effectiveness.

In addition to satisfaction of specific criteria, preference will be given to those facilities with the following:

• Agencies using a management information system in both the delivery and evaluation of the effectiveness of mental health services.

• Agencies that have established jail diversion programs.

• Agencies that employ a total systems model which include mental health involvement at the police level (i.e. mobile crisis unit).

• Agencies that have developed an articulated program/strategy regarding suicide prevention.

Application Format

The major components of the grant application must include, at a minimum, the following:

—A summary statement that clearly and succinctly summarizes the main features of the application.
—An introduction or introductory statement describing the applicant's qualifications and organization, and indication of the applicant's principal functions and responsibilities, and an indication of why the application is being submitted.
—A narrative statement of the problem or issue the applicant will deal with if the grant is awarded focusing on the applicant's needs, capabilities, problems to be overcome, and objectives that will be obtained if the grant is awarded.
—A clear statement of what the applicant will accomplish with the assistance, quantitatively and qualitatively described, if applicable.
—A statement describing the methods the applicant will use to carry out the project, including the names, backgrounds and roles of the significant personnel who will be involved, time charts (if helpful), sequencing of phases/events of the project, and resources that will be assigned to the various phases.
—A statement in which the applicant describes how it will evaluate the project or a plan describing how it will measure whether the objectives described earlier in the application were obtained.
—A budget broken out by object classes, giving a reasonable financial plan for carrying out the grant and, if necessary, showing the cost or internal contribution the applicant will make from its own resources or the resources of a third party.
—Evidence that the applicant has dealt appropriately with any priorities or special considerations requested by NIC and/or CMHS.

Project Monitoring

NIC Jails Division and CMHS staff will monitor the cooperative agreement through regular meetings and interim progress evaluation reports. Frequent written and oral communication between the NIC monitor and the grantee will be required to ensure program compatibility with NIC's mission of service delivery to local jails, and in keeping with prevailing mental health service standards.

Eligibility

All accredited local, county, and regional jails that have established mental health programs are eligible. Only programs will be considered that treat individuals/persons with dual diagnoses of mental illness and substance abuse and not programs that treat only substance abuse.

Documentation of the grantee's ability, commitment of resources and level of staff support for the successful implementation and operation of a Resource Center must be included in the application.

For more information about preparing a grant application, contact the NIC Jails Division, 1960 Industrial Circle, suite A, Longmont, Colorado 80301; 1-(800) 995-6429.

Issue Date: June 21, 1993.

Larry Solomon,

Acting Director, National Institute of Corrections.

[FR Doc. 93-14535 Filed 6-18-93; 8:45 am]

BILLING CODE 4410-36-M

NATIONAL SCIENCE FOUNDATION

Antarctic Tour Operators Meeting

The National Science Foundation announces the following meeting:

NAME: Antarctic Tour Operators Meeting.

DATE AND TIME: July 8, 1993, 9 a.m.–4 p.m.

PLACE: National Science Foundation, room 540, 1800 G Street, NW., Washington, DC 20550.

TYPE OF MEETING: Open.

CONTACT PERSON: Nadene G. Kennedy, Polar Coordination Specialist, Office of Polar Programs, National Science Foundation, Washington, DC 20550, Telephone: 202/357-7817.

PURPOSE OF MEETING: Pursuant to the National Science Foundation's responsibilities under the Antarctic Conservation Act (Pub. L. 95-541) and the Antarctic Treaty, the U.S. Antarctic Program Managers plan to meet with Antarctic Tour Operators to exchange information concerning dates and procedures for visiting U.S. Antarctic stations, review the latest Antarctic Treaty Recommendations concerning the environment and protected sites, and other items designed to protect the Antarctic environment.

Agenda

- Introduction and Overview
- Review of 1992-93 Visits to Palmer and McMurdo Stations
- Tour Operator's Comments on 1992-93 Season Visits
- 1993-94 Visits to Palmer Station
- 1993-94 Visits to McMurdo Station
- Cooperation with other National Antarctic Programs
- Report on IAATO Activities
- USAP Observers Reports
- 1993-94 Season Observer Program
- Antarctic Conservation Act
- Information Dissemination
- Tourism Impact Study and the Long-Term Ecological Research (LTER) Project
- Update on the *Bahia Paraiso*—tentative
- Status Report on Legislation and Implementation of the Protocol on Environmental Protection to the Antarctic Treaty

• Other Items

John B. Talmadge,

Head, Polar Coordination and Information Section, Office of Polar Programs.

[FR Doc. 93–14530 Filed 6–18–93; 8:45 am]

BILLING CODE 7555–01

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Materials and Metallurgy; Notice of Meeting

The ACRS Subcommittee on Materials and Metallurgy will hold a meeting on June 29, 1993, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, June 29, 1993—8:30 a.m. Until the Conclusion of Business

The Subcommittee will review draft Regulatory Guides, DG–1023, "Evaluation of Reactor Pressure Vessels with Charpy Upper-Shelf Energy Less Than 50 ft-lb", and DG–1025, "Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence." The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Elpidio Igne (telephone 301/492–8192) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: June 14, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–14520 Filed 6–18–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Meeting of the Subcommittee on Thermal Hydraulic Phenomena; Postponement

A meeting of the ACRS Subcommittee on Thermal Hydraulic Phenomena scheduled to be held on June 22, and June 23 (as necessary), 1993, in room P–110, 7920 Norfolk Avenue, Bethesda, MD has been postponed. The meeting has been postponed due to schedular problems, and the need to obtain additional supporting documentation in a timely manner. Notice of this meeting was published in the **Federal Register** on Thursday, May 27, 1993 (58 FR 30820).

FOR FURTHER INFORMATION CONTACT: Mr. Paul Boehnert, cognizant ACRS staff engineer (telephone 301/492–8558) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: June 14, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–14521 Filed 6–18–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32462; International Series Release No. 554; File No. SR–ISCC–93–02]

Self-Regulatory Organizations; International Securities Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to an Amendment to the Linkage Agreement Between ISCC and the London Stock Exchange, and Establishment of a Custody Agreement Between ISCC and Citibank, N.A

June 14, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on May 27, 1993, International Securities Clearing Corporation ("ISCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice and order to solicit comments on the proposed rule change and to grant approval of the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would effect an amendment to the linkage agreement between ISCC and the London Stock Exchange ("SE") which acknowledges the discontinuation of the SE's custody services. The proposed rule change also establishes a custody agreement between ISCC and Citibank, N.A., London branch ("Citibank"), designed to offer custody services to ISCC members in place of the discontinued SE service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 these 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.

[1] 15 U.S.C. 78s(b)(1) (1988).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In 1986, ISCC and the SE entered into an Interim Linkage Agreement and an Interim Safe Custody Agreement pursuant to which ISCC could obtain comparison, settlement, and custody services in the United Kingdom from the SE on behalf of ISCC members. At the same time, ISCC filed an application to become registered as a clearing agency. While the application was pending, ISCC, by letter dated August 22, 1986,[2] sought advice from the Commission staff that the Division of Market Regulation would not recommend enforcement action against ISCC if it operated the link with the SE (the "London Link"). By letter dated September 10, 1986, the request was granted.[3]

Subsequently, ISCC and the SE renegotiated the linkage agreement and by letter dated December 23, 1988,[4] ISCC once again sought no-action relief with respect to providing clearance, settlement, and custody services in the United Kingdom. This was granted by letter dated March 12, 1990.[5]

The revised agreement (the "Linkage Agreement")[6] contemplated that either party could discontinue offering a service if it ceased to provide such service to all users. The SE has decided to discontinue providing custody services and has notified ISCC of such action. The SE, however, will continue to provide Checking (comparison) and Talisman (settlement) services.

In order to continue to provide London Link users with custody services, ISCC has contracted with Citibank. Citibank will provide custody services to ISCC upon essentially the same terms and conditions as the services provided by the SE. The service will cover all securities eligible for settlement through Talisman and such other securities as ISCC may request with the exception of Gilts,[7] including when required, foreign stocks held on United Kingdom register (*e.g.*, South African and Australian).

Citibank will accept instructions from ISCC for the receipt or delivery of securities in the London market, free of payment, on behalf of ISCC members. Citibank will deposit securities received in the safekeeping account. If the securities received do not appear to be in order, Citibank will reject the deposit on the same day and notify ISCC. Citibank will deliver the securities, or make them available for pickup, in accordance with ISCC's instructions. In addition, Citibank will be responsible for the forwarding of information on any corporate action and for the execution of any ISCC member's instruction related thereto. Finally, Citibank will pay dividend and interest payments collected to a third party account and make available to ISCC members Citibank's Assured Income Service.[8]

The safe custody service provides ISCC members with a means to safekeep issues that settle through the SE's Talisman system. ISCC members were always given the option of using alternative safekeeping services if they so desired, and this option will continue to remain available. Since the custody account will be ISCC's,[9] members will not have to qualify as Citibank customers in order to obtain custody services.

In order to make daily settlement with the SE, ISCC established a banking relationship with Barclays Bank PLC ("Barclays"). Barclays was originally chosen because it is the bank utilized by the SE. Since ISCC will maintain a relationship with Citibank for the custody services, ISCC management believes that it will be beneficial to consolidate all banking functions and therefore has determined to move the money settlement arrangements from Barclays to Citibank.

As a result of this change, each ISCC member that uses the London Link will be required to open cash accounts (pounds sterling and dollars) with Citibank. The money settlement process that was used with Barclays will continue to be used by Citibank, *i.e.*, ISCC members' accounts will be debited and ISCC's account will be credited when the member has a payment obligation and *vice versa* when the member is in a credit position. Citibank will cause a payment to be made for the benefit of the SE if ISCC is in a net debit position, and if ISCC is in a net credit position, the SE will cause a payment to be made to Citibank for ISCC's benefit. Similar to the arrangement with Barclays, ISCC will have an overdraft facility in the event there are insufficient funds available to meet its obligations to the SE. The SE has agreed to the change in banking relationships, and this change is also included in the amendment to the Linkage Agreement.

B. Self-Regulatory Organization's Statement on Burden on Competition

ISCC does not believe that the proposed rule change will impose any burden upon competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were not and are not intended to be solicited with respect to the proposed rule change, and no written comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

ISCC requests the Commission find good cause for approving the proposed rule change on an accelerated basis prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause exists under section 19(b)(2) of the Act for granting accelerated approval in order to provide continuity in the settlement process. ISCC and SE have agreed that all deposits of securities must be removed from SE by June 15, 1993. Therefore, the agreement between ISCC and Citibank must be in effect prior to that date to avoid disruption of service.

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency must be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[10] The agreement with Citibank will permit ISCC to continue to provide custody services to its members on essentially the same terms as it had with the SE, without interruption of service. The consolidation of custody service and money settlement processing may permit ISCC to have increased efficiency in the clearance and settlement of securities transactions. The Commission therefore finds that ISCC's proposal is consistent with section 17A(b)(3)(F) of the Act.

[2] Letter from Karen Saperstein, Associate General Counsel, ISCC, to Jonathan Kallman, Assistant Director, Commission (August 22, 1986).

[3] Letter from Jonathan Kallman, Assistant Director, Commission, to Karen Saperstein, Associate General Counsel, ISCC (September 10, 1986).

[4] Letter from Karen Saperstein, Associate General Counsel, ISCC, to Jonathan Kallman, Assistant Director, Commission (December 23, 1988).

[5] Letter from Jonathan Kallman, Assistant Secretary, Commission, to Karen Saperstein, Associate General Counsel (March 12, 1990).

[6] Linkage Agreement between ISCC and SE (December 22, 1988).

[7] Gilts are United Kingdom government bonds which are auctioned through the Bank of England.

[8] Under the Assured Income Service, all dividend and interest payments are paid to the member on the "payable date," rather than the date the payment is actually received by Citibank.

[9] The accounts will be in ISCC's name with subaccount designations for ISCC members.

[10] 15 U.S.C. 78q-1(b)(3)(F) (1990).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File Number SR–ISCC–93–02 and should be submitted by July 9, 1993.

V. Conclusion

On the basis of the foregoing, the Commission finds that ISCC's proposed rule change is consistent with the Act and, in particular, with section 17A of the Act.

It Is Therefore Ordered, under section 19(b)(2) of the Act, that the proposal (File No. SR–ISCC–93–02) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–14485 Filed 6–18–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32458; International Series Release No. 553; File No. SR–OCC–93–09]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval on a Temporary Basis of a Proposed Rule Change Relating to a Friday Expiration Date for Certain Foreign Currency Option Contracts.

June 11, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on May 20, 1993, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared primarily by OCC. On June 10, 1993, OCC filed Amendment No. 1, and on June 11, 1993, OCC filed Amendment No. 2 to the proposed rule change.[2] The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval through July 16, 1993, of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to have Friday instead of Saturday as the expiration date for certain foreign currency option contracts to be listed in the future.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to have the Friday immediately preceding the third Wednesday of the expiration month instead of the Saturday immediately preceding the third Wednesday of the expiration month as the expiration date for certain foreign currency option contracts listed for trading during or after June 1993. For end-of-month option contracts listed for trading during or after July 1993, the expiration date will be the last Friday of the expiration month instead of the last Saturday of the expiration month.

OCC is proposing to change the expiration date of these foreign currency option contracts in order to reduce the overtime costs associated with weekend expiration processing. The proposed change of the expiration date of foreign currency option contracts from Saturday to Friday will be implemented initially for foreign currency option contracts listed for trading during or after June 1993 and for end-of-month foreign currency option contracts listed for trading during or after July 1993. Two exceptions are built into the new expiration date.

First, if any expiration date for foreign currency option contracts falls on a day that the Exchange is not open for business, the expiration date for such option contracts will be the preceding day the Exchange is open for business.

Second, certain long term foreign currency option contracts listed before June 1993, most notably the June 1994 and December 1994 series, have Saturday expirations. To avoid investor confusion, all option contracts listed for trading in the future with expiration dates coincident with those existing contract months, June 1994 and December 1994, will continue to be listed with a Saturday expiration. Furthermore, OCC will make no changes to existing foreign currency option contracts. Such contracts will continue to expire on the Saturday immediately preceding the third Wednesday of the month.

In Article XV, Section 1 of the By-Laws, certain definitions are amended to reflect the proposed change in the expiration date. As described above, the definition of expiration date is amended to reflect that the expiration date for foreign currency option contracts listed before June 1993 and all foreign currency option contracts expiring in June 1994 and December 1994 will continue to be the Saturday immediately preceding the third Wednesday of the expiration month of such option contracts while the expiration date for foreign currency option contracts listed for trading during or after June 1993 will be the Friday immediately preceding the third Wednesday of the expiration month of such option contracts. Similarly, the definition of expiration date is amended to reflect that the expiration date for

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[1] 15 U.S.C. 78s (1988).

[2] The purpose of Amendment No. 1 is to amend Article XX of OCC's By-Laws and Chapter 21 of OCC's Rules so that the change in the expiration date of foreign currency options is applicable to cross-rate foreign currency options. In addition, the amendment adds language to rules 806 and 1603 to clarify the operational time frames to which Clearing Members must adhere with respect to the Expiration Date Exercise Procedures for foreign currency options expiring on Fridays. Letter from Jacqueline R. Luthringshausen, Attorney, OCC, to Jerry W. Carpenter, Branch Chief, Division of Market Regulation ("Division"), Commission (June 9, 1993).

In Amendment No. 2, OCC withdrew from Amendment No. 1 all proposed changes to Article XX of its By-Laws and Chapter 21 of its Rules. Therefore, this approval order does not provide for OCC to issue and clear any cross-rate foreign currency options with Friday expiration dates. Letter from Jim Yong, Vice President and Deputy General Counsel, OCC, to Jerry W. Carpenter, Branch Chief, Division, Commission (June 10, 1993).

existing end-of-month option contracts listed for trading before July 1993 will continue to be the Saturday following the last Friday of the expiration month of such option contracts while the expiration date for end-of-month foreign currency option contracts listed for trading during or after July 1993 will be the last Friday of the expiration month of such option contracts.

Language is also being added to the definition of expiration date to provide that foreign currency option contracts and end-of-month foreign currency option contracts that otherwise would have an expiration date on a day that the Exchange is not open for business will expire on the preceding day that the Exchange is open for business. Lastly, Article XV, section 1 has been alphabetized to facilitate the referencing of terms contained in that section.

Paragraph (b) has been added to Rule 1603. Paragraph (a), which contains the current language of Rule 1603, provides that foreign currency option contracts expiring on Saturday generally shall utilize the expiration date exercise procedures set forth in Rule 805. In contrast, new paragraph (b) provides that foreign currency option contracts expiring on Friday generally shall utilize the expiration date exercise procedures set forth in Rule 806. Rule 806(b)(1) establishes timeframes for the issuance of reports by OCC and an operational cut-off time for exercises by Clearing Members.[3] The current language of Rule 1603 allows OCC's Board of Directors, with thirty days notice to all Foreign Currency Clearing Members, to make OCC's exercise-by-exception processing applicable to expiring foreign currency option contracts. This language has been retained in Rule 1603(a) but has been modified to apply only to foreign currency option contracts expiring on Saturday. A parallel provision has been added to Rule 1603(b) with respect to foreign currency option contracts expiring on Friday.

Finally, Rule 1606A has been amended to provide OCC with more flexibility in setting a cut-off time for the submission of Delivery Versus Payment Authorizations ("DVP Authorizations"). Currently, DVP Authorizations must be submitted to the Corporation by 12 p.m. Central Time on the date on which any Exercise and Assignment Report is made available. Currently, Exercise and Assignment Reports for foreign currency option contracts are made available on the Sunday following the Saturday expiration date, and accordingly, DVP Authorizations are required to be submitted by the cut-off time on that Sunday. However, with respect to newly listed foreign currency option contracts which will expire on Friday, OCC anticipates that the Exercise and Assignment Report will be made available on the Saturday following the expiration date even though for purposes of processing OCC does not need the DVP Authorization until Sunday.[4] Accordingly, Rule 1606A now provides that DVP Authorizations may be submitted on the date on which any Exercise and Assignment Report is made available or at such other times as OCC shall prescribe.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission believes OCC's proposal to have Friday instead of Saturday as the expiration date for certain foreign currency option contracts listed in the future is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies. In particular, sections 17A(b)(3)(A) and (F) of the Act require that a clearing agency be organized and that its rules be designated to promote the prompt and accurate clearance and settlement of securities transactions, to assure that safeguarding of securities and funds in the clearing agency's custody or control or for which it is responsible, and to protect investors and the public interest.[5] Additionally, section 17A(a)(1) of the Act sets forth Congress' finding that ineffective procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors.[6] Furthermore, Friday expiration will permit OCC to reduce the overtime costs associated with weekend expiration processing and as a result to offer more efficient and less costly service to its Clearing Members.

OCC also has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in the **Federal Register.** Accelerated approval will permit OCC to coordinate with the PHLX the implementation of the Friday expiration for foreign currency options listed during or after June 1993.[7] The Commission finds good cause for so approving the proposed rule change.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities, and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to File No. SR–OCC–93–09 and should be submitted by July 9, 1993.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[8] that the

[3] At or before 6 p.m. Central Time (7 p.m. Eastern Time) on each business day that is an expiration date for a foreign currency option contract, OCC will make available to Clearing Members a report listing each expiring foreign currency option contract. A Clearing Member desiring to exercise foreign currency option contracts must return its exercise instructions to OCC by 8:30 p.m. Central Time (9:30 p.m. Eastern Time). Rule 1603(b)(1).

[4] OCC anticipates it may make systems changes in the future to allow for processing of DVP Authorizations on the Saturday following expiration. If such changes are made, OCC will file with the Commission a proposed rule change under section 19(b) of the Securities Exchange Act of 1934.

[5] 15 U.S.C. 78q–1(b)(3)(A) and (F) (1988).

[6] 15 U.S.C. 78q–1(a)(1) (1988).

[7] On June 13, 1993, PHLX plans to list for trading long term option contracts expiring in June 1995 on the Australian Dollar, British Pound, Canadian Dollar, German Mark, French Franc, Swiss Franc, European Currency Unit, and Japanese Yen.

[8] 15 U.S.C. 78s–(b)(2) (1988).

proposed rule change (File No. SR-OCC-93-09) be, and hereby is, temporarily approach through July 16, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-14484 Filed 6-18-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32463; File No. SR-CBOE-93-14]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Fees for Use of Exchange Installed Telephones

June 15, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 24, 1993, 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 self-regulatory organization. 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 proposes to establish fees to be imposed on members who are approved to use or install telephones on the Exchange's equity options trading floor. 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 CBOE included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[9] 7 CFR 200.30-3(a)(12) (1992).

(A) Self-Regulatory Organization's Statement of the Purpose Of, and Statutory Basis For, the Proposed Rule Change

The purpose of the proposed rule change is to establish fees to be imposed upon members who are approved to use Exchange-installed telephones located on the equity options trading floor, or are approved pursuant to CBOE Rule 6.23 to install their own telephones on the equity options trading floor.[1] This action is being taken pursuant to CBOE Rule 2.22, which permits the Exchange to impose fees on members for the use of Exchange facilities or for any services or privileges granted by the Exchange.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[1] The CBOE has submitted a proposed rule change to incorporate Exchange policies governing the use of such telephones located at equity option trading posts on the floor of the Exchange. See File No. SR-CBOE-93-24. In addition, the CBOE has submitted a proposed rule change to establish user fees for members who are approved to use telephones on the equity options trading floor. See File No. SR-CBOE-93-27.

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 at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR-CBOE-93-14 and should be submitted by July 12, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-14543 Filed 6-18-93; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1823]

Shipping Coordinating Committee, Subcommittee on Ocean Dumping; Meeting

The Subcommittee on Ocean Dumping of the Shipping Coordinating Committee will hold an open meeting on July 7, 1993 from 10 a.m. to 12 noon to obtain public comment on the issues to be addressed at the July 19-24, 1993 Intersessional Meeting of the Contracting Parties to the London Convention of 1972, which regulates ocean dumping.

The meeting will be held at the Environmental Protection Agency, West Tower, 401 M Street, SW., Washington, DC 20460, in the 8th Floor Conference Room. Interested members of the public are invited to attend, up to the capacity of the room.

For further information, please contact Ms. Linda Carey, Office of International Activities, telephone (202) 260-4875.

[2] 17 CFR 200.30-3(a)(12) (1993).

Dated: June 15, 1993.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 93–14573 Filed 6–18–93; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 93–037]

Chemical Transportation Advisory Committee (CTAC) Subcommittee on the Revision of the Regulations for Barges Carrying Bulk Liquid Hazardous Material Cargoes; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Subcommittee on the Revision of the Regulations for Barges Carrying Bulk Liquid Hazardous Material Cargoes, title 46, Code of Federal Regulations (CFR), part 151, of the Chemical Transportation Advisory Committee will meet on Monday, July 12, 1993. This meeting will continue the Subcommittee's review of 46 CFR part 151 to determine areas in need of updating and revision, and make recommended changes.

FOR FURTHER INFORMATION CONTACT: Commander K.J. Eldridge or Lieutenant Commander R.F. Corbin, U.S. Coast Guard Headquarters (G–MTH–1), 2100 2nd Street, SW, Washington, DC 20593, (202) 267–1217.

SUPPLEMENTARY INFORMATION: The meeting will be held in the ABS Academy Room at the American Bureau of Shipping, 16855 Northchase Drive, Houston, Texas 77060. The meeting will begin at 9 a.m. and end at 5 p.m. Attendance is open to the public. Members of the public may present oral statements at the meetings.

Persons wishing to present oral statements should notify Lieutenant Commander R.F. Corbin, U.S. Coast Guard Headquarters (G–MTH–1) no later than the day before the meeting. Any member of the public may present a written statement to the Subcommittee at any time.

Dated: June 9, 1993.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–14552 Filed 6–18–93; 8:45 am]

BILLING CODE 4910–14–M

[CGD 93–40]

New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 USC App. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on July 14, 1993, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park, New York, New York, beginning at 10 a.m.

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Update of Marine Events.
3. Update of dredging operations in New York harbor.
4. Update on Vessel Traffic Service.
5. Update on Coast Guard regulatory initiatives: New York expansion regulations; VTS National Regulations NPRM; Tug assist NPRM for vessels.
6. "P.O.R.T.S." update.
7. Charter renewal update.
8. Topics from the floor.
9. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than one day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander J. P. BENVENUTO, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, Vessel Traffic Service, Building 108, Governors Island, New York, NY 10004–5070; or by calling (212) 668–7429.

Dated: June 14, 1993.

R.M. Larrabee,

Captain, U.S. Coast Guard, Captain of the Port, New York, NYHTMAC Executive Director.

[FR Doc. 93–14555 Filed 6–18–93; 8:45 am]

BILLING CODE 4910–14–M

[CGD 93–008]

Response Exercise Workshops; Change of Location

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Coast Guard is announcing a change in the location of the Response Exercise Workshops scheduled for July 1 and 2, 1993, and August 5, 1993. The original schedule listed the meeting locations as the Department of Transportation, Nassif Building, 400 7th St., SW., Washington, DC. The meetings have been relocated to the Stouffer Concourse Hotel, 2399 Jefferson Davis Highway, Crystal City, Virginia.

FOR FURTHER INFORMATION CONTACT: LCDR Rhae Giacoma, Office of Marine Safety, Security and Environmental Protection (G–MEP–4), (202) 267–2616.

SUPPLEMENTARY INFORMATION: In the March 5, 1993 **Federal Register** (58 FR 12624), the Coast Guard announced that it would conduct a series of four workshops covering various topics to solicit comments from the public and to serve as an open forum for the discussion of response exercises for Area Contingency Plans and vessel and facility response plans. The announced location of the last two workshops has been changed.

The updated public workshop schedule is as follows:

1. July 1 and 2, 1993; 9 a.m. to 4 p.m. each day; Stouffer Concourse Hotel, 2399 Jefferson Davis Highway, Crystal City, Virginia (703) 418–6800.
2. August 5, 1993; 9 a.m. to 4 p.m.; Stouffer Concourse Hotel, 2399 Jefferson Davis Highway, Crystal City, Virginia, (703) 418–6800.

Dated: June 11, 1993.

Joseph J. Angelo,

Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–14554 Filed 6–18–93; 8:45 am]

BILLING CODE 4910–14–M

[CGD 92–035]

Discontinuance of Navy Western Pacific Composite Fleet/General Morse Telegraphy Broadcast

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The United States Coast Guard has discontinued the Navy Western Pacific composite fleet/general Morse telegraphy broadcast of NAVAREA XII and meteorological information, designator GCMP, operated from Coast Guard Communication Station Guam in the high frequency radiotelegraphy band, effective June 1, 1993.

FOR FURTHER INFORMATION CONTACT: LT Bob Salmon, Telecommunications Management Division (G–TTM), Office of Command, Control and Communications, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001, telephone (202) 267–6837, telefax (202) 267–4106, or telex 892427 (COASTGUARDWSH). Normal office hours are between 7 a.m. and 3:30 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The composite fleet/general Morse telegraphy broadcasts were one means of merchant ship communications used by Military Sealift Command (MSC) ships. Widely dispersed transmitters were employed on various frequencies in the HF band to transmit navigational warnings and weather information to MSC and commercial ships at sea. The broadcasts were operated by U.S. Coast Guard Communication Stations.

Fortunately, more efficient telecommunication systems such as radiotelex, more commonly called SImplex Teletype Over Radio (SITOR), and INMARSAT–C SafetyNET are now available for merchant ship communications. Coast Guard Communication Stations use the SITOR, system, which is much less labor intensive than Morse telegraphy, requiring less operator intervention and specialized training. Communication Station Guam operates the Navy composite fleet/general SITOR broadcast, designator GSIT, for MSC ships on 12579.0 kHz, 16806.5 kHz, and 22376.0 kHz. This broadcast contains the same weather advisories and NAVAREA XII information as the GCMP Broadcast. Ships can obtain additional weather advisories and safety messages concerning the Western Pacific from INMARSAT–C SafetyNET.

D.E. Ciancaglini,

Rear Admiral, U.S. Coast Guard, Chief, Office of Command, Control and Communications.

[FR Doc. 93–14533 Filed 6–18–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

[Summary Notice No. PE–93–27]

Petitions For Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 12, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick M. Haynes, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3939.

This notice is published pursuant to paragraphs (c), (e), and (g) of section 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

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

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No: 23495
Petitioner: Colonel David G. Gwin
Section of the FAR Affected: 14 CFR 91.209
Description of Relief Sought: To extend and amend Exemption No. 3946 to allow the department of the Army to continue to conduct aviation night training operations without aircraft lights turned on up to an altitude of 500 feet above the ground level.

Docket No: 25307
Petitioner: Precision Airlines
Sections of the FAR Affected: 14 CFR 135.429(a) and 135.435
Description of Relief Sought: To extend and amend Exemption No. 4867 to allow Precision Airlines (PREA) to use certain foreign original equipment manufacturers and repair and overhaul facilities that do not hold appropriate U.S. foreign repair station certificates, to perform maintenance, preventive maintenance, and alterations outside the United States on components and parts used on PREA's foreign-manufactured aircraft.

Docket No: 25390
Petitioner: Airbus Industrie
Section of the FAR Affected: 14 CFR 145.35
Description of Relief Sought: To extend and amend Exemption No. 5120 to allow the production units of the members and associated partners of Airbus to be collectively certificated under Airbus as a U.S. foreign repair station to support operation of U.S.-registered A300, A310 and A320 aircraft; and request that the A321, A330 and A340 series be added to this exemption, subject to their having been granted FAA certification.

Docket No: 26897
Petitioner: Northwest Aerospace Training Corporation
Sections of the FAR Affected: 14 CFR 121.411(a), (a)(6); 121.413(d) and Appendix H of part 121
Description of Relief Sought: To amend Exemption No. 5538 to allow the Northwest Aerospace Training Corporation (NATCO) to designate simulator instructors as simulator check airmen employed by NATCO who no longer are able to maintain a Class III medical certificate.

Dispositions of Petitions

Docket No.: 23653
Petitioner: University of North Dakota
Section of the FAR Affected: 14 CFR 141, Appendix D, Paragraph 3(c)
Description of Relief Sought/ Disposition: To all UND students, enrolled in certain curricula, to receive credit for more than 50 hours of solo practice while pilot in command of an airplane carrying

persons who are pilots assigned by the school to specific flight crew duties.

Denial, June 3, 1993, Exemption No. 5658

Docket No.: 26795

Petitioner: Becton Dickenson and Company

Section of the FAR Affected: 14 CFR 91.169(c)

Description of Relief Sought/ Disposition: To permit Becton to utilize the alternate airport weather minimums provided for part 121 and 135 operations when selecting an alternate airport on the flight plan of an instrument flight rule (IFR) flight.

Denial, June 2, 1993, Exemption No. 5656

Docket No.: 27081

Petitioner: Arnatuical, Inc.

Section of the FAR Affected: 14 CFR 61.45(a)

Description of Relief Sought/ Disposition: To permit Arnautical applicants for a flight instructor certificate and ratings to that certificate to use a flight simulator instead of an airplane for the practical tests specified in § 61.183.

Denial, June 4, 1993, Exemption No. 5660

Docket No.: 27117

Petitioner: Paragators, Inc.

Section of the FAR Affected: 14 CFR 105.43(a)

Description of Relief Sought/ Disposition: To allow non-student, foreign skydivers to participate in Paragators, Inc. sponsored parachuting events held at its facilities without having to comply with the parachute equipment requirements contained in the FAR.

Grant, June 7, 1993, Exemption No. 5659

Docket No.: 27122

Petitioner: Mr. Leland Snow

Section of the FAR Affected: 14 CFR 61.31(a)(1)

Description of Relief Sought/ Disposition: To amend Exemption No. 5651 to permit Air Tractor Inc. and pilots of the Air Tractor models AT-802 and AT-802A to operate these airplanes without a type rating although the maximum gross weight of these airplanes exceeds 12,500 pounds.

Grant, May 18, 1993, Exemption No. 5651A

Docket No.: 27305

Petitioner: Sun Jet International Airlines

Section of the FAR Affected: 14 CFR 121.358(c)(1)

Description of Relief Sought/ Disposition: To permit Sun Jet International Airlines to submit a request for approval of a retrofit schedule for installing windshear equipment to the Flight Standards Division Manager in the region of the certificate holding district office after the June 1, 1990, deadline.

Grant, June 3, 1993, Exemption No. 5657

Docket No.: 26349

Petitioner: Mr. Dan Murdaugh

Section of the FAR Affected: 14 CFR 147

Description of Relief Sought/ Disposition: To extend Exemption No. 5297 which allows students in FAA part 147 Aviation Technical Schools to participate in the Vocational Industrial Clubs of America (VICA) airframe and powerplant aviation skill competition at both state and national levels without the student or school being in violation of FAR 147.21 General Curriculum Requirements.

Withdrawn, June 4, 1993

Docket No.: 27025

Petitioner: Flight Review, Inc.

Sections of the FAR Affected: 14 CFR 135.293; 135.297; 135.299; 135.337(a)(2) and (3); 135.337(b)(2); 135.339(a)(2) and (c); and part 122, Appendix H

Description of Relief Sought: To allow Flight Review, Inc. (FRI) instructor pilots to provide initial and recurrent aircraft ground and flight training without meeting all the flight check requirements and training requirements and without FRI holding an air carrier operating certificate.

Denial, June 9, 1993, Exemption No. 5662

Docket No.: 27161

Petitioner: Air Transport Association of America

Section of the FAR Affected: 14 CFR 121.417(c)(2)(ii)(B)

Description of Relief Sought: To relieve Air Transport Association member airlines from the requirement to train crew members, initially and every 24 calender months, on the transfer of aircraft slide/raft packs from one door to another.

Withdrawn, June 3, 1993

[FR Doc. 93-14505 Filed 6-18-93; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-93-26]

Petitions For Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 12, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick M. Haynes, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3939.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Isssued in Washington, DC, on June 15, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Docket No.: 27254

Petitioner: Andrews University

Sections of the FAR Affected: 14 CFR 141 Appendices A, C, D and H

Description of Relief Sought: To permit students enrolled in an Associate or Bachelor Degree Program with a flight major or minor to graduate from the appropriate pilot courses when they have been trained to a performance standard in lieu of meeting the minimum flight time requirements of part 141, with the exception of the minimum solo cross-country flight time requirement; also to permit 20 of the 40 hours of the solo cross-country

flight time requirement be kept as solo and that the other 20 hours may be as pilot in command of an airplane carrying pilots (not flight instructors) assigned by the school to specific flight crew duties and/or passengers who are not pilots.

Dispositions of Petitions

Docket No.: 24256
Petitioner: Dalfort Training
Sections of the FAR Affected: 14 CFR 61.56(b)(1); 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(c)(2) and (d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); Appendix A of part 61 and Appendix H of part 121
Description of Relief Sought/ Disposition: To amend Exemption No. 4955C to allow simulator instructors to perform 4 hours of line-oriented flight training (LOFT) in a simulator instead of 2 hours of line-observation flight training in an aircraft.
Denial, June 9, 1993, Exemption No. 5663

Docket No.: 26608, 17709 and 23261
Petitioner: Alaska Airlines, Inc., British Petroleum Exploration, Atlantic Richfield Company
Sections of the FAR Affected: 14 CFR 43.3(f), 43.7(e), 91.213(a), 91.407(a)(2), 91.417(a)(2)(v), and 121.379
Description of Relief Sought/ Disposition: To renew Exemptions Nos. 2856 and 3614 and permit the petitioners to operate certain Boeing 727–90 and 727–100 series aircraft (N798AS, N753AS, N314AS, and N7829A), pursuant to lease agreements between ASA and BPX, and ASA and ARCO, using a FAA-approved minimum equipment list (MEL), and would allow ASA to maintain the aircraft in accordance with its FAA-approved continuous airworthiness maintenance and inspection program. The dispositions of petitions have been combined in this exemption, since they deal with the same aircraft and their subject matter is interrelated.
Grant, June 10, 1993, Exemption No. 5666

Docket No.: 26608
Petitioner: Alaska Airlines, Inc., British Petroleum Exploration, Atlantic Richfield Company
Sections of the FAR Affected: 14 CFR 43.3(f), 43.7(e), 91.213(a), 91.407(a)(2), 91.417(a)(2)(v), and 121.379
Description of Relief Sought/ Disposition: To allow ASA to perform maintenance and return to service Boeing 737–200 aircraft leased by ARCO and BPX, and would permit ARCO and BPX to use ASA's approved minimum equipment list (MEL).
Grant, June 11, 1993, Exemption No. 5667

Docket No.: 26691
Petitioner: American Cyanamid Company
Section of the FAR Affected: 14 CFR 135.247(a)(2)
Description of Relief Sought/ Disposition: To permit pilots to operate without complying with the night recency of experience requirements of § 135.247(a)(2)
Denial, June 9, 1993, Exemption No. 5664

Docket No.: 27084
Petitioner: American Flyers
Sections of the FAR Affected: 14 CFR 61.65(e)(1) and 61.123
Description of Relief Sought/ Disposition: To permit graduates of its approved instrument rating courses to apply for an instrument rating without meeting the minimum flight time requirements prescribed by part 61.
Denial, June 10, 1993, Exemption No. 5665

Docket No.: 27244
Petitioner: Kohler Company
Section of the FAR Affected: 14 CFR 45.29
Description of Relief Sought: To allow variance in the size and font requirements for nationality and registration marks set forth in § 45.29.
Denial, June 8, 1993, Exemption No. 5661

[FR Doc. 93–14507 Filed 6–18–93; 8:45 am]
BILLING CODE 4910–13–M

Flight Service Station At Anchorage, AK; Change In Facility Operation

Notice is hereby given that on or about June 19, 1993, the Flight Service Station at Anchorage, Alaska will be closed. Services to the general aviation public formerly provided by this facility will be provided by the Automated Flight Service Station at Kenai, Alaska. This information will be reflected in the FAA Organization Statement the next time it is reissued. Section 313(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Anchorage, Alaska, on June 10, 1993.

David F. Morse,
Deputy Regional Administrator, Alaskan Region.

[FR Doc. 93–14508 Filed 6–18–93; 8:45 am]
BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 117
Monday, June 21, 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).

COMMODITY FUTURES TRADING COMMISSION:

TIME AND DATE: 11:00 a.m., Friday, July 2, 1993.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–14665 Filed 6–17–93; 11:02 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 9, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–14666 Filed 6–17–93; 11:02 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 16, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–14667 Filed 6–17–93; 11:02 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 23, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–14668 Filed 6–17–93; 11:02 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 30, 1993.

PLACE: 2033 K St., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–14669 Filed 6–17–93; 11:02 am]

BILLING CODE 6351–01–M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. § 552b), notice is hereby given of the Board's meeting described below. The Board will also conduct a public hearing pursuant to 42 U.S.C. 2286b and invites any interested persons or groups to present any comments, technical information, or data concerning current safety or health questions at defense nuclear facilities located at the Idaho National Engineering Laboratory (INEL).

TIME AND DATE: 5:00 p.m. July 13, 1993—Department of Energy presentations; 7:00 p.m.—Opportunity for interested persons to present oral comments.

PLACE: University of Idaho Auditorium, University Place, 1776 Science Center Drive, Idaho Falls, Idaho.

STATUS: Open.

MATTERS TO BE CONSIDERED: The open public meeting and hearing are being held to provide the Board with the latest and best information on a number of current health and safety questions at defense nuclear facilities at INEL, and to receive from members of the public any pertinent comments they wish to make on these or other INEL-related health and safety issues. The Department of Energy will take appropriate measures to safeguard any classified or controlled nuclear information it presents at this meeting. The public hearing portion is independently authorized by 42 U.S.C. 2286b.

CONTRACT PERSONS FOR MORE INFORMATION: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (202) 208–6400. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Requests to speak at the public hearing may be submitted in writing or by telephone. We ask that commentators describe the nature and scope of the oral presentation. Those who contact the Board prior to close of business on July 9, 1992, will be scheduled for time slots, beginning at approximately 7:00 p.m. The Board will post a schedule for those speakers who have contacted the Board before the hearing. The posting will be made at the entrance to the Auditorium, at the start of the 5:00 p.m. meeting. So that everyone who wishes to speak will have an opportunity, speakers will be limited to five minutes each. Anyone who wishes to comment, provide technical information or data may do so in writing, either in lieu of, or in addition to making an oral presentation. The Board Members may question presenters to the extent deemed appropriate. The Board will hold the record open until July 23, 1993, for the receipt of additional materials. A transcript of the meeting will be made available by the Board for Inspection by the public at the Defense Nuclear Facilities Safety Board's Washington office, at the Department of Energy Reading Room at Technical Library, Idaho National Engineering Laboratory, 1776 Science Center Drive, Idaho Falls, Idaho 83405–50778.

The Board specifically reserves its right to further schedule and otherwise regulate the course of the meeting and hearing, to recess, reconvene, postpone, or adjourn the meeting, and otherwise exercise its powers as provided by law.

Dated: June 17, 1993.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 93–14635 Filed 6–17–93; 9:38 am]

BILLING CODE 6820–KD–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Wednesday, June 23, 1993.

PLACE: Board Room Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC: The Board will consider the following:

1. FHLBank System Reports
   A. Monthly Financial Report
   B. Monthly Membership Report
2. Affordable Housing Program (AHP) First Round Applications
3. Final Membership Regulation
4. FHLBank of Dallas Request for Finance Board Approval to Hold Federal National Mortgage Association (Fannie Mae) Affordable Mortgage Backed Security (MBS) in Excess of the Amount Currently Authorized
5. Approval of AHP Loan Fund Guidelines

PORTIONS CLOSED TO THE PUBLIC: The Board will consider the following:

1. Approval of the May Board Minutes
2. System 2000
3. Board Management Issues

The above matters are exempt under one or more of sections 552b(c)(2) and (9)(B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

Philip L. Conover,

Managing Director.

[FR Doc. 93–14627 Filed 6–16–93; 8:45 am]

BILLING CODE 6725–01–M

LEGAL SERVICES CORPORATION

Board of Directors Meetings

TIME AND DATE: The Legal Services Corporation Board of Directors and its Office of the Inspector General Oversight and Audit and Appropriations Committees will meet on June 28, 1993. The meetings will commence at 8:00 a.m. and continue in the following order until all business has been concluded.

1. Office of the Inspector General Oversight Committee;
2. Audit and Appropriations Committee; and
3. Board of Directors.

PLACE: The Peabody Hotel, 149 Union Avenue, The Memphis Ballroom "C", Memphis, TN 38103, (901) 529–4000.

OFFICE OF THE INSPECTOR GENERAL OVERSIGHT COMMITTEE MEETING:

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of February 21, 1993 Meeting.
3. Approval of Minutes of May 24, 1993 Meeting.
4. Consideration of Committee Request to the Inspector General for a Value and Financially-Focused Report on the Office of the Inspector General's Activities for the Past 18-Month Period.
5. Consideration of Inspector General's June 9, 1993 Memorandum to the Board Regarding Financial Management of the Corporation.
6. Consideration of the Inspector General's Request to Retain the Office of the Inspector General's Unexpended Fiscal Year 1993 Funds.
7. Consideration of the Inspector General's Request for Committee Guidance Regarding the Corporation's Fiscal Year 1993 Financial Audit.

AUDIT AND APPROPRIATIONS COMMITTEE MEETING:

STATUS TO MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Draft Minutes of May 24, 1993 Meeting.
3. Consideration of the Inspector General's June 9, 1993 Memorandum to the Board Regarding Financial Management of the Corporation.
4. Consideration of the Inspector General's Request for Committee Guidance Regarding the Corporation's Fiscal Year 1993 Financial Audit.
5. Consideration of the Inspector General's Request to Retain the Office of the Inspector General's Unexpended Fiscal Year 1993 Funds.
6. Consideration and Review of the Corporation's Consolidated Operating Budget, Expenses, and Other Funds Available for the Seven-Month Period Ending April 30, 1993.
7. Consideration of Staff Report on the Possible Use of Punitive Damage Awards, or Portions Thereof, for the Provision of Legal Services to the Indigent.
8. Consideration of Status Report on Leasing the Corporation's Former Headquarters Office Space.
9. Consideration of Status Report on Effort to Secure Corporation Funds.

BOARD OF DIRECTORS MEETING:

STATUS OF MEETING: *Open*, except that portion of the meeting will be closed pursuant to a vote of a majority of the Board of Directors to hold an executive session. At the closed session, in accordance with the aforementioned vote, the Board will consider and vote on approval of the draft minutes of the executive session held on May 24, 1993. The Board will hear and consider the report of the General Counsel on litigation to which the Corporation is, or may become, a party. Further, the Board will consult with the Inspector General on internal personnel, operational and investigative matters. Finally, the Board will consult with the President on internal personnel and operational matters. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c)(2) (5), (6), (7), and (10)], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Section 1622.5 (a), (d), (e), (f), and (h)].[1] The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, NE., Washington, DC 20002, in its eleventh floor reception area, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of May 24, 1993 Meeting.
3. Chairman's and Members' Reports.
4. Consideration of Discussion on the Adverse Impact of Current Budgetary Constraints on Legal Services Providers.
5. Consideration of Declination of Representation and Other Unmet Legal Needs Survey Data.
6. Consideration of Whether to Publish for Comment Proposed Changes to Part 1602 of the Corporations' Regulations.
7. Consideration of Operations and Regulations Committee Report.
8. Consideration of Office of the Inspector General Oversight Committee Report.
9. Consideration of Provision for the Delivery of Legal Service Committee Report.
10. Consideration of Audit and Appropriations Committee Report.
11. President's Report.
12. Inspection General's Report.

BOARD OF DIRECTORS MEETING: (Continued)

CLOSED SESSION:

13. Consultation by Board with the Inspector General on Internal Personnel, Operational and Investigative Matters.
14. Consultation by Board with the President on Internal Personnel and Operational Matters.
15. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is, or May Become, a Party.
16. Approval of Minutes of Executive Session Held on May 24, 1993.

OPEN SESSION: (Resumed)

17. Consideration of Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to

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[1] As to the Board's consideration and approval of the draft minutes of the executive session(s) held on the above-noted date(s), the closing is authorized as noted in the **Federal Register** notice(s) corresponding to that/those Board meeting(s).

accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Paticia Batie at (202) 336–8800.

Date Issued: June 17, 1993.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 93–14713 Filed 6–17–93; 3:10 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS MEETINGS NOTICE

TIME AND DATE: The Legal Services Corporation Board of Director's Provision for the Delivery of Legal Services Committee will meet on June 27, 1993. The meeting will commence at 1:30 p.m.

PLACE: The Peabody Hotel, 149 Union Avenue, THE MEMPHIS BALLROOM "C", Memphis, TN 38103 (901) 529–4000

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of May 24, 1993 Meeting Minutes.
3. Consideration of Status Report on Request for Proposals for Migrant Ombudsman Demonstration Projects.
4. Consideration of Status Report on Grantee Attorney Recruitment and Retention Effort Review.
5. Consideration of Status Report on Timekeeping Grant Solicitation.
6. Consideration of Status Report on Meritorious and innovative Grant Projects.
7. Consideration of Status Report on Law School Grant Solicitation.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date issued: June 17, 1993.

Patricia D. Batie,

Corprate Secretary.

[FR Doc. 93–14712 Filed 6–17–93; 3:09 pm]

BILLING CODE 7050–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, June 24, 1993.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *VP–5 Mining Co.*, Docket No. VA 92–112–R, etc. (Issues include whether the judge erred in upholding two imminent danger orders of withdrawal issued to VP–5, pursuant to 30 U.S.C. § 817(a), alleging that the east gob at its mine contained explosive levels of methane and that VP–5 violated 30 CFR 75.316.)

TIME AND DATE: 10:00 a.m., Thursday, July 1, 1993.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Consolidation Coal Co.*, Docket No. WEVA 91–1965 (Issues include whether the judge erred in vacating a citation charging Consolidation with a violation of 30 CFR 75.1707, which requires that a separate intake air escapeway be maintained.)
2. *Energy West Mining Co.*, Docket No. WEST 91–251 (Issues include whether the judge erred in concluding that Energy West's violation of 30 CFR 75.503 was of a significant and substantial nature and in assessing a civil penalty for the violation.)

Any person attending these meetings who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93–14714 Filed 6–17–93; 3:31 pm]

BILLING CODE 6735–01–M

federal register

Monday
June 21, 1993

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 109 and 189

Lead-Soldered Food Cans and Lead in Evaporated Milk and Evaporated Skim Milk; Proposed Rules

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 189

[Docket Nos. 82P–0371 and 91N–0165]

Lead-Soldered Food Cans

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to prohibit the use of lead solder in cans that contain food. This prohibition, if adopted, will apply to both domestic and imported foods. While the agency is also proposing to find that a prior sanction exists for the use of lead solder in food cans, FDA tentatively concludes that available toxicological and lead exposure data demonstrate that this use of lead solder may be injurious to health. Exposure to very low lead levels has been associated with adverse health effects in fetuses, infants, and children. Moreover, the current daily dietary lead intakes of infants and children approach or may exceed the provisional total tolerable intake level (PTTIL) that the agency has established for lead for these population groups. Therefore, because the use of lead solder in food cans has been found to add lead to food, FDA is proposing not to codify in its regulations the prior sanction for this use of this ingredient. FDA is also responding to a citizen petition requesting that the agency require that warning labels be placed on food cans that contain lead solder.

Elsewhere in this issue of the **Federal Register**, the agency is announcing the withdrawal of a proposal that would have set a tolerance for lead in evaporated milk and evaporated skim milk packaged in lead-soldered cans.

DATES: Written comments by August 20, 1993. Proposed compliance date for all affected products initially introduced or initially delivered for introduction into interstate commerce is 6 months after date of publication of the final regulation in the **Federal Register**.

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

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9511.

SUPPLEMENTARY INFORMATION:

I. Background

Lead is ubiquitous in the environment. Concern about lead toxicity is also ubiquitous in the deliberations and literature of governments and national and international health organizations. Several of these organizations are considering lowering or have lowered their tolerable levels for lead exposure for children. FDA supports a lower tolerable level for lead and believes that it is necessary to reduce the exposure to lead as a contaminant of foods. As part of this concern, the agency is reviewing the use of lead solder for cans that contain food.

FDA actions regarding the presence of lead in the diet and the agency's concerns with lead toxicity in humans date back to the 1930's, before the Federal Food, Drug, and Cosmetic Act (the act) was signed into law in 1938. In the 1930's, and during the years that followed, the agency was specifically concerned with controlling the use of: (1) Lead-containing pesticides on fruits and vegetables; (2) lead solder in the evaporated milk "venthole" can; and (3) lead solder with the standard sanitary or "tin" can. The agency issued guidelines for lead levels in food and developed a better methodology for detecting lead in food. The agency also developed programs for monitoring lead levels in food to assess the effect that various agency actions had on reducing the presence of lead in the food supply and to identify those food processing methods that could result in high levels of lead contamination of food.

In the early 1970's, FDA conducted surveys of domestic and imported pottery, enamelware, pewter, and ceramic dishes. The agency encouraged the industries that made these products to reduce lead use in these articles and to reduce the migration of lead from the articles to food. The agency also helped these industries to initiate lead self-surveillance programs. In direct response to concerns over dietary lead intake, FDA also published several **Federal Register** documents directed toward reducing and controlling the possible lead intake from the diet.

In the **Federal Register** of December 6, 1974 (39 FR 42740 at 42743), FDA published a proposed tolerance of 0.3 parts per million for lead in evaporated milk and evaporated skim milk to reduce the level of lead in these foods packaged in lead-soldered cans. FDA has decided to withdraw this proposed tolerance because, as the agency explains in a notice published elsewhere in this issue of the **Federal Register**, the agency has tentatively decided that the use of lead solder should be eliminated in all food cans. The evaporated milk industry has voluntarily stopped packaging evaporated milk and evaporated skim milk products in lead-soldered cans.

In the **Federal Register** of August 31, 1979 (44 FR 51233), FDA published an advance notice of proposed rulemaking (ANPRM) that described the sources of lead in the food supply, the health concerns arising from the presence of lead in food, and the agency's plan to reduce dietary lead intake from the use of lead solder in food cans. Additionally, the notice solicited information on the prior-sanctioned status of lead solder for use in food cans. FDA received many comments in response to this notice. The agency will respond in this document to the comments that dealt with the use of lead solder for food cans.

In the **Federal Register** of June 1, 1989 (54 FR 23485), the agency published a proposed rule to establish a regulatory limit for the amount of lead that leaches from ceramic food storage pitchers. The document also solicited comments and information on the need to decrease leachable lead from other ceramicware and the methods that may be employed for this purpose. In addition, FDA announced its intent to take appropriate additional measures to achieve further decreases in dietary lead intake.

In the **Federal Register** of July 6, 1992 (57 FR 29734), the agency announced the availability of revised Compliance Policy Guide (CPG) 7117.07, "Pottery (Ceramics); Imported and Domestic—Lead Contamination." The agency lowered its lead release guidelines for ceramic foodware in this CPG.

II. Lead Solder Prior-Sanctioned Status

A. Regulatory Status

The regulatory status of lead solder used in food cans has been an issue for over a decade. In the **Federal Register** of August 31, 1979 (44 FR 51233), FDA's ANPRM suggested that lead solder was a poisonous or deleterious substance, but that it could also be a food additive under section 409 of the act (21 U.S.C. 348) because the lead from a lead-soldered can seam migrates to food.

In the 1979 ANPRM, however, FDA did not act upon its suggestion that lead solder was a food additive. Instead, the agency requested information on whether a prior sanction existed for the use of lead solder in food cans. If there is a prior sanction, the lead solder is excepted from being a food additive under section 201(s)(4) of the act (21 U.S.C. 321(s)(4)). FDA inquired about a

prior sanction because it felt that it was reasonable to assume that lead solder had been used by the canning industry for many years, and that it had been in use before the enactment of the Food Additives Amendment of 1958.

Because the burden to establish that a prior sanction exists rests with the person who desires to rely on this exception to the food additive definition, in the 1979 ANPRM, FDA encouraged interested persons to submit pertinent documents and evidence that would support the existence of such a sanction or exemption. In addition to this request, the agency placed on file in the docket (Docket No. 79N–0200) records and letters in its possession that bore on the prior sanction question.

Based on information already in FDA's files and on information supplied in response to the August 31, 1979 ANPRM, the agency is proposing to find that a prior sanction exists for the use of lead solder in making metal containers for packaging food, although it is also proposing to revoke that sanction.

B. Early History of Canned Food

The metal can has been in continuous use since 1810, when King George III of England granted a patent to Peter Durand for the use of "vessels of glass, pottery, tin, or other metals of fit materials," originally called canisters, to preserve food. The groundwork for the patent was laid by the earlier invention by Nicholas Appert in France of a system for preserving food in glass jars. In the United States, William Underwood established the business of preserving foods in glass containers in Boston in 1819. Underwood was followed closely by Thomas Kensett, who canned oysters, meats, fruits, and vegetables in New York City and who received a patent for use of "vessels of tin" for food preservation from President James Monroe on January 19, 1825.

Before 1900, tin containers used commercially for foods were either the hand-soldered open top or the hole-and-cap style. The latter type of containers were supplied to the canner, together with the caps, in the center of which was a small hole or vent. Food was placed in the can and the cap sealed by a special soldering iron. The venthole was then closed or tipped with solder, and the can processed and cooled.

Steady improvements took place over the next 10 years in methods of manufacturing and sealing metal cans. In 1904, almost 100 years after the original invention, a notable advance occurred. The Sanitary Can Co. patented a can sealed by mechanically crimping the lid in place instead of soldering it on. This advance made possible rapid automatic closing operations. The side seam of the "sanitary" can was still sealed with solder.

Lead contamination of canned food results primarily from the solder used to seal the side seam. The can body, with its side seam mechanically crimped together, passes over a pot of molten solder, where a rotating roll transfers solder to the seam. The excess solder is wiped from the can, and the can is cooled to set the solder before further handling. Solder is not applied to the inside of the can, but some solder must be bled through the ends (laps) of the side seam to make a strong, leakproof can. The minute amount of solder that bleeds through the laps is one source of the lead in the canned food. Another is the solder dust in the vicinity of the solder pot and wiping station. Splashes sometimes occur at the wiping station. These latter two sources can be minimized, but not eliminated, by good mechanical design of equipment and by good housekeeping. In recent years the industry has made considerable progress in minimizing these sources of lead contact with food.

C. Prior Sanction

FDA defined the term "prior sanction" in § 170.3(l) (21 CFR 170.3(l)) as "an explicit approval granted with respect to use of a substance in food prior to September 6, 1958 * * *." Another FDA regulation, § 181.5(a) (21 CFR 181.5(a)) states that a prior sanction "shall exist only for a specific use(s) of a substance in food, i.e., the level(s), condition(s), product(s), etc., for which there was explicit approval * * *."

The term "prior sanction" derives from section 201(s)(4) of the act, which excepts from the definition of a food additive any substance "used in accordance with a sanction or approval granted prior to" September 6, 1958, the date of enactment of the Food Additives Amendment. Before that date, the agency had approved specific uses of various food-contact materials or food ingredients by issuing letters and other statements that stated that in FDA's view these substances were "not considered unsafe," that they did "not present a hazard," or that the agency "did not object to their use."

To determine whether a prior sanction exists, the agency reviews all of its records and documents that deal with the issue, and any information submitted from sources outside of FDA. This evidence must present an explicit approval of a particular use prior to 1958. The agency places little weight on affidavits or other post-1958 statements concerning the earlier intentions of the agency, except to the extent that they describe the general position of the agency on a subject or refer to pre-1958 documentation of specific approval for the use of a substance.

FDA has accepted several kinds of evidence of approval as evidence of a prior sanction, including correspondence dealing with a specific substance issued before 1958 by authorized agency officials, scientific articles authored by FDA officials, or other official FDA records in which the agency approved the use of the substance at issue. The inclusion of a substance in a food standard regulation promulgated before 1958 also shows that FDA explicitly approved the use of the substance.

D. Comments to the Advance Notice of Proposed Rulemaking

FDA received three comments in response to its request in the 1979 ANPRM for information on the prior sanction issue. Two comments were submitted by industry groups and one by a consumer organization.

The consumer organization's comment conceded that a prior sanction may exist for lead solder in "tin" cans but contended that recent scientific studies require that the amount of lead in the diet be limited to protect the public health. The comment supported FDA's efforts to regulate lead in the food supply and recommended that the agency establish dietary limits on lead that will adequately protect population groups, such as infants and the fetuses of pregnant women, that are particularly susceptible to the toxic effects of lead.

The agency agrees with this comment that dietary sources of lead pose a continuing problem for infants and young children because of their lower body weight and higher relative absorption of lead, and that potentially high percentages of their diet could be composed of canned foods. The agency also believes that infants, children, and women of childbearing age, particularly pregnant women, should not be exposed to lead migrating from lead-soldered food cans.

The two industry comments submitted documents as evidence that use of lead solder in cans for packaging food is prior-sanctioned. FDA has relied on this information, along with information in its own files, to reach its tentative conclusion that the use of lead solder in manufacturing cans for packaging food is prior-sanctioned. These comments made the following points.

Between 1939 and 1958, FDA issued final standards of identity for 29

different canned fruits, fruit juices, and vegetables. These standards of identity were often accompanied by standards of quality and standards of fill of container. Usually the process of developing these standards involved hearings that were announced and concluded by notices in the **Federal Register**.

The comments contended, and FDA agrees, that these standards constitute agency approval of the use of cans that were made with lead-soldered side seams. For example, in hearings held in 1939 for the establishment of a standard of identity, standard of quality, and standard of fill of container for canned tomatoes, the expert witness for the government testified that there were two types of containers for canned tomatoes: "the usual type is the ordinary sanitary 'tin' container; the lid is attached to the can by means of a double seam." (See 4 FR 1590 at 1592, April 12, 1939.) The history of canning discussed above makes it clear that the ordinary sanitary "tin" container with lid attached by means of a double seam had a lead-soldered side seam.

In addition, many of the food standard regulations contain specific wording that refers to the use of lead-soldered tin cans for standardized foods. For example, the standard for canned tomatoes (21 CFR 155.190) uses the term "container with lid attached by double seam" (4 FR 3320, July 18, 1939). The findings of fact for the standard of fill of container for canned tomatoes, published in the **Federal Register** of July 18, 1939 (4 FR 3321), refers to "[t]he fill of container for tin cans with lids of a double seam * * *" under Finding of Fact 2.

In the **Federal Register** of August 18, 1942 (7 FR 6458 at 6460), the standard for canned fruit cocktail uses the term "container with lid attached by double seam" under Finding of Fact 4 in the section on fill of container. The standard for canned pineapple states under Finding of Fact 4 that the broken slices may be "* * * packed in containers, usually No. 10 cans * * *." (21 FR 930, February 10, 1956.) The standard for canned corn, which was published in the **Federal Register** of August 4, 1951 (16 FR 7644 at 7647), states under Finding of Fact 23 that "[a] small portion of the corn canned in these styles is packed in large-size containers, commonly known as number 10 cans." Under Finding of Fact 3 (16 FR 7644 at 7645), this same standard explains that "the containers are sealed under conditions creating a high vacuum in the container * * *."

Besides the standards for canned fruits and vegetables, FDA's regulation providing for inspection of canned shrimp (4 FR 2397, June 14, 1939) also refers to "Tin" under the heading "kind of container" in the processing charts giving container dimensions and processing times for canned dry-pack and wet-pack shrimp. Additionally, an order published in the **Federal Register** of July 2, 1942 (7 FR 4944), establishing regulations for the standard of fill of container for canned wet-pack and dry-pack shrimp in nontransparent containers, explains that:

> * * * [w]ater capacity of the standard can varies slightly from can to can dependent upon the profile ring used in can manufacture and setting of the chucks in the double seamer used by the packer. Average figures for water capacity of the number one standard tin can, the container most commonly used in the shrimp canning industry, * * *.

(Finding of Fact 13.) Thus, there is ample evidence in the food standard regulations that, before 1958, FDA recognized and specifically approved the use of lead-soldered "tin" cans.

The industry comments also provided information on FDA's position prior to 1958 on the use of lead solder in food cans (Refs. 1 through 22). Agency officials sent a number of letters in response to inquiries on the use of lead-soldered "tin" cans for canning food and on the safety of lead in food (Refs. 2 through 5, 7, 8, 11 through 16, 18, 19, and 21). The agency also issued press releases (Refs. 1 and 20) and wrote scientific reports dealing with the subject (Refs. 6, 9, 10, and 17). The industry comments also submitted an affidavit from an official who was employed with FDA from 1934 to 1974 that discussed the agency's knowledge of the use of lead solder for food cans and its belief that this use was safe (Ref. 22).

It is clear from the correspondence that FDA was aware of the use of lead-soldered "tin" cans and monitored the levels of lead in food. Whenever anyone asked FDA whether solder containing lead could be safely used in food containers, FDA told the individual that lead solder was acceptable and was not unsafe if used in accordance with current good manufacturing practice (Refs. 3, 7, 8, 11 through 15, 18, 19, and 21). The following exchanges are typical of these letters.

In response to an inquiry of May 1, 1953, from Dewey and Almy Chemist Co. about the content of lead in canned foods, J.K. Kirk, Assistant to the Commissioner, responded (Ref. 15):

> As far as the solder used, consideration should be given to section 402(a)(6) of the act which declares food adulterated "if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health." Over a period of many years we have conducted a number of investigations under varying circumstances to ascertain whether a wide variety of food commercially produced and packaged in soldered cans were subject to contamination with lead derived from the soldered component. In unusual circumstances, fragments were observed in metallic form to contaminate the food, but we have found no instance of solvent action of food on exposed solder surfaces to contribute more than a trace contamination with lead.

In 1956, J.K. Kirk responded to a consumer letter inquiring about the solder used in sealing cans used for food. Citing section 402(a)(6) of the act (21 U.S.C. 342(a)(6)) and alluding to a number of investigations on foods commercially produced and packaged in soldered cans, he concluded that "We have found no evidence of harmful contamination of food from contact with exposed solder surfaces in the can" (Ref. 19).

A 1957 letter (Ref. 21) to Since Metal Co. from R.J. McConnell, Assistant to the Director of the Bureau of Enforcement, stated:

> Our Kansas City District has asked us to respond to your letter of November 16, 1957, regarding lead-bearing solder used in fabrication of food containers, and inquiring if solder made up to 75% tin and 25% lead could be used. * * * It is common knowledge that most cans in which food is packed are fabricated with aid of solder to some degree. A great deal of study has gone into development of modern technological practices in this regard, to the end that lead contamination of food be avoided. * * *

The agency also agrees, and the data in these comments demonstrate, that in addition to responses to consumer inquiries, official FDA acceptance of lead solder in food cans is evident in official pronouncements, issued separately or in conjunction with other reports or correspondence. Because of the tin shortage during World War II, the National Academy of Sciences/National Research Council (NAS/NRC) conducted considerable research to develop a solder containing higher lead levels that was both functional and safe. This effort resulted in a determination by the War Production Board that solders containing lead content up to 98 percent of the alloy were safe for use on metal food containers (Refs. 6, 9, and 10). Several FDA officials furnished technical advice to NAS/NRC and participated in the formulation of container orders by the War Production Board requiring reduction in the tin content of sanitary food can solder (see affidavit by Lowrie M. Beacham (Ref. 22)).

E. Conclusion

Based upon its evaluation of the evidence available and the comments submitted in response to the request for prior-sanctioned status, the agency tentatively finds that a prior sanction, as provided for in section 201(s)(4) of the act (21 U.S.C. 321(s)(4)), exists for lead solder used in metal containers for food packaging. However, the agency is proposing not to codify this prior sanction in 21 CFR part 181. Sections 181.1(b) and 181.5(c) provide that the agency may prohibit the use of a prior-sanctioned food ingredient where scientific data or information demonstrate that use of the prior-sanctioned food ingredient may be injurious to health and thus in violation of section 402 of the act. As explained in the following sections, the agency tentatively concludes that the available data demonstrate that lead solder used at any level in food packaging may cause the food that comes in contact with the packaging to be injurious to health. Therefore, lead-soldered food cans should be avoided.

III. Canned Food Lead Exposure Estimates

In its analysis of dietary lead exposure from canned food, the agency has considered the three general population groups that are at the greatest risk from lead intake: Infants, children, and women of childbearing age, particularly pregnant women. The dietary intake of infants under 6 months of age is used to reflect the dietary intake of all infants. The dietary intake of children 2 years of age is used to reflect the dietary intake of all children. The dietary intake of women 25 to 30 years old is used by the agency to reflect the dietary intake of all women of childbearing age but especially pregnant women. The women in this group are also considered surrogates for fetal exposure. The agency made the following dietary lead intake estimates for these groups.

For the infant under 6 months, FDA has very limited data on potential dietary lead intake. The agency recently contacted the Infant Formula Council concerning the use of lead-soldered cans for packaging infant formula. According to information submitted by the Council, because of the voluntary action of this industry, infant formula that includes milk and soy-based concentrate and ready-to-feed formula compositions have not been packaged in lead-soldered cans since 1982 (Ref. 23). Data available from the Infant Formula Council's Lead Quality Assurance Program show that during the period of May, 1981 through February, 1982 on the average (some samples having more, some less), infant formula contained less than 10 parts per billion (ppb) of lead or 10 micrograms (µg) of lead per liter of formula (Ref. 23). These levels of lead are expected because of the wide distribution of lead in the environment, and because of the possible presence of lead in other metals, such as tin used to manufacture cans for packaging formula.

Since 1982, the agency has also monitored lead levels in infant formula as part of the Total Diet Study and has conducted an average of four analyses each year of infant formula with and without added iron. On the average, FDA found that these samples had no lead at a detection level of 10 ppb.

Based on the Total Diet Study data and Infant Formula Council data, the agency finds that at least from 1981 to 1991, no lead was detectable in infant formula at a detection level of 10 ppb. To ensure that the levels of lead are not overestimated, the agency has not assumed that all infant formula is contaminated with lead at a concentration equal to the detection level. Instead, the agency believes that a value of one-half of the detection level, or 5 ppb, will account for the possibility that some infant formula samples will be contaminated at a concentration below the detection level by lead from the environment. Therefore, lead is estimated to be present in infant formula at a concentration of 5 ppb (Ref. 24).

The agency estimated that at a mean consumption rate, an infant under 6 months of age would consume 615 grams (g) of formula per day (/day), and at a 90th percentile consumption rate, an infant would consume 1,015 g/day of formula (Ref. 24). Thus, if the formula contained 5 ppb (or 0.005 µg/g) of lead, the estimated daily lead intake for an infant under 6 months of age who consumes infant formula as its sole source of nutrition is 3 µg/day of lead (or 0.005 µg/g of lead times 615 g of formula/day) at the mean level of consumption and 5 µg/day of lead for the 90th percentile of consumption. These intakes would occur even though can manufacturers are not using lead-soldered cans to package the formula.

The agency has also estimated the dietary lead intake for 2-year-old children (the representative group for all children). The agency estimated that 20 percent of the food consumed by 2-year-old children, or 236 g/day, is canned food (Ref. 25). As determined from FDA's Canned Food Survey, the average lead level in food packaged in nonlead-soldered cans is 40 ppb, and the average lead level in food packaged in lead-soldered cans is 210 ppb.[1] (The presence of lead in food packaged in nonlead-soldered cans results because lead is ubiquitous in the environment and because lead is present in other metals, such as tin, used to manufacture cans.)

The Can Manufacturers Institute (CMI) has informed FDA that domestic can manufacturers ceased production of lead-soldered cans in November, 1991. Further, CMI estimates that after the summer of 1992, no new domestically-produced canned foods will be packaged in lead-soldered cans. Therefore, lead exposure from lead seam solder in food cans would be eliminated, with the exception of the lead resulting from the small amount of imported lead-soldered food cans. Assuming that canned foods are packaged only in nonlead-soldered cans, FDA calculated the average lead intake from eating canned food from the above food intakes and lead concentration. These dietary lead intakes for children amount to 9.4 µg/day from consumption of food packaged in cans (Ref. 26).

FDA made a similar evaluation for women 25 to 30 years old, who as a group represent all women of childbearing age but especially pregnant women who are considered surrogates for fetal exposure. The agency estimated that 20 percent of the food consumed by these women, or 355 g/day, is canned food (Ref. 25). Using the same lead concentration given above, FDA calculated the average dietary lead intakes for women 25 to 30 years old to be 14.0 µg/day from consumption of canned food packaged only in nonlead-soldered cans (Ref. 26).

The agency has also estimated the dietary lead intake for individuals and their children, assuming that all of their canned food intake comes from lead-soldered cans. This situation would occur if individuals selectively ate foods imported from countries using only lead-soldered cans (e.g., ethnic diets). When the average lead concentration in these foods packaged in lead-soldered cans is 210 ppb, the average dietary lead intake for 2-year-old children would be 50 µg/day and for women 25 to 30 years old, 75 µg/day.

IV. Lead Toxicity

A safe level of lead intake for infants, children, or adults has not been determined. Lead that is absorbed into the blood can result in injury to

[1] Capar, S. G., "Survey of Lead and Cadmium in Adult Canned Foods Eaten by Young Children," *Journal of the Association of Official Analytical Chemists*, 73:357–364, 1990.

virtually every system of the human body. These effects are well documented and were discussed by the agency in its ANPRM (44 FR 51233) and its proposed rule on ceramic pitchers (54 FR 23485). The well-recognized primary targets for lead toxicity are the nervous system (both central and peripheral), red blood cells, and the renal system (Ref. 27).

Effects in adults from exposure to lead that is absorbed into the blood have been observed at as little as 30 µg/deciliter (dL) lead in the blood (Ref. 27). This blood lead level has been associated with a significant elevation in blood pressure, which may be expected to increase the incidence of hypertension-related diseases (Ref. 27). Peripheral nerve dysfunction and red blood cell protoporphyrin elevation also have been observed at this blood lead level (Ref. 27).

Infants and children are particularly sensitive to exposure to lead. The adverse health effects of lead exposure in these population groups occur at lower blood levels than in adults. Further, infants and children ingest and absorb a larger amount of lead per unit of body weight compared to adults, and they also retain a larger fraction of absorbed lead (Refs. 28 and 290). In particular, lead is harmful to the developing brain and nervous system of infants and children.

FDA has reviewed recent scientific literature to determine the lowest level of lead in infants and children that causes adverse health effects, i.e., the lowest observed effect level (LOEL). Lead levels of 10 to 15 µg/dL in the blood of these population groups are associated with decreased intelligence and slower neurobehavioral development. These lead-induced injuries to the central nervous system of children are considered to be largely irreversible (Refs. 28 and 29). A study published in *The New England Journal of Medicine* concluded that childhood exposure to lead resulted in damage to the central nervous system that persisted into young adulthood, evident as decreases in academic success and cognitive functioning (Ref. 30). Exposure to very low levels of lead also can affect the heme biosynthesis pathway (i.e., the production of the iron-containing component of hemoglobin) in children. The heme synthetic enzyme, gamma-aminolevulinic acid dehydrase, is inhibited at blood lead levels of less than 10 µg/dL. Further, inhibition of the enzyme pyrimidine-5'-nucleotidase, which is necessary for cellular energetics involved with the formation of mature red blood cells, also occurs at about 10 µg/dL of lead in the blood (Refs. 28 and 29).

Fetuses are also sensitive to dietary lead intake, particularly during the development of their nervous system. The available data show that a pregnant woman's placenta does not present a significant barrier to lead uptake by the fetus, and umbilical cord levels of lead as low as 10 µg/dL in fetuses have been reported to adversely affect fetal neurobehavioral development (Ref. 31). Further, shorter gestational period and lower birth weight have been associated with fetal blood lead levels of 10 to 15 µg/dL (Ref. 29).

In January 1985, the Centers for Disease Control (CDC) issued a statement on lead entitled "Preventing Lead Poisoning in Young Children," in which they established guidelines defining elevated blood lead levels and toxicity. CDC defined an elevated blood lead level to be 25 µg/dL. In their statement, CDC recommended that food cans, if possible, be designed so that lead does not leach from soldered seams.

In October 1991, CDC published a revision of their statement, in which they established new, multitier guidelines outlining actions to be taken for elevated blood lead levels in young children. This revision referenced scientific data revealing that much lower blood lead levels than 25 µg/dL produce adverse health effects (Ref. 32). As a result, CDC has lowered, to 10 µg/dL, the level at which action should be initiated to reduce children's blood lead levels. Ten µg/dL is currently the lower end of the range of lead levels at which adverse health effects are documented. Other Federal agencies, such as the Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD), as well as the World Health Organization (WHO) have concerns for the blood lead levels in sensitive population groups, and some agencies, including EPA and HUD, have developed plans that deal with aspects of the childhood lead exposure problem (Ref. 32).

In the proposed rule on ceramic pitchers (54 FR 23485), FDA announced a provisional tolerable daily intake range of 6 to 18 µg/day for lead for a 10-kilogram (kg) child (22 pounds). As explained in that proposal, the agency calculated the lower end of this range from an EPA health advisory for lead exposure in the blood. The blood lead level of concern to EPA was 10 µg/dL from all sources. FDA calculated the upper end of the range from the 25 µg/kg provisional tolerable weekly intake for lead from all sources established by the Joint Expert Committee on Food Additives of the Food and Agriculture Organization (FAO) and WHO.

The agency has considered the recent epidemiological and toxicological evidence regarding the adverse effects of lead at low blood levels and tentatively finds that this range is no longer reasonable. Because there are no known levels of lead intake at which adverse health effects do not occur (Ref. 27), the agency finds that the PTTIL of lead for infants and children should be based on the LOEL of lead in the blood. The PTTIL is the lead intake level that provides a reasonable margin of protection against the known adverse effects of lead. Considering that toxic effects have been well documented to occur at levels as low as 10 µg/dL in the blood of infants and children (Ref. 27), the agency tentatively finds that this level of lead in the blood should be used to set the PTTIL for these sensitive population groups. Because the LOEL of lead in the blood of fetuses is 10 µg/dL, the agency tentatively finds that this level should also be used for limiting the total lead intake for women of childbearing age who are pregnant.

The agency has calculated the total daily lead intake from all sources (e.g., air, soil, dust, water, and food), in µg/day, that would result in a blood lead level of 10 µg/dL, or the LOEL, in fetuses, infants, and children. These calculations were based on the estimates made by EPA that for every µg/day of lead intake, blood lead levels increase 0.16 µg/dL in children and 0.04 µg/dL in adults (Ref. 27). The agency has determined, therefore, that a total daily intake level for lead of 60 µg/day for infants and children under the age of 7 and 250 µg/day for women of childbearing age who are pregnant corresponds to the 10 µg/dL LOEL of lead in the blood.

In this document, FDA is proposing to establish a PTTIL for lead based upon the estimated total intake levels for lead and an uncertainty factor of 10. The use of an uncertainty factor is consistent with the procedure used by EPA in 1985 to calculate exposure numbers and incorporates an additional margin of protection in the PTTIL. In the 1989 proposed rule on ceramic pitchers (54 FR 23485), FDA used a factor of 5 because EPA had used this factor in 1985 in developing a health advisory and a recommended maximum contamination level for lead in drinking water (Ref. 33). However, EPA has discontinued its use of a factor of 5 for lead in drinking water (Ref. 33). Because FDA, EPA, and NAS have most commonly used an uncertainty factor of 10 to derive intake levels from human exposure data (Ref. 33), FDA has

tentatively decided that it is more appropriate to apply this usual uncertainty factor of 10 in the calculation of the PTTIL for lead. Therefore, FDA is proposing to establish a PTTIL for lead of 6 µg/day for infants and children and 25 µg/day for women of childbearing age, who are pregnant. These values are considered provisional because they are based on the current LOEL of lead in the blood, which may be reduced if additional research shows that even lower blood levels cause adverse health effects.

V. Proposal To Prohibit Use of Lead Solder in Food Cans

Based upon its evaluation of available evidence, the agency has tentatively found that a prior sanction exists for lead solder used in metal containers for food packaging. Section 201(s)(4) of the act states that any substance used in accordance with a prior sanction is exempt from the definition of a food additive, and therefore, lead solder used in food containers is not a food additive and not subject to regulation under section 409 of the act. However, the lead solder may be subject to regulation as an added poisonous or deleterious substance that is unsafe under section 406 of the act or as a prior-sanctioned food ingredient that may be injurious to health under 402(a)(1) of the act.

In the past, FDA has considered the possible establishment of a tolerance for lead from lead solder used for food cans under section 406 of the act (21 U.S.C. 346). This section allows the agency to set a tolerance for an added deleterious substance if the substance is required in the production of food or cannot be avoided by current good manufacturing practice. However, the agency now believes that it is unnecessary to seal food cans with lead solder because there are alternative processes available. Nonlead-solder techniques that exist for closing food cans include forge welding, wire welding, and the draw-redraw process which produces two-piece cans. Therefore, the agency finds that the use of lead solder in food cans is not required and can be avoided.

In addition, FDA has been in contact with the regulated industry concerning the elimination of the lead-soldered food can. On June 27, 1990, the National Food Processors Association (NFPA), which represents most of the major food processing companies in the United States, gave testimony before the Committee on Environment and Public Works in the U.S. Senate on the reduction of lead exposure. NFPA itself recommended that the food processing industry cease the production, packaging, and distribution of food in lead-soldered containers, including canned foods imported by its members. On December 6, 1991, CMI and NFPA announced that as of November 28, 1991, lead-soldered food cans were no longer produced in the United States. The agency recognizes the efforts and steps that the canning industry has taken to eliminate the use of lead solder in food packaging. For the above reasons, the agency is not proposing to establish a tolerance for lead in solder for food cans under section 406 of the act.

Any added poisonous or deleterious substance that may cause food to be injurious to health is considered to adulterate food under section 402(a)(1) of the act. The agency has reviewed available data to determine whether the use of lead solder in food cans may be injurious to health. In conjunction with this review, FDA is establishing a PTTIL for lead from all sources for infants, children, and women of childbearing age who are pregnant, as previously discussed in the lead toxicity section of this proposal. The PTTIL is 6 µg/day for infants and children, and 25 µg/day for women of childbearing age who are pregnant. The agency has compared these PTTIL levels for lead to the dietary lead intake experienced by infants, children, and pregnant women if food is packaged in lead-soldered cans or in cans without lead solder.

FDA estimates from available data that the dietary lead intake for an infant under 6 months of age is 3 µg/day for mean consumption and 5 µg/day for 90th percentile consumption of infant formula. The agency recognizes that infant formula is packaged in cans without lead solder, and that this lead dietary intake is based on reasonable estimates that infant formula contains 5 ppb of lead. Therefore, the dietary lead intake for infants consuming canned infant formula that is not packaged in lead-soldered cans would be very close to the PTTIL for lead exposure from all sources for infants (6 µg/day). Considering that the average lead concentration is 0.21 µg/g in all types of foods packaged in lead-soldered cans and 0.04 µg/g in foods packaged in nonlead-soldered cans (Ref. 25), the agency finds that packaging infant formula in lead-soldered cans is likely to result in increased lead levels in infant formula. Thus, it appears that infant formula packaged in lead-soldered cans will result in dietary lead intake levels greater than the PTTIL for infants, and there is a reasonable possibility that these levels will result in adverse health effects in infants consuming the formula. Thus, the agency tentatively concludes that the use of lead solder in cans for infant formula may cause the formula to become adulterated under section 402(a)(1) of the act.

The agency has also evaluated the dietary lead intake for 2-year-old children (the representative group for all children) and for women 25 to 30 years old (the representative group for all women of childbearing age but especially pregnant women who are considered surrogates for fetal exposure). As previously discussed in section III. of this proposal, FDA estimates the dietary lead intake levels for children and for women 25 to 30 years old to be 9.4 µg/day and 14.0 µg/day, respectively, from consumption of food packaged in nonlead-soldered cans. Thus, for children, the dietary lead intake from canned food is greater than the PTTIL for lead from all sources (6 µg/day), even if no lead solder is used.

The agency also estimated the dietary intake of lead that would result if all food cans were lead-soldered. This situation could occur if lead-soldered cans were not prohibited for use in contact with food. The dietary lead intake from eating canned foods only packaged in lead-soldered cans would be 50 µg/day for 2-year-old children and 75 µg/day for women 25 to 30 years old. Thus, the use of only lead-soldered food cans would result in a 5-fold increase in the dietary lead intake for children and women 25 to 30 years old from consumption of canned foods. The PTTIL for both of these sensitive population groups would be greatly exceeded if lead solder was permitted for use in cans intended for contact with food.

The agency also has reviewed the dietary lead levels measured as part of its Total Diet Study. The data demonstrate that from 1980 to 1988, the dietary lead intake was reduced from 34 µg/day to 5 µg/day for infants 6 to 11 months of age, and from 44 µg/day to 5 µg/day for children 2 years old (Ref. 34). This corresponds to reductions in dietary lead intake of 85 percent and 89 percent, respectively, for these sensitive population groups. For women 25 to 30 years old, the dietary lead intake was reduced from 30 µg/day in 1984 to 9 µg/day by 1988 (Ref. 34), which corresponds to a reduction in dietary lead intake of 70 percent. (Nineteen eighty-four is the earliest date for which data is available for this population group). Preliminary data for the period 1989 to 1990 indicates that reductions in dietary lead levels have either leveled off or are continuing to decrease at a low rate.

During the period from 1979 to 1992, the amount of domestically produced

cans using lead solder decreased from 90 percent to 0 percent (Ref. 34). Food processing is one of the major sources of lead in foods, and the major contribution of lead from food processing is from the use of lead solder in food cans. FDA and others have estimated that in the past, the contribution of lead solder from food cans to the dietary lead levels was from 14 percent to 45 percent (Ref. 34). Therefore, one of the main factors responsible for the reduction of lead levels in the diet from 1980 to 1988 is undoubtedly the reduction in the use of lead solder in food cans.

After reviewing the above information, the agency finds that the use of lead solder in food cans adds lead to food. The agency has determined that the PTTIL for children and women 25 to 30 years old would be greatly exceeded if lead solder was used in all food cans. Further, the daily lead intake for an infant under 6 months of age consuming canned infant formula that is not packaged in lead-soldered cans can be very close to the PTTIL for lead exposure for infants, and the use of lead-soldered cans to package infant formula may result in dietary lead intake levels greater than the PTTIL for infants. The agency also finds that levels of lead that exceed the PTTIL is likely to result in adverse health effects. Further, the PTTIL values are considered provisional because they are based on the current LOEL of lead in the blood, which may be reduced if additional research shows even lower levels cause adverse health effects. Currently, there are no known levels of lead at which adverse health effects do not occur.

In conclusion, the agency finds that there is a need to control the dietary lead intakes for all consumers, especially infants, children, and women of childbearing age, particularly pregnant women, and that lead from lead solder is an added deleterious substance that may render food injurious to health. However, the agency finds that lead solder is a prior-sanctioned ingredient, and that this finding excepts lead solder form consideration as a food additive under section 409 of the act. The agency also concludes that it cannot set a tolerance for lead in lead solder under section 406 of the act because of its finding that lead solder is not required and can be avoided as an option in making cans. However, the agency finds that food packaged in lead-soldered cans will be adulterated as a matter of law under section 402(a)(l) of the act, because these foods will contain lead, which may render them injurious to health. Therefore, the agency is proposing to revoke the prior sanction for lead solder used in food cans and to prohibit its use.

VI. Citizen Petition

On November 29, 1982, the agency received a citizen petition to require that warning labels be placed on cans soldered with lead (Docket No. 82P–0371/CP). The petitioners expressed their concern that lead migration into canned food from lead-soldered seams is greatly accelerated after the cans have been opened, at least for packaged acidic food such as tomatoes. The agency had already published an article reviewing this situation in 1978[2] and published an additional article in 1987.[3] Based upon this information, the petitioners requested that the agency promulgate a final rule that would provide for warning labels alerting consumers not to store acidic foods in opened cans. Specifically, the petitioner called for a requirement that all tin cans made with lead solder and packed with food at a pH of 4.6 or less bear the following label:

IMPORTANT: This food should not be stored in the can or in any other metal container after opening.

The petitioner also presented evidence that refrigerated stored canned juices develop increasing lead levels upon standing under refrigeration over a period of days.

FDA recognizes the petitioners' assertions and also recognizes that all manufacturers of infant juices have ceased to package these products in cans, as was discussed in the 1979 ANPRM (44 FR 51233 at 51237). Further, during the time since the agency received this citizen petition, FDA has monitored changes in the food industry as it converted food packaging that did not involve the use of lead solder. This voluntary action is a reason why the agency did not take action on this citizen petition. However, FDA finds that because the agency is proposing to prohibit the use of lead solder in all food cans in this proposal, further action on the citizen petition may no longer be necessary. If the agency adopts a final regulation that is consistent with this proposal, FDA will have responded fully to the concerns expressed in this citizen petition, and the specific request to use the suggested warning label will be moot.

[2] Capar, S.G., "Changes in Lead Concentration of Foods Stored in Their Opened Cans," *Journal of Food Safety*, 1:241–245, 1978.

[3] Capar, S.G., and M. Luges, "Lead Content of Foods Stored in Cans after Opening," *Journal of Food Safety*, 8:187–197, 1987.

VII. Imported Lead-Soldered Cans

The agency has also considered the potential exposure to lead from imported foods and the effect that this proposal may have on those countries that export food to the United States. Although it is true that much food that is imported is not packaged in lead-soldered cans, the importation of food in lead-soldered cans will also be prohibited if the agency adopts this proposal.

In an effort to alert countries that are engaged in trade with the United States and that export food in lead-soldered cans, and to learn about the different practices that exist in other countries with regard to the use of lead solder, the agency sent letters to over 65 nations (Ref. 35). The agency asked about: (1) The relative proportion of canned food in lead-soldered cans versus food in nonlead-soldered cans; (2) the types of food canned in lead-soldered cans; (3) the regulatory limits that the country has for the amount of lead in food and especially canned foods; and (4) any programs the country has adopted to reduce dietary lead intake.

FDA advised these countries that much of the canned food industry in the United States has reduced or eliminated uses of the lead-soldered can in favor of cans that are manufactured and sealed without the use of lead solder. The agency also informed these countries that in a relatively short time, based on information that the agency has, the American canning industry would voluntarily stop packaging food commodities in lead-soldered cans. With the eventual elimination of the lead-soldered can from domestic markets, FDA is concerned and has talked to other national food departments about lead intake in the United States resulting from consumption of food in lead-soldered cans imported from their countries.

Most of the nations that responded were aware of, and concerned about, the presence of lead solder in food cans. Most of these nations have established their own limits for the presence of lead in food, and some others have adopted the Codex Alimentarius (FAO/WHO) limits for lead in individual foods. All of the responding countries are aware of the toxicity of lead and the problems of low dietary lead intake. Additionally, all are either continually attempting to reduce lead levels or are monitoring lead levels in food in their countries.

The agency believes that through these letters, this proposal, and other discussions held at world forums over the past few years on reducing lead in the diet, it has provided notice of its

concerns about lead-soldered cans to those exporters who may need to convert their can manufacturing plants away from using this substance. The agency urges the elimination of the use of the lead-soldered can for food packaging worldwide.

VIII. Environmental Impact

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.

IX. Economic Impact

FDA has examined the economic implications of the proposed rule to amend 21 CFR part 189 as required by the Regulatory Flexibility Act (Pub. L. 96–354) and Executive Orders 12291 and 12612. The agency finds that this proposed rule is not a major rule as defined by Executive Order 12291. In accordance with Pub. L. 96–354, FDA has also determined that this proposed rule will not have a significant adverse impact on a substantial number of small businesses. Finally, FDA finds that there is no substantial Federalism issue which would require an analysis under Executive Order 12612.

A. Options Considered

1. Warning Label

As discussed in section VI, the agency has received a citizen petition asking that warning labels be placed on cans soldered with lead. The petitioners requested that the agency promulgate a final rule that would provide for warning labels alerting consumers not to store acidic foods in opened cans. However, the agency has not taken action on this citizen petition because many manufacturers have voluntarily discontinued packaging in lead soldered cans, and because it considers the statute to compel another course of action.

2. Ban the Use of Lead Solder in Food Cans

Because serious health effects are associated with exposure to very low lead levels in the diets of infants, children, and pregnant women (fetuses), and because lead soldered cans tend to leach large amounts of lead into the can contents, a ban would eliminate this source of lead in the diet.

3. Establish Tolerance Levels for Lead Leaching Into Food

Some countries have adopted maximum contaminant levels ranging from 0.1 ppm to 6 ppm for any canned solid food. For example, the use of lead-soldered cans is allowed in Denmark and the Benelux countries only if the can has extra inner protection, such that the contamination of foodstuffs by lead may not increase by canning (Ref. 36). However, because lead is a poisonous substance, and lead solder is not required in the production of cans and thus is avoidable in food, under section 406 of the act, a tolerance level for leachable lead into food cannot be set.

B. Costs

1. Domestic Impact

No additional cost to domestic manufacturers should result from prohibiting the use of lead solder in food cans because lead soldered can production in the United States has been eliminated (Ref. 37).

2. International Impacts

According to data from The Almanac of the Canning, Freezing, and Preserving Industries (Table 1), the United States imports approximately 2.3 billion pounds of canned food (annually) worth $1.67 billion (Ref. 38).

As discussed in section VII, in an effort to alert other countries that currently export food in lead-soldered cans to the United States and to learn about their canning practices, the agency sent letters to 65 nations that might be affected by this proposal. Seventeen nations responded that they no longer use lead solder in cans intended for export to the United States. The volume of canned food exported to the United States packaged in other than lead-soldered cans, reported by six of the respondents, totaled 0.5 billion pounds.

Other respondents, including Australia, Belgium, Denmark, France, and Guatemala (see Table 1), noted that canned meat exported to the United States was packaged in lead-soldered cans. Of these, Australia and France have stated to FDA that no regulatory change will take place in their countries in the near future. In addition, Australia has informed FDA that the costs of switching to another canning process may be considerable (Ref. 39). Guatemala exports low-acid food in lead-soldered cans but will change to nonlead packaging in 1992 (Ref. 40).

TABLE 1

Country	Volume of lead soldered canned food exported to the U.S. (1,000 pounds)	Costs of switching to other methods
Australia	6,400	Considerable (Ref. 39).
Denmark	66,360	Unknown (Ref. 41).
France	80	Unknown (Ref. 42).
Guatemala	1,440	$1.5 million (Ref. 40).
Belgium	Unknown	Unknown.

The remaining 43 countries have not responded. Consequently, their manufacturing practices and their importance as sources of canned food for the United States are not known.

Information on Canadian and Mexican exports to the United States was gathered separately. No major impact is expected in Canada as a result of this regulation because 98 to 99 percent of Canadian industry does not use lead-soldered cans (Ref. 43). Also, no major impact is expected in Mexico because according to Mexican health officials, the use of lead-soldered cans for packaging food will be prohibited by January, 1993 (United States of Mexico, Official Mexican Norm NOM–EE–225–19992). They also stated that their industry is committed to eliminate the use of lead-soldered cans by October, 1992.

The exact amount of food in lead-soldered cans imported to the United

States is not known. However, FDA believes that at most 10 percent (230 million pounds) of imported canned food is packaged in lead-soldered cans (Ref. 44). To estimate the number of food cans involved, the agency assumes that the average weight of one can is 1 pound. Thus, approximately 230 million lead-soldered cans are imported to the United States annually.

There are three possible replacements for lead-soldered cans: Tin soldered cans, two-piece (drawn) cans, and welded cans.

(1) *Tin soldered cans.* Any firm that switches to tin solder would have to pay $5.20 per pound of tin. Lead solder costs $0.58 per pound. One pound of tin or lead will solder 500 cans. If one line makes 64 million cans annually (266 cans/minute × 60 minutes × 16 hours × 250 working days), the incremental cost of switching from lead solder to tin solder is $590,000 per year. Given the magnitude of the cost change (896 percent increase), and that it is a recurring cost, firms are unlikely to chose this option.

(2) *Two-piece (drawn) cans.* Switching to two-piece cans carries a one-time cost of $12 million to $15 million in equipment per can-manufacturing line. This type of process is used mainly to produce very large numbers of cans that are the same size such as soda cans. Firms needing to convert from the use of lead-soldered cans are unlikely to choose this option because not only is this choice costly, but it is impossible to adjust the line to make different sizes of cans (Ref. 45).

(3) *Welded cans.* Welded cans use less metal than the same size two-piece cans and do not need the tin coating used for soldered cans. An estimated 425 to 450 welding lines can match the output of 740 soldered-can lines. Any firm needing to convert its equipment to welding technology would incur a one-time cost ranging from $700,000 to $1.5 million per line. Because of lower long-run costs, firms who would have to convert will most likely choose welding technology (Ref. 45).

Banning lead soldered cans will result in increased demand for welded cans by food processors who export canned food to the United States. To the extent that welded can manufacturers have excess capacity to meet this increased demand, there will be no additional costs. However, FDA has no data on the existing capacity of individual welded can manufacturers. In order to determine the costs of this proposal, FDA considers two scenarios, that of excess capacity and no excess capacity.

Because demand for welding equipment has increased during the last 10 years, the number of can manufacturers who switched to welding technology may have increased so that excess capacity may exist. For every soldering line replaced by a welding line, capacity will have increased by a factor of 1.7 per line. Therefore, if the capacity of one soldering line is 10 million, a welding line makes 17 million cans. With excess capacity of welded can production, increased demand for welded cans will cause very small cost increases for exporting countries.

If foreign manufacturers don't have enough production capacity of welded cans to meet the increased demand, but have soldering lines, they will need to convert some soldering lines to welding lines. As mentioned earlier, converting a line will have a one-time cost of $700,000 to $1.5 million. If for example, in order to meet their respective increase in demand, each of the 47 countries (43 who have not responded, plus Australia, Denmark, France, and Belgium, which are currently exporting lead soldered food cans to the United States) replaces at most one soldering line with a welding line, the total costs will range from $33 million to $70 million.

Although FDA is aware of the large volume of lead-soldered canned food imported from Denmark, the costs of switching to other canning methods are not known. FDA requests comments regarding costs on this matter.

C. Benefits

The benefits of the proposed action to ban lead-soldered cans in the United States will be reduced adverse health effects in fetuses, infants, and children who are particularly sensitive to exposure to lead. The adverse health effects of lead exposure in these population groups occur at lower blood levels than in adults.

As discussed in section IV, the agency finds that the total exposure to lead for infants and children should be based on the LOEL of lead in blood, or 10 µg/dL. Exposure to this level of lead can pose adverse health effects such as hampered development of the brain and nervous system.

Benefits will be estimated for children age one to six and pregnant women (who are considered surrogates for fetal exposure) who are at risk of reaching blood lead levels greater than 10 µg/dL. Except for infants born from pregnant women with blood lead levels over 10 µg/dL, infants under 1 year of age are not likely to be directly affected by this regulation because they consume either infant formula or breast milk. According to the Infant Formula Council, infant formula has not been packaged in lead-soldered cans since 1982 (Ref. 23). Also, little or no imported infant formula is used in the United States.

To assess monetary benefits, this analysis uses a study by CDC, which looked at the effect of lead reduction on lifetime earnings (Ref. 46). The CDC study analyzed three pathways to estimate the change in lifetime earnings that would result from a change in blood lead level of 1 µg lead/dL. Each pathway included an estimate of a quarter of an IQ point decrease for each 1 µg lead/dL of blood increase. The first pathway used a measured effect from a change in blood lead to a change in IQ to a change in wages (0.125 percent). The second pathway added the decreased educational attainment (grade reached before quitting) from increased lead intake as measured by tooth lead levels and the subsequent change in wages (0.197 percent). The third looked at the effects in labor force participation rates resulting from a failure to graduate from high school as a result of higher tooth lead levels (0.118 percent). To normalize from tooth lead to blood lead, a factor of 0.25 was used in the latter two studies. To estimate the change in the present value of life-time earnings, CDC researchers added the three pathway estimates and multiplied the sum by the average discounted change in lifetime earnings.

However, although each of the pathways purportedly measures effects between a change in blood lead and a change in lifetime income, adding the benefits from each of the three pathways overestimates the total effect. Under statistical principles, the changes in wage rates for the three pathways can be added only if the variables are mutually exclusive. The total benefit estimated by adding the three pathways is inappropriate because they are correlated (Ref. 47). In order to estimate the independent effects of IQ changes, changes in school quit rates and changes in labor force participation rates, one data set must be used, which in effect, holds constant contributory independent variables. Thus, this study will use the upper-bound estimate from the second pathway (0.197 percent). Therefore, from an expected change in lifetime earnings of $260,000 (Ref. 46), the decrease in the net present value of lifetime earnings from a 1 µg/dL change in blood lead levels will be $512 (0.197 percent × 260,000). As there may be other independent effects of lead on lifetime earnings, this may be considered the lower-bound for benefits. Also, benefits are underestimated because this (the human capital) approach, unlike the willingness-to-pay

approach, does not include utility from having a higher IQ in nonlabor activities.

The current regression estimates, based on a small number of studies, do not preclude extrapolating the effect of lead and IQ through the origin. However, the calculations in this analysis only estimate benefits for children and pregnant women with blood lead levels above 10 µg/dL. Because the agency does not have a "best fit" curve for effects below that level, they will not be included in this analysis.

The following table shows preliminary estimates of the current lead incidence levels in the two populations of concern (Ref. 48). These values show the estimated incidence for individuals that are predicted to exceed the blood lead level of concern.

TABLE 2.—BACKGROUND INCIDENCE OF LEAD LEVELS

Population group	Blood lead level	Estimated incidence
Children, age 2.	10 µg/dL ..	9.1 percent.
Women of childbearing age.	10 µg/dL ..	1.9 percent.

Using these estimates to determine current dietary exposure, and assuming the same risk exists for children ages one through six as for 2 years old, then approximately 2 million children between the ages of 1 and 6 have blood lead levels greater than 10 µg/dL blood.

Approximately 32 billion pounds of canned food are consumed in the United States annually, of which approximately 2.3 billion pounds (7.2 percent) are imported. As in the cost estimate, it will be assumed that, at most, 10 percent (230 million pounds) of imported canned food consumed is packaged in lead-soldered cans. This is equivalent to 0.7 percent of all canned food consumed in the United States.

To find the amount of lead attributable to cans, the average lead level in food packaged in lead-soldered cans was determined by FDA's Canned Food Survey to be 210 ppb as opposed to 40 ppb in all other types of canned food. Thus, the lead solder contribution of lead in canned food is 170 ppb. Also, from the same studies, children consume an average of 236 g/day of canned food. If, as was assumed above, 0.7 percent or 1.6 g/day of canned food consumed is from imported lead-soldered cans, the dietary lead intake would be 0.27 µg lead/day (1.6 g/day × 170 ppb). By using an absorption rate factor for lead of 0.16 for children, 0.27 µg lead/day ingested will result in a blood lead level of 0.04 µg/dL.

As discussed above, the net present value of lifetime earnings from a 1 µg/dL change in blood levels will be $512 (0.197 percent × 260,000). Thus, assuming risk is linear, the benefit of reducing blood levels by 0.04 µg lead/dL of blood for the 2 million children estimated to be at risk annually would be $41 million ($20 per child).

These benefits will continue into the future although not at the same rate. As the Federal government's lead abatement program continues, fewer children will be at risk of having blood lead levels exceeding 10 µg lead/dL. Assuming that half of the problem is solved each year, total discounted benefits (at 6 percent) over the next 20 years would be $78 million.

As discussed in section IV, fetuses are very sensitive to dietary lead intake, especially during the development of their nervous system. There is no clear evidence that the placenta represents a significant barrier to lead uptake by the fetus. Umbilical cord lead levels as low as 10 µg lead/dL blood in fetuses have been reported to adversely affect their neurobehavioral development. Lower birth weight and shorter gestational age have been associated with fetal blood lead levels as low as 10 to 15 µg/dL.

Benefits to fetuses, from reduced blood lead levels, are reduced risk of infant mortality, resulting from lower birth weight and shorter gestational age. The effect of lead reduction on lifetime earnings will also be assessed for the surviving fetuses (neonates).

There are approximately 58 million women between the ages of 15 and 44 (childbearing age) per year. Of these women, an average of 3.6 million (6.2 percent) are pregnant. Using the incidence estimates in Table 2, 68,400 of these pregnancies are estimated to be at risk for adverse health effects from maternal lead (>10 µg/dL).

Dietary exposure to lead for pregnant women has been evaluated in a manner similar to that used for children. According to agency estimates, 355 g/day in a woman's diet is from canned food of which 2.4 g are from lead soldered canned food. At 170 ppb, the lead contribution from lead soldered cans would be 0.4 µg lead/day. Using the maternal (adult) absorption rate of 0.04, the blood lead level in the fetus (attributed to lead-soldered canned food) would be 0.016 µg lead/dL blood.

From the CDC study, it is assumed that reducing the maternal blood lead levels by 1 µg lead/dL results in a decrease in the risk of infant mortality of 10^{-4} (or 0.0001) (Ref. 46). Using $3 million per life saved, a 1 µg lead/dL decrease in maternal blood lead levels would then result in a $300 benefit per individual. Thus, the average benefit of reducing the blood lead level of 68,400 pregnant women at risk by 0.016 µg/dL is $330,000 per year. Since the risk reduction of infant mortality from this regulation is so small, the reduction in cognitive damage and its effect on lifetime earnings will be assessed using the same estimates as for children and will be added in the benefits for the surviving fetuses and neonates. Assuming 68,400 fetuses have blood lead level reductions of 0.016 µg lead/dL, the increase in the value of lifetime earnings is $560,000 ($8 per neonate).

Thus, the total benefit of reducing maternal blood lead levels by 0.016 µg lead/dL is $900,000 annually. Assuming that the Federal government's lead abatement program solves half the problem each year, the total discounted benefits (at 6 percent) over the next 20 years would be $2 million.

In summary, the reduction in blood lead levels due to ingestion of food packaged in lead-soldered cans has a total annual benefit of $80 million.

D. Summary

FDA has determined that, as a result of this regulation, there will be little or no additional cost imposed on domestic can manufacturers and food processors since most of them no longer make or use lead soldered cans. In addition, countries which now export lead-soldered canned goods to the United States are likely to convert to welding technology. Based on the assumption that substantial excess capacity exists in these countries, the one-time, upper-bound costs range from $33 million to $70 million.

Assuming that: (1) The population growth rate in the United States continues to be near the replacement rate; (2) at most, 10 percent of imported canned food is packed in lead-soldered cans; and (3) half of the lead problem is reduced each year due to Federal efforts, the reduction of blood lead levels due to ingestion of food packed in lead-soldered cans yields a monetary benefit (discounted for the next 20 years at a 6 percent interest rate) of $80 million in increased lifetime earnings.

X. Effective Date

The agency is proposing to prohibit imported and domestically manufactured lead-soldered food cans from being introduced or delivered for introduction into interstate commerce 6 months after publication in the **Federal Register** of a final rulemaking on this action. However, the agency will allow

for the use of existing stocks of lead-soldered canned foods to be offered for sale within 1 year of the date of publication of the final rulemaking.

XI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. References 1 through 25 were submitted in response to the agency's August 11, 1979, proposal by the Evaporated Milk Association (EMA) and NFPA/CMI, to establish the prior sanction for lead-soldered food cans.

1. "Contamination of Foods with Arsenic and Lead," FDA Press Release dated December 14, 1935 (EMA Ex. 1; NFPA/CMI Sec. VI. App. IA1 and IB1) (cited in refs. 13 and 14).

2. Letter from W. G. Campbell (FDA) to National Testing Laboratories, Inc., dated January 31, 1938 (NFPA/CMI Sec. VI. App. IA2).

3. Letter from H. J. Wichmann (FDA) to McKeesport Tin Plate Corp., dated February 17, 1938 (NFPA/CMI Sec. VI App. IA3).

4. Letter from P. G. Dunbar (FDA) to W. L. Rockwell, dated April 1, 1938 (NFPA/CMI Sec. VI App. IA4).

5. Letter from H. O. Calvery (FDA) to A. D. Hirschfelder, dated March 28, 1941 (EMA Ex. 7; NFPA/CMI Sec. VI App. IA5).

6. "Progress Report on Non-Toxicity of Lead-Silver Solder for Canned Milk," NAS/NRC Advisory Committee on Metals and Minerals, September 30, 1942 (EMA Ex. 5).

7. Letter from R. F. Segur to W. B. White (FDA), dated April 15, 1943 (NFPA/CMI Sec. VI App. IB2).

8. Letter from W. B. White (FDA) to R. F. Segur, dated April 21, 1943 (NFPA/CMI Sec. VI App. IB2).

9. "Final Report on Non-Toxicity of Lead-Silver Solder for Canned Milk and Other Foods," NAS/NRC War Metallurgy Committee, June 21, 1943 (EMA Ex. 6).

10. "Safe Substitute Solder for Food Cans, A Report to the War Production Board," War Metallurgy Committee, dated August, 1943 (NFPA/CMI Sec. VI App. IVH).

11. Letter from L. D. Elliott (FDA) to Mrs. J. B. McGaughy, dated September 5, 1944 (EMA Ex. 8).

12. Letter from M. M. Randall (FDA) to Mrs. D. Thomas, dated August 29, 1947 (EMA Ex. 9; NFPA/CMI Sec. VI App. IB3).

13. Letter from J. K. Kirk (FDA) to D. A. Stadtner, dated July 19, 1948 (EMA Ex. 10) (cites Ref. 1).

14. Letter from W. B. White (FDA) to W. L. Rowlands, dated February 20, 1950 (EMA Ex. 11; NFPA/CMI Sec. VI App. IB4) (cites Ref. 1)

15. Letter from J. K. Kirk (FDA) to Dewey and Almy Chemical Co., dated May 15, 1953 (NFPA/CMI Sec. VI App. IB5).

16. Letter from J. K. Kirk to J. Brozek, dated June 15, 1954 (NFPA/CMI Sec. VI App. IA6).

17. Memorandum from E. P. Laug to J. K. Kirk, dated January 21, 1955 (NFPA/CMI Sec. VI App. IB6).

18. Letter from F. A. Vorhes (FDA) to H. Young, dated February 28, 1956 (NFPA/CMI Sec. VI App. IB7).

19. Letter from J. K. Kirk (FDA) to A. A. Steffel, dated March 27, 1956 (EMA Ex. 12; NFPA/CMI Sec. VI App. IB8).

20. FDA Administration Information Letter No. 331, dated April 13, 1956 (EMA Ex. 13).

21. Letter from R. J. McConnell (FDA) to H. D. Mayer, dated December 16, 1957 (NFPA/CMI Sec. VI App. IB9).

22. Affidavit of former FDA official, Lowrie M. Beacham, dated February 20, 1980 (NFPA/CMI Sec. VI App. IVB).

23. Letter from Robert C. Gelardi (Infant Formula Council) to Ken Falci (FDA), dated October 23, 1990.

24. Memorandum dated February 27, 1991, from Food and Color Additives Review Section to Indirect Additives Branch, "Lead in Infant Formula—Exposure Estimate, DFCA request of November 7, 1990."

25. Memorandum dated March 12, 1991, from Food and Color Additives Review Section to Indirect Additives Branch, "Lead-Soldered Food Cans: Draft Amendment to Part 189 of the Food Additive Regulations. Response to Pesticides and Industrial Chemicals Branch (HFF–426) memorandum of March 1, 1991."

26. Memorandum dated May 4, 1992, from Food and Color Additives Review Section to Indirect Additives Branch, "Lead-soldered Food Cans: Draft Amendment to Part 189 of the Food Additive Regulations," revised exposure estimate to lead from food cans, CMI submission of March 24, 1992.

27. Memorandum dated November 16, 1990, from Contaminants Team, Division of Toxicological Review and Evaluation to Division of Regulatory Guidance, "Provisional Tolerable Exposure Levels for Lead."

28. Memorandum dated August 4, 1987, from Contaminants Standards and Monitoring Branch to Division of Regulatory Guidance, "Revision of Action Level for Lead (Pb) in Large Ceramic Hollowware."

29. Agency for Toxic Substances and Disease Registry, Public Health Service, "The Nature and Extent of Lead Poisoning in Children in the United States: A Report to Congress," part 3, Chs. II–IV, July 1988.

30. Needleman, H. L. et al., "The Long-Term Effects of Exposure to Low Doses of Lead in Childhood: An 11-Year Follow-Up Report," *New England Journal of Medicine*, 322:83–88, 1990.

31. Bellinger, D. et al., "Longitudinal Analyses of Prenatal and Postnatal Lead Exposure and Early Cognitive Development," *New England Journal of Medicine*, 316:1037–1043, 1987.

32. Department of Health and Human Services, Public Health Service, CDC, "Preventing Lead Poisoning in Young Children," October 1991.

33. Memorandum dated January 15, 1991, from Contaminants Team, Division of Toxicological Review and Evaluation, to Division of Regulatory Guidance, "Uncertainty Factor for Tolerable Lead Intake Derivation."

34. Bolger, P. M. et al., "Reductions in Dietary Lead Exposure in the United States," *Chemical Speciation and Bioavailability*, 3:31–36, 1991.

35. FDA letter to nations potentially importing food into the United States in lead-soldered cans.

36. Letter from R. Van Havere (Food Inspection Service, Ministry of Public Health, Belgium) to Richard A. Williams, Jr. (FDA), dated March 20, 1991.

37. Letter from R. Budway (Can Manufacturers Institute) to Jerry Burke (FDA), dated March 24, 1992.

38. Edward E. Judge and Sons, Inc., *The Almanac of the Canning, Freezing, Preserving Industries, 1990–91*, Westminster, MD, pp. 614–621.

39. Letter from Frank Bulley (Australian Quarantine & Inspection Service, Commonwealth Department of Primary Industries and Energy, Australia) to Richard A. Williams, Jr. (FDA), dated April 15, 1991.

40. Letter from Alberto Rodas Maltez (Alimentos Kern de Guatemala) to Economics Staff (FDA), dated April 24, 1991.

41. Letter from Erik Klindt Andersen (Agricultural Section, Royal Danish Embassy) to Richard A. Williams, Jr. (FDA), dated March 14, 1991.

42. Letter from Jean-Baptiste Danel (Services de L'expansion Economique, French Embassy) to Richard A. Williams, Jr. (FDA), dated May 5, 1991.

43. Memorandum of telephone conversation between Beverly Housten (Health and Welfare Canada) and Richard A. Williams, Jr. (FDA), January 9, 1992.

44. Memorandum of telephone conversation between Bob McDonnel (FDA, Los Angeles District Office) and Cristina Ford (FDA), January 23, 1992.

45. Memorandum of telephone conversation between Bob Polich (Crown Cork and Sela, Inc.) and Cristina Ford (FDA), March 31, 1992.

46. Department of Health and Human Services, Public Health Service, CDC, "Strategic Plan for the Elimination of Childhood Lead Poisoning," Appendix II, February 1991.

47. Memorandum dated February 21, 1992, from Biometrics and Risk Assessment Branch to Economic Section, Office of Compliance, "Comments on 'Benefits of Preventing Lead Exposure in the United States and Costs and Benefits of Lead-based Abatement'."

48. Carrington, C., "Risk Analysis of Dietary Lead Exposure," presented at symposium on "Lead in Adults," sponsored by EPA, Durham, NC, December 9 through 11, 1991. Proceedings of symposium to be published.

XII. Comments

Interested persons may, on or before August 20, 1993, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 189

Food ingredients, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 189 be amended as follows:

PART 189—SUBSTANCES PROHIBITED FROM USE IN HUMAN FOOD

1. The authority citation for 21 CFR part 189 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. New § 189.240 is added to subpart C to read as follows:

§ 189.240 Lead solders.

(a) Lead solders are alloys of metals that include lead and are used in the construction of the metal ends of food cans.

(b) Food packaged in any container that makes use of lead in can solder is deemed to be adulterated and in violation of the Federal Food, Drug, and Cosmetic Act, based upon an order published in the **Federal Register** of June 21, 1993.

Editorial Note: This document was received at the Office of the Federal Register on June 15, 1993.

Dated: November 20, 1992.

Michael R. Taylor,

Deputy Commisioner for Policy.

[FR Doc. 93–14465 Filed 6–18–93; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 109

[Docket No. 85N–0361]

Lead in Evaporated Milk and Evaporated Skim Milk; Withdrawal of Proposal

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; withdrawal of notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal to establish a tolerance for lead in evaporated milk and evaporated skim milk that it published in the **Federal Register** of December 6, 1974 (39 FR 42740). FDA proposed this tolerance in 1974 because these milk products were packaged in lead-soldered cans, and the agency sought to limit consumer exposure to lead from these sources. The agency is withdrawing this proposal because the evaporated milk industry has voluntarily stopped packaging evaporated milk and evaporated skim milk products in lead-soldered cans.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9511.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 6, 1974 (39 FR 42740), FDA proposed a tolerance under section 406 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 346) of 0.3 part per million (ppm) for lead in evaporated milk and evaporated skim milk packaged in lead-soldered cans. This proposal was one of a series of documents concerned with the regulation of unavoidable poisonous or deleterious substances under section 406 of the act published in that issue of the **Federal Register**. At that time, the agency determined that dairy products were the major source of dietary lead for infants and young children, and that a proposed 0.3 ppm lead tolerance in evaporated milk and evaporated skim milk would provide adequate protection for these population groups.

The agency published the proposal on evaporated milk and evaporated skim milk in response to investigations conducted in early 1972 that found lead levels in canned evaporated milk ranging from 0.21 to 1.10 ppm. These detected lead levels were higher than those that would be expected from simply concentrating raw milk. The agency concluded that a substantial portion of the lead in evaporated milk was introduced during, or because of processing, and that the majority of the lead resulting from processing was directly attributable to the use of lead solder in evaporated milk cans.

FDA received a number of comments on the December 6, 1974, proposal. The comments endorsed lowering the lead content in food but stated that the proposed level for lead in evaporated milk was too high. They stated that a tolerance for lead should not be established, that the use of lead-soldered cans should be prohibited, that alternatives to lead-soldered cans should be used, that the public should not be exposed to such hazards, and that FDA should reduce the level of harmful substances in food.

In the **Federal Register** of August 31, 1979 (44 FR 51233), FDA published an advance notice of proposed rulemaking (ANPRM) that discussed, among other things, the agency's tentative plan to reduce lead levels in food, including evaporated milk products. The ANPRM stated that the agency intended to withdraw the December 6, 1974 (39 FR 42740), proposal to establish lead tolerances for evaporated milk products and, instead, intended to establish action levels for evaporated milk. The agency stated that action levels were appropriate because the rapid technological changes in food processing had significantly reduced the amount of lead in evaporated milk, and further reductions were likely in the near future.

The agency received only one comment on this ANPRM that specifically addressed the agency's intention to set action levels for lead in evaporated milk and evaporated skim milk. The comment recommended that action levels for evaporated milk products be established at the 1974 proposed tolerance levels and claimed that the evaporated milk industry would experience great economic hardship if lower levels were established.

Since publication of the proposed tolerance for lead in evaporated milk in 1974 and the ANPRM in 1979, there have been two significant developments that affect the agency's intent to establish a tolerance or action level for lead in evaporated milk and evaporated skim milk packaged in lead-soldered cans. First, the evaporated milk industry improved product handling during the last decade to limit lead contamination in these products.[1] Second, the industry converted its production facilities from lead-soldered venthole cans to lead-free welded cans in 1986.[1] Thus, the industry no longer packages these products in lead-soldered cans.

These voluntary actions resulted in a significant reduction of the lead levels in evaporated milk products. The average lead level in evaporated milk was 0.52 ppm in 1972, and in fiscal year 1985/1986 an FDA survey found an average lead level of 0.006 ppm in canned evaporated milk.[1] In addition, no lead was detected in canned evaporated milk samples from the FDA Total Diet Study conducted in 1989 using an analytical method with a quantitation limit of 0.02 ppm.

As a consequence of these developments, FDA concludes that the issues raised in the December 6, 1974, proposal concerning the tolerance for lead in evaporated milk products and

[1] Capar, S.G. and Rigsby, E.J., "Survey of Lead in Canned Evaporated Milk," *Journal of the Association of Official Analytical Chemists*, 72:416–417, 1989.

the issues and comments raised in the August 31, 1979, ANPRM concerning the establishment of an action level for lead in evaporated milk products are moot.

The agency, therefore, is withdrawing the proposal that it published in the **Federal Register** of December 6, 1974 (39 FR 42740), to establish a tolerance for lead in evaporated milk and evaporated skim milk and is terminating the rulemaking proceeding initiated by that proposal.

The agency has determined under 21 CFR 25.24(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The proposal is withdrawn under the authority of secs. 306, 402, 406, 408, 409, 701 (21 U.S.C. 336, 342, 346, 346a, 348, 371) of the act and authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10).

Because adverse health effects are associated with exposure to very low lead levels in fetuses, infants, and children, and because current dietary intakes of lead in infants and children exceed, or are close to, the provisional total tolerable intake levels for lead that the agency has established for these population groups, the agency is taking several other actions to reduce or eliminate lead levels in food. Elsewhere in this issue of the **Federal Register**, the agency is proposing to prohibit the use of lead-soldered food cans. In addition, the agency recently proposed to prohibit the use of tin-coated lead foil capsules on wine bottles (i.e., coverings for the cork and neck area) (57 FR 55485, November 25, 1992).

Editorial Note: This document was received at the Office of the Federal Register on June 15, 1993.

Dated: November 20, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–14466 Filed 6–18–93; 8:45 am]

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federal register

Monday
June 21, 1993

Part III

Department of Transportation

Federal Highway Administration

49 CFR Part 383

Commercial Motor Vehicles: Training for All Entry Level Drivers; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 383

[FHWA Docket No. MC-93-12]

RIN 2125-AD05

Training for All Entry Level Drivers of Commercial Motor Vehicles (CMVs)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: The FHWA is requesting comments from interested parties concerning the need to require training of all entry level drivers of commercial motor vehicles (CMVs). This action is in response to section 4007 of the Motor Carrier Act of 1991. If the FHWA determines that it is not in the public interest to issue a rule that requires training of all entry level drivers, section 4007 requires the agency to submit a report to Congress on the reason for the decision, together with the results of a cost-benefit analysis conducted as part of the rulemaking proceedings.

DATES: Comments must be received on or before August 20, 1993.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC-93-12, room 4232, HCC-10, Office of Chief Counsel, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except legal Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry L. Robin, Driver Standards Division, Office of Motor Carrier Standards (202) 366-2985, or Mr. Charles Medalen, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: Section 4007(a)(2) of the Motor Carrier Act of 1991 directs the FHWA to issue a rulemaking on the need to require training of all entry level drivers of CMVs. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240, Section 4007, 105 Stat. 1914, 2151. This rulemaking proceeding must be completed by December 18, 1993. If the FHWA determines that it is not in the public interest to issue a rule that requires training for all entry level drivers, the FHWA must submit to Congress a report explaining that decision by January 18, 1994, together with the results of a cost-benefit analysis of a training requirement. Section 4007(a)(1) requires an additional report to Congress on the effectiveness of private sector efforts to ensure adequate training of entry level drivers of CMVs. The FHWA will consider the information developed for the latter report in this rulemaking and will consider any information submitted to the docket on this rulemaking in preparation of the required report.

The FHWA is responsible for promulgating Federal regulations designed to ensure the safe operation of CMVs. To date, the FHWA has not mandated minimum training standards for operators of CMVs because of the substantial progress being made by the motor carrier industry in voluntarily implementing the FHWA's "Model Curriculum for Training Tractor-Trailer Drivers" (1985, GPO Stock No. 050-001-00293-1), as more fully discussed below. However, the FHWA has initiated an ANPRM related to training standards of longer combination vehicle (LCV) operators as directed by section 4007(b) of the Motor Carrier Act of 1991. This ANPRM was published at 58 FR 4638 on January 15, 1993.

All LCVs, defined in sections 1023(b) and 4007(f) of the ISTEA as "any combination of a truck tractor and two or more trailers or semitrailers which operate on the Interstate System at a gross vehicle weight greater than 80,000 pounds," are necessarily CMVs. However, because of the separate LCV training requirements rulemaking, LCV drivers will not be considered here. Although transit buses (designed to transport 16 or more passengers) also meet the definition of a CMV, they will not be considered either because these vehicles are almost all operated by municipalities or other public agencies. Since the ISTEA specifies that the FHWA report on the effectiveness of "private sector efforts" to ensure adequate training of CMV drivers, we believe Congress intended to exclude training of transit bus drivers from this rulemaking. We have also decided not to study the specific training requirements for drivers of vehicles transporting placardable quantities of hazardous materials. The Department of Transportation's Research and Special Programs Administration adopted training requirements for these drivers in 1992 (57 FR 20944, May 15, 1992) which are codified at 49 CFR 177.800, 177.816 and 177.825.

Applicability

As defined in 49 CFR 383.5, a CMV is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle—

(a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

(b) Has a gross vehicle weight rating of 26,001 or more pounds; or

(c) is designed to transport 16 or more passengers, including the driver; or

(d) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Although the definition of a CMV in the Motor Carrier Safety Act of 1984 included a weight threshold of 10,001 pounds or more (49 CFR 390.5), the FHWA believes any potential CMV training standard should be considered an additional CDL requirement and thus subject to the higher jurisdictional threshold of that program.

Background

In the early 1980's the FHWA determined that a need existed for technical guidance in the area of truck driver training. Research at that time showed that many driver training schools offered little or no structured curricula or uniform training plans.

To help address this situation, the FHWA developed, and in 1985 issued, the "Model Curriculum for Training Tractor-Trailer Drivers" which is based on FHWA's "Proposed Minimum Standards for Training Tractor-Trailer Drivers" (1984). The Model Curriculum, as it is known in the industry, is a broad set of recommendations which incorporates standardized minimum core curriculum requirements and training materials, as well as standards pertaining to vehicles, facilities, instructor hiring practices, graduation requirements, and student placement. The Curriculum content includes the following: basic operation, safe operating practices, advanced operating practices, vehicle maintenance, and nonvehicle activities. In essence, the Model Curriculum addresses all the critical aspects of entry level truck driver training. It is designed so students who successfully complete it

can be expected to perform actual tractor-trailer driving skills competently and safely.

In 1986, the Professional Truck Driver Institute of America (PTDIA) was created by the motor carrier industry to certify acceptable training programs offered by the truck driver training schools. The Model Curriculum, although modified to meet the administrative needs of the PTDIA, is the basis for the PTDIA's certification criteria. The FHWA research report (Dec. 1989) entitled "Survey of Tractor-Trailer Driver Training Courses" indicates on page 8:

> The influence and acceptability of the FHWA/[Office of Motor Carriers (OMC)] truck driver training guidelines and materials among the schools and training programs surveyed in this project is obvious. Organizations have revised their courses, rebuilt or remodeled their programs and implemented curriculum changes, many of them major, in their attempt to follow and meet the FHWA/OMC "recommended practices". The FHWA/OMC influence is spread across all the courses surveyed. Progress in meeting the salient point of the FHWA/OMC model is obviously being made. The most significant aspect of this influenced progress is that it is being achieved through voluntary rather than mandatory action.

A copy of the report will be included in the docket for review.

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA), although not directly targeted at driver training, was intended to improve highway safety. 49 U.S.C. app. 2301–2316. Its goal is to ensure that drivers of large trucks and buses possess the knowledge and skills to safely operate those vehicles on public highways. The CMVSA established the CDL program and directed the FHWA to establish minimum national standards which States must meet when licensing CMV drivers. The CMVSA applies to anyone who operates a CMV in intrastate, interstate, or foreign commerce, including most employees of Federal, State, and local governments.

In accordance with the CMVSA, all drivers of CMVs were required to obtain a valid CDL by April 1, 1992, in order to be properly qualified to operate the vehicle(s) they drive. In addition to passing the CDL knowledge and skills tests required for the basic vehicle group, all persons who operate or expect to operate the following vehicles, which have special handling characteristics, must obtain endorsements under 49 CFR 383.93: double/triple trailers, tank vehicles, passenger vehicles, or CMVs required to be placarded for hazardous materials. For the passenger vehicle endorsement, the driver must pass knowledge and skills tests. For all other vehicle endorsements, the driver is required to pass only a knowledge test.

The CDL standards, however, do not require the comprehensive training proposed in the Model Curriculum since the CDL is a "licensing standard" as opposed to a "training standard." Although there are no prerequisite Federal or State training requirements to obtain a CDL, the driver must demonstrate the required minimum knowledge and/or skills necessary to operate a CMV. To date, the States and the District of Columbia have issued over 6 million CDLs.

In an effort to meet the requirements of section 4007(a) of the ISTEA, the FHWA recently contracted with Applied Science Associates, Incorporated (ASA), in part to assess the effectiveness of private sector efforts to ensure adequate training of entry level drivers of CMVs. The objectives of this phase of the project focused on entry level driver training are to determine (1) the scope and content of entry level CMV driver training in the private sector and (2) the effectiveness of private sector efforts to ensure adequate training of entry level drivers of CMVs. The FHWA will use the information generated by this research project, which is expected to be completed by the Fall of 1994, to formulate the report required by section 4007(a)(1) of the ISTEA. In addition, the FHWA will make the information submitted to the rulemaking docket on this ANPRM available to ASA for appropriate analysis and use in the research effort.

Rulemaking and Questions for Comment

To fully understand the various issues related to training for all entry level CMV drivers and in conjunction with the ASA study, the FHWA is soliciting comments on the following areas. Respondents are encouraged to submit additional information they believe relevant to this rulemaking.

On the Adequacy of Entry Level Training Provided

1. How can the adequacy of training be defined? What mechanisms exist to measure adequacy?

2. What standards exist to ensure that training provided by schools and employers is adequate for entry level truck driver training?

3. What should an adequate truck driver training program include (for example night driving, behind-the-wheel training, and classroom instruction)? What is the minimum amount of time (or number of hours) that should be devoted to each of these components?

4. Can governmental or private standards that guide the training of entry level drivers be used to determine the adequacy of entry level driver training? Why are these standards appropriate?

5. To obtain a CDL, a CMV driver must demonstrate knowledge and skills needed to operate a CMV. Are these tests sufficiently comprehensive to accurately measure a driver's performance? Please explain why or why not. Provide information on specific deficiencies.

6. Should training requirements for entry level CMV drivers be federally-mandated?

Number of Drivers Trained

7. What is an "entry level CMV driver?"

8. What industry-wide initiatives or policies, if any, reasonably assure that the majority of all entry level drivers are trained?

9. How many truck driver training schools and motor carrier programs train entry level drivers? What percentage of those enrolled successfully completes such training?

10. Is the successful completion of an entry level CMV driver training program (either before or after hiring) a requirement for the drivers employed by your company?

11. Describe the training opportunities available for drivers of smaller trucking companies/owner-operators. What percentage of those enrolled successfully completes such training?

Entry Level Driver Training Cost/Benefits

12. Describe the expected benefits and estimated dollar costs for the following types of training:

a. Resident training at public and private truck driver training schools, including trade, vocational and community college programs;

b. Home study or correspondence courses in combination with hands-on behind-the-wheel training;

c. Training by motor carriers through:

—Formal school setting

—On-the-job training (*i.e.*, learning by working with an experienced driver as a trainer); and

d. Externships (*i.e.*, combination truck driver training schools and motor carrier operations).

Other Than Entry Level Driver Training

13. Although the primary purpose of this ANPRM is to gather information on entry level truck driver training, the FHWA would like to collect some information on the training experienced

drivers receive. Please describe the type and frequency of training, if any, that you offer or financially support for the more experienced CMV drivers of your company. Is this training required at certain specific intervals or provided only on an "as needed" basis?

Rulemaking Analyses and Notices

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

The FHWA is unable to determine whether this action is major within the meaning of Executive Order 12291 due to the preliminary nature of this rulemaking. However, because of the public interest in commercial motor vehicle safety, this notice is considered significant within the meaning of Department of Transportation regulatory policies and procedures.

Given the lack of necessary information on costs to the motor carrier industry, the FHWA is unable to evaluate the economic impact of a regulatory requirement for mandatory training for entry level CMV drivers. The information received in response to this notice will be used to evaluate the costs and benefits associated with various alternative requirements. Comments, information, and data are solicited on the economic impact of this rulemaking.

Regulatory Flexibility Act

A rule requiring training for entry level drivers could have a significant economic effect on a substantial number of small entities. The information solicited in this ANPRM will be used to evaluate that effect, and a more detailed statement as required by the Regulatory Flexibility Act (5 U.S.C. 601–612) will be included in the next rulemaking document on this subject. Specific comments, information and data are solicited on the economic impact of this rulemaking on small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the FHWA certifies that the policies contained herein do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980. (44 U.S.C. 3501–3520).

National Environmental Policy Act

This agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

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

List of Subjects in 49 CFR Part 383

Commercial driver's license testing and licensing standards, Highways and roads, Motor vehicle safety.

(Section 4007, Pub.L. 102–240, 105 Stat. 1914, 2151; 23 U.S.C. 315; 49 CFR 1.48)

Issued on: June 15, 1993.

Rodney E. Slater,

Administrator.

[FR Doc. 93–14510 Filed 6–18–93; 8:45 am]

BILLING CODE 4910–22–P

federal register

Monday
June 21, 1993

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Alteration of the Kansas City, MO Terminal Control Area; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-AWA-1]

RIN 2120-AE73

Proposed Alteration of the Kansas City, MO, Terminal Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the Kansas City, MO, Terminal Control Area (TCA). This proposal would maintain the altitude of the upper limit of the TCA at 8,000 feet mean sea level (MSL) and redefine several existing subareas to improve air traffic procedures. The primary goal of this modification to the TCA is to improve safety while providing the most efficient use of the terminal airspace. This action would improve the flow of traffic and increase safety in the Kansas City terminal area.

DATES: Comments must be received on or before August 20, 1993.

ADDRESSES: Send comments on the proposal in triplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Airspace Docket No. 92-AWA-1, 800 Independence Avenue, SW., Washington, DC 20591.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-AWA-1." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will also be filed in the docket.

Availability of NPRM's

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

Related Rulemaking Actions

On May 21, 1970, the FAA published Amendment 91-78 to part 91 of the Federal Aviation Regulations (35 FR 7782) which provided for the establishment of TCA's.

On February 3, 1987, the FAA published a final rule which established requirements pertaining to the use, installation, inspection, and testing of Air Traffic Control Radar Beacon System (ATCRBS) and Mode S transponders in U.S.-registered civil aircraft (53 FR 3380). The rule did not affect the requirement to have an operable transponder in a TCA.

On June 21, 1988, the FAA published a final rule which requires Mode C equipment when operating within 30 nautical miles of any designated TCA primary airport from the surface up to 10,000 feet MSL, except for operations by certain aircraft types which were specifically excluded (53 FR 23356).

On October 14, 1988, the FAA published a final rule which revised the classification and pilot/equipment requirements for conducting operations in a TCA (53 FR 40318). Specifically, the rule: (a) Established a single-class TCA; (b) requires the pilot-in-command of a civil aircraft operating within a TCA to hold at least a private pilot certificate, except for a student pilot who has received certain documented training; and (c) eliminated the helicopter exception from the minimum navigational equipment requirement.

Background

The TCA program was developed to reduce the midair collision potential in the congested airspace surrounding airports with high density air traffic by providing an area in which all aircraft will be subject to certain operating rules and equipment requirements.

The density of traffic and type of operations being conducted in the airspace surrounding major terminals increase the probability of midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier, military or another GA aircraft. The basic causal factor common to these conflicts was the mix of uncontrolled aircraft operating under VFR and controlled aircraft operating under instrument flight rules (IFR). TCA's provide a method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of TCA airspace afford the greatest protection for the greatest number of people by giving air traffic control (ATC) increased capability to provide aircraft separation service; this minimizes the mix of controlled and uncontrolled aircraft.

To date, the FAA has established a total of 29 TCA's; the Kansas City TCA was established on August 1, 1975 (40 FR 18414). The FAA is proposing to take action to modify or implement the application of these proven control techniques to more airports to provide greater protection of air traffic in the airspace regions most commonly used by passenger-carrying aircraft.

Pre-NPRM Public Input

A pre-NPRM airspace meeting was held on September 4, 1991, in Kansas City, MO, to allow local interested airspace users an opportunity to present

input on the design of the proposed alteration of the Kansas City TCA.

One letter was received prior to the informal airspace meeting from a private airport owner who wanted to make sure that the FAA would provide a cutout for his airport which is located about 4.5 miles northwest of the Kansas City Airport. The FAA agreed to include the requested cutout in the proposed TCA modification.

Fourteen persons attended the informal airspace meeting. The only comment was from another private airport owner who wanted a cutout for his airport which is located about 5 miles west of the Kansas City Airport.

The FAA responded by stating that a cutout would be proposed for all private airports located within the 6-mile arc of the Kansas City International Airport.

The Proposal

The FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Kansas City TCA. The decision to pursue modification to the existing TCA was based on safety and operational needs. The FAA's responsibility is to manage efficiently the airspace surrounding the Kansas City area, while providing the level of safety expected by the flying public. The number of enplaned passengers for 1990 was 3,477,529; this number is projected to increase to 5.8 million by the year 1995 and to further increase to 7.8 million by the year 2000. This volume of traffic cannot be accommodated by the present configuration of the TCA airspace. A new Runway 1R/19L is under construction and is scheduled for completion in the fall of 1993. The Kansas City TCA modification would encompass operations for the new runway. The proposed alteration is depicted in the attached chart.

Section 91.131 of part 91 of the Federal Aviation Regulations (14 CFR part 91) defines TCA's and prescribes operating rules for aircraft in airspace designated as a TCA. The TCA rule provides, in part, that prior to entering the TCA, any pilot arriving at any airport within the TCA or flying through the TCA must: (1) Obtain appropriate authorization from ATC; (2) comply with applicable procedures established by ATC for pilot training operations at an airport within a TCA; and (3) hold at least a private pilot certificate; or (4) meet the requirements of § 61.95 of the Federal Aviation Regulations (14 CFR part 61) if the aircraft is operated by a student pilot.

Any person operating an aircraft arriving at any airport within a TCA or flying through a TCA must have the aircraft equipped with an operable two-way radio capable of communications with ATC on appropriate frequencies for that TCA, and the applicable operating transponder and automatic altitude-reporting equipment specified in paragraph (b)(1) of § 91.215 of the Federal Aviation Regulations. Unless otherwise authorized by ATC, all large, turbine-powered aircraft operating to or from a TCA-primary airport must be operated above the designated floors of the TCA. The pilot of any aircraft departing from an airport located within a TCA is required to receive a clearance from ATC prior to takeoff.

All aircraft operating within a TCA are required to comply with all ATC clearances and instructions. However, the TCA rule permits ATC to authorize deviations from any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of the airspace can be attained. Ultralight vehicle operations and parachute jumps in a TCA may only be conducted under the terms of an ATC authorization.

Definitions and operating requirements applicable to TCA's may be found in § 71.12 (14 CFR part 71) and § § 91.1 and 91.90 (14 CFR part 91).

The standard configuration of a TCA consists of 3 concentric circles centered on the primary airport extending to 10, 20, and 30 nautical miles respectively. The vertical limits of the TCA are 10,000 feet MSL, with the floor established at the surface in the inner area and at levels appropriate to containment of operations in the outer areas. Variations of these criteria may be authorized contingent upon terrain, adjacent regulatory airspace, and factors unique to the terminal area. The airspace configuration proposed herein is the result of an extensive staff study conducted by the FAA after obtaining public input from informal airspace meetings, written comments, and coordination with the FAA regional office. The FAA has determined that the proposed alteration of airspace for the Kansas City TCA would be consistent with TCA objectives. The proposed configuration considers the present terminal area flight operations and terrain.

The following proposed modification of the Kansas City TCA reflects public comments and represents user group inputs:

Area A. That airspace extending from the surface up to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of Noah's Ark Airport, within a 1-mile radius of Elton Airport, within a 1-mile radius of Platte Valley Airport, and that area between the 5-mile radius arc and the 6-mile radius arc of Kansas City International Airport, bounded on the south by a line parallel to and 2 miles north of the Kansas City International Airport Runway 9 ILS localizer course and on the north by a line parallel to and 2 miles west of the Kansas City International Airport Runway 19 localizer course.

This airspace would be necessary to contain large turbine-powered aircraft within the TCA while operating to and from the primary airport and allow for ingress/egress to secondary airports.

Area B. That airspace extending from 2,400 feet MSL up to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding that airspace within a 1½-mile radius arc of the Fort Leavenworth Sherman Army Airfield and that airspace described in Area D.

This airspace would be required to provide sufficient airspace for vectoring aircraft that are arriving at and departing from the primary airport.

Area C. That airspace extending from 3,000 feet MSL up to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding that airspace described in Area D.

This airspace configuration would provide an area to contain aircraft during climb and descent maneuvers to transition between the terminal and en route structures.

Area D. That airspace extending from 4,000 feet MSL up to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport and including that airspace within the 10-mile and 15-mile radius arcs defined by Interstate Highway 635 from the 15-mile radius arc extending northward to a point where it intersects the 10-mile radius arc and then direct to lat. 39°11′30″ N. long. 94°37′00″ W., then direct to lat. 39°12′57″ N., long. 94°24′51″ W.

This airspace would be required to provide an area to contain aircraft using Kansas City International during climb or descent profile while also allowing sufficient airspace for VFR operations underneath the TCA floor.

The TCA listed in this document is published in § 71.401(b) of FAA Order 7400.7A, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The amended designation of the TCA listed in this document would be published subsequently in this Order when the regulation is promulgated.

Regulatory Evaluation Summary

This section summarizes the regulatory evaluation prepared by the FAA on the proposed amendments to 14 CFR part 71—to alter the Kansas City Terminal Control Area, Kansas City, Mo. This summary and the full regulatory evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, and Federal, State, and local governments as well as anticipated benefits.

Executive Order 12291, February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The Executive Order requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, or a significant adverse effect on competition, or that is highly controversial.

The FAA has determined that this proposed rule is not "major" as defined in the executive order; therefore, a full regulatory impact analysis that includes the identification and evaluation of cost-reducing alternatives to this proposed rule has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation that analyzes only this proposed rule without identifying alternatives. In addition to a summary of the regulatory evaluation this section also contains a Regulatory Flexibility Determination required by the Regulatory Flexibility Act (Pub. L. 96–354) and an International Trade Impact Assessment. If more detailed information is desired, the reader may examine the regulatory evaluation contained in the docket.

The Kansas City TCA was established in 1975 (40 FR 18414) to reduce the risk of a mid-air collision in congested airspace surrounding the airport. This high density terminal area presents complex air traffic conditions resulting from a mix of large turbine-powered air carrier aircraft with other aircraft of varying performance characteristics and from a mix of IFR and VFR traffic operating in the same airspace. As the traffic in the given airspace increases, so does the risk of a midair collision. The Kansas City TCA was originally established to reduce this risk. Since then, construction commenced on a new runway 1R/19L. Modifying the existing TCA would meet future needs and would make sufficient TCA airspace available for simultaneous approach operations to the new runway. It would allow turboprop departures to accelerate to speeds exceeding 200 knots and present a less complex TCA design for the VFR pilots.

The proposed modifications of the Kansas City TCA are the result of a staff study conducted by the local FAA authority. The staff's goal was to determine a viable TCA design that would enhance the level of aviation safety. This process began with an informal airspace meeting that was announced in a letter sent to all pilots and airport managers within 100 miles of the Kansas City International Airport. The airspace design proposal reflects user feedback and information obtained during this meeting held in the Kansas City area on September 4, 1991.

In analyzing the proposed modifications, the FAA considered two options. The first option, no change, is not recommended due to projected traffic increases and operational requirements needed for simultaneous approach operations. The existing TCA floors are inadequate to contain all operations, especially heavily laden turboprop departures which are restricted pursuant to 14 CFR 91.117(c) to 200 knots maximum indicated airspeed in the airspace underlying the TCA. In addition, a less complex TCA design is desired. The second design would modify the existing TCA. It would provide sufficient TCA airspace to conduct simultaneous approach operations, contain departures as they accelerate to speeds exceeding 200 knots while climbing, and present a less complex TCA design for VFR pilots.

Benefit Analysis

The proposed rule would enhance safety by reducing the risk of midair collisions. The risk of a midair collision would be reduced by increasing the positive control airspace around Kansas City.

Due to the proactive nature of the proposed changes (i.e., safety-enhancing changes would be made when symptoms of a problem appear, to prevent rather than react to an accident), the potential safety benefits are difficult to quantify in monetary terms. The symptoms in this case are the increased complexity in aircraft operations within the present configuration of the Kansas City TCA, and the projected increase in aircraft operations as the following discussion shows.

The Kansas City TCA was established in 1975. It has been modified once, in 1980, to accommodate nonparticipating users of the system and to assure that aircraft landing at Kansas City International Airport were contained within the TCA. Since that time, the volume of traffic has varied dramatically primarily because of the bankruptcies of at least three major airlines. Kansas City International Airport had 206, 602 operations in fiscal year 1986 and 168,193 operations in fiscal year 1991. This is a decrease of over 38,000 operations. The major reason for the decrease was the bankruptcy of a major airline that was hubbing at the airport. Nevertheless, based on regional economic forecasts, increased usage could result in annual operations for 1995 increasing to 251,000, and by the year 2000 to 340,000. Over 3.4 million passengers were enplaned at the Kansas City International Airport during 1990. This number is expected to increase to 5.8 million by the year 1995 and to 7.8 million by the year 2000.

There are approximately 4,500 active pilots and 1,350 aircraft located in the Kansas City area. They use several private use airports and two controlled airports that are within approximately 10 nautical miles of the Kansas City International Airport. Kansas City Downtown Airport has a full time air traffic control tower (ATCT). It had over 157,000 total operations during 1991. Sherman Army Airfield is a joint use airport with a part-time ATCT. It has approximately 42,000 airport operations during fiscal year 1991.

Fortunately, there have been no midair collisions within the Kansas City TCA. Without the experience of an actual midair collision, estimating the probability of a potential occurrence in the absence of a proposed rule cannot be reliably determined. Due to the projected increase in traffic, there is an incipient safety problem, although it is not yet critical. Without the proposed rule, aviation safety in the Kansas City area could be significantly reduced in the future, which could lead to catastrophic consequences.

Cost Analysis

There would be little or no administrative costs to the Agency associated with implementation of the proposed rule. There would be no additional costs for either personnel or equipment.

The FAA's controller workforce would be trained in the aspects and procedures of the proposed TCA during regularly scheduled briefing sessions, thus no additional costs for controller training would be incurred. The Kansas City sectional chart and the Kansas City terminal area chart would have to be revised, but the required changes would

be made at the time that those charts are routinely updated. These changes are considered part of the ordinary cost of chart revision; therefore, no additional costs would be incurred by the FAA. Because pilots are required to use current charts, they would not incur any additional costs either; as the charts become obsolete, pilots would replace them with charts that depict the modified TCA.

VFR operators who do not routinely fly inside the TCA may be slightly inconvenienced by having to participate (*i.e.*, contact ATC and follow operational rules) in the TCA, if they operate in the areas of the proposed TCA expansion. However, the FAA concluded that most VFR operators would not be significantly inconvenienced because they are already participating in the TCA, either by voluntarily contacting ATC when in areas adjacent to or under the TCA or by monitoring ATC frequencies.

Those VFR aircraft operators who wish to avoid the TCA could face circumnavigational costs. These costs include the additional fuel needed, additional wear and tear on the aircraft, and added flying time. However, these costs would be negligible. First, the proposed increase in size of the existing TCA is small. Second, there are no topographical features or other TCAs that prevent VFR aircraft from flying over, under, or around the TCA.

Thus, the enhancement of safety through the reduced risk of midair collisions greatly outweighs the negligible administrative and operational costs that would flow from the proposed modification.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), there are no requirements for information collection associated with this proposed rule.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) ensures that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

The small entities that the proposed rule could potentially affect are unscheduled operators of aircraft for hire owning nine or fewer aircraft. These unscheduled air taxi operators would be affected only when they were operating under VFR. Since these operators fly regularly into airports with established radar approach control services, the FAA believes that unscheduled air taxi operators are already equipped to fly IFR and because they would fly IFR instead of VFR, the proposed rule would not have a significant economic impact on any of them.

International Trade Impact Assessment

The proposed rule would neither have an effect on the sale of foreign aviation products or services in the United States, nor would it have an effect on the sale of U.S. products or services in foreign countries. This is because the proposed rule would neither impose costs on aircraft operators nor on U.S. or foreign aircraft manufacturers.

Federalism Implications

This proposed regulation would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, preparation of a Federalism assessment is not warranted.

Conclusion

In view of the estimated negligible costs to some general aviation (GA) operators, coupled with benefits in the forms of enhanced aviation safety and increased airspace to VFR aircraft operators, the FAA believes that the proposed rule to modify the Kansas City TCA is cost-beneficial. For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air), Terminal control areas.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

Section 71.1 [Amended]

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

Section 71.401(b) Terminal Control Areas

* * * * *

ACE MO TCA Kansas City, MO [Revised]

Primary Airport

Kansas City International Airport (lat. 39°17′57″ N., long. 94°43′04″ W.).

Boundaries.

Area A. That airspace extending from the surface up to and including 8,000 feet MSL within a 6–mile radius of the Kansas City International Airport, excluding that airspace within a 1–mile radius of Noah's Ark Private Airport (lat. 39°13′50″ N., long. 94°48′15″ W.) and that airspace within a 1-mile radius of Elton Private Airport (lat. 39°20′05″ N., long. 94°48′45″ W.) and that airspace within a 1-mile radius of Platte Valley Private Airport (lat. 39°22′03″ N., long. 94°45′41″ W.) and that area between the 5-mile radius arc and 6-mile radius arc of Kansas City International Airport, bounded on the south by a line parallel to, and 2 miles north of the Kansas City International Airport Runway 9 ILS localizer course, and on the north by a line parallel to, and 2 miles west of the Kansas City International Airport Runway 19 ILS localizer course.

Area B. That airspace extending from 2,400 feet MSL up to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding that airspace within a 1½-mile radius arc of the Fort Leavenworth, Sherman Army Airfield (lat. 39°22′06″ N., long. 94°54′52″ W.) and that airspace described in Area D.

Area C. That airspace extending from 3,000 feet MSL up to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding that airspace described in Area D.

Area D. That airspace extending from 4,000 feet MSL up to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport and including that airspace within the 10-mile and 15-mile radius arcs defined by Interstate Highway 635 from the 15-mile radius arc extending northward to a point where it intersects the 10-mile radius arc and then direct to lat. 39°11′30″ N., long. 94°37′00″ W., then direct to lat. 39°12′57″ N., long. 94°24′51″ W.).

* * * * *

Issued in Washington, DC, on June 14, 1993.

Willis C. Nelson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93–14509 Filed 6–18–93; 8:45 am]

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3 (1992 Compilation and Parts 100 and 101)	(869–019–00002–0)	17.00	[1] Jan. 1, 1993
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5 Parts:			
1–699	(869–019–00004–6)	21.00	Jan. 1, 1993
700–1199	(869–019–00005–4)	17.00	Jan. 1, 1993
1200–End, 6 (6 Reserved)	(869–019–00006–2)	21.00	Jan. 1, 1993
7 Parts:			
0–26	(869–019–00007–1)	20.00	Jan. 1, 1993
27–45	(869–019–00008–9)	13.00	Jan. 1, 1993
46–51	(869–019–00009–7)	20.00	Jan. 1, 1993
52	(869–019–00010–1)	28.00	Jan. 1, 1993
53–209	(869–019–00011–9)	21.00	Jan. 1, 1993
210–299	(869–019–00012–7)	30.00	Jan. 1, 1993
300–399	(869–019–00013–5)	15.00	Jan. 1, 1993
400–699	(869–019–00014–3)	17.00	Jan. 1, 1993
700–899	(869–019–00015–1)	21.00	Jan. 1, 1993
900–999	(869–019–00016–0)	33.00	Jan. 1, 1993
1000–1059	(869–019–00017–8)	20.00	Jan. 1, 1993
1060–1119	(869–019–00018–6)	13.00	Jan. 1, 1993
1120–1199	(869–019–00019–4)	11.00	Jan. 1, 1993
1200–1499	(869–019–00020–8)	27.00	Jan. 1, 1993
1500–1899	(869–019–00021–6)	17.00	Jan. 1, 1993
1900–1939	(869–019–00022–4)	13.00	Jan. 1, 1993
1940–1949	(869–019–00023–2)	27.00	Jan. 1, 1993
1950–1999	(869–019–00024–1)	32.00	Jan. 1, 1993
2000–End	(869–019–00025–9)	12.00	Jan. 1, 1993
8	(869–019–00026–7)	20.00	Jan. 1, 1993
9 Parts:			
1–199	(869–019–00027–5)	27.00	Jan. 1, 1993
200–End	(869–019–00028–3)	21.00	Jan. 1, 1993
10 Parts:			
0–50	(869–019–00029–1)	29.00	Jan. 1, 1993
51–199	(869–019–00030–5)	21.00	Jan. 1, 1993
200–399	(869–019–00031–3)	15.00	Jan. 1, 1993
400–499	(869–019–00032–1)	20.00	Jan. 1, 1993
500–End	(869–019–00033–0)	33.00	Jan. 1, 1993
11	(869–017–00034–5)	12.00	Jan. 1, 1992
12 Parts:			
1–199	(869–019–00035–6)	11.00	Jan. 1, 1993
200–219	(869–019–00036–4)	15.00	Jan. 1, 1993
220–299	(869–019–00037–2)	26.00	Jan. 1, 1993
300–499	(869–019–00038–1)	21.00	Jan. 1, 1993
500–599	(869–019–00039–9)	19.00	Jan. 1, 1993
600–End	(869–019–00040–2)	28.00	Jan. 1, 1993
13	(869–019–00041–1)	28.00	Jan. 1, 1993
14 Parts:			
1–59	(869–019–00042–9)	29.00	Jan. 1, 1993
60–139	(869–019–00043–7)	26.00	Jan. 1, 1993
140–199	(869–019–00044–5)	12.00	Jan. 1, 1993
200–1199	(869–019–00045–3)	22.00	Jan. 1, 1993
1200–End	(869–019–00046–1)	16.00	Jan. 1, 1993
15 Parts:			
0–299	(869–019–00047–0)	14.00	Jan. 1, 1993
300–799	(869–019–00048–8)	25.00	Jan. 1, 1993
800–End	(869–019–00049–6)	19.00	Jan. 1, 1993
16 Parts:			
0–149	(869–019–00050–0)	7.00	Jan. 1, 1993
150–999	(869–019–00051–8)	17.00	Jan. 1, 1993
1000–End	(869–019–00052–6)	24.00	Jan. 1, 1993
17 Parts:			
1–199	(869–019–00054–2)	18.00	Apr. 1, 1993
200–239	(869–017–00055–8)	17.00	Apr. 1, 1992
240–End	(869–017–00056–6)	24.00	Apr. 1, 1992
18 Parts:			
1–149	(869–017–00057–4)	16.00	Apr. 1, 1992
150–279	(869–017–00058–2)	19.00	Apr. 1, 1992
280–399	(869–019–00059–3)	15.00	Apr. 1, 1993
400–End	(869–019–00060–7)	10.00	Apr. 1, 1993
19 Parts:			
1–199	(869–017–00061–2)	28.00	Apr. 1, 1992
*200–End	(869–019–00062–3)	11.00	Apr. 1, 1993
20 Parts:			
*1–399	(869–019–00063–1)	19.00	Apr. 1, 1993
400–499	(869–017–00064–7)	31.00	Apr. 1, 1992
500–End	(869–017–00065–5)	21.00	Apr. 1, 1992
21 Parts:			
*1–99	(869–019–00066–6)	15.00	Apr. 1, 1993
100–169	(869–017–00067–1)	14.00	Apr. 1, 1992
170–199	(869–017–00068–0)	18.00	Apr. 1, 1992
200–299	(869–019–00069–1)	6.00	Apr. 1, 1993
300–499	(869–017–00070–1)	29.00	Apr. 1, 1992
500–599	(869–017–00071–0)	21.00	Apr. 1, 1992
600–799	(869–017–00072–8)	7.00	Apr. 1, 1992
800–1299	(869–017–00073–6)	18.00	Apr. 1, 1992
1300–End	(869–019–00074–7)	12.00	Apr. 1, 1993
22 Parts:			
1–299	(869–019–00075–5)	30.00	Apr. 1, 1993
300–End	(869–017–00076–1)	19.00	Apr. 1, 1992
23	(869–017–00077–9)	18.00	Apr. 1, 1992
24 Parts:			
0–199	(869–017–00078–7)	34.00	Apr. 1, 1992
200–499	(869–017–00079–5)	32.00	Apr. 1, 1992
500–699	(869–017–00080–9)	13.00	Apr. 1, 1992
700–1699	(869–017–00081–7)	34.00	Apr. 1, 1992
*1700–End	(869–019–00082–8)	15.00	Apr. 1, 1993
25	(869–017–00083–3)	25.00	Apr. 1, 1992
26 Parts:			
§§ 1.0-1–1.60	(869–017–00084–1)	17.00	Apr. 1, 1992
§§ 1.61–1.169	(869–017–00085–0)	33.00	Apr. 1, 1992
§§ 1.170–1.300	(869–017–00086–8)	19.00	Apr. 1, 1992
§§ 1.301–1.400	(869–017–00087–6)	17.00	Apr. 1, 1992
§§ 1.401–1.500	(869–017–00088–4)	38.00	Apr. 1, 1992
§§ 1.501–1.640	(869–017–00089–2)	19.00	Apr. 1, 1992
§§ 1.641–1.850	(869–017–00090–6)	19.00	Apr. 1, 1992
§§ 1.851–1.907	(869–017–00091–4)	23.00	Apr. 1, 1992
§§ 1.908–1.1000	(869–019–00093–3)	26.00	Apr. 1, 1993
§§ 1.1001–1.1400	(869–017–00093–1)	19.00	Apr. 1, 1992
§§ 1.1401–End	(869–017–00094–9)	26.00	Apr. 1, 1992
2–29	(869–019–00096–8)	23.00	Apr. 1, 1993
30–39	(869–017–00096–5)	15.00	Apr. 1, 1992
40–49	(869–017–00097–3)	12.00	Apr. 1, 1992
50–299	(869–017–00098–1)	15.00	Apr. 1, 1992
*300–499	(869–017–00100–0)	23.00	Apr. 1, 1993
500–599	(869–019–00101–8)	6.00	[4] Apr. 1, 1990
600–End	(869–017–00101–5)	6.50	Apr. 1, 1992

Title	Stock Number	Price	Revision Date
27 Parts:			
1-199	(869-017-00102-3)	34.00	Apr. 1, 1992
200-End	(869-019-00104-2)	11.00	[5] Apr. 1, 1991
28	(869-017-00104-0)	37.00	July 1, 1992
29 Parts:			
0-99	(869-017-00105-8)	19.00	July 1, 1992
100-499	(869-013-00106-6)	9.00	July 1, 1992
500-899	(869-017-00107-4)	32.00	July 1, 1992
900-1899	(869-017-00108-2)	16.00	July 1, 1992
1900-1910 (§§ 1901.1 to 1910.999)	(869-017-00109-1)	29.00	July 1, 1992
1910 (§§ 1910.1000 to end)	(869-017-00110-4)	16.00	July 1, 1992
1911-1925	(869-017-00111-2)	9.00	[6] July 1, 1989
1926	(869-017-00112-1)	14.00	July 1, 1992
1927-End	(869-017-00113-9)	30.00	July 1, 1992
30 Parts:			
1-199	(869-017-00114-7)	25.00	July 1, 1992
200-699	(869-017-00115-5)	19.00	July 1, 1992
700-End	(869-017-00116-3)	25.00	July 1, 1992
31 Parts:			
0-199	(869-017-00117-1)	17.00	July 1, 1992
200-End	(869-017-00118-0)	25.00	July 1, 1992
32 Parts:			
1-39, Vol. I		15.00	[2] July 1, 1984
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1-189	(869-017-00119-8)	30.00	July 1, 1992
190-399	(869-017-00120-1)	33.00	July 1, 1992
400-629	(869-017-00121-0)	29.00	July 1, 1992
630-699	(869-017-00122-8)	14.00	[7] July 1, 1991
700-799	(869-017-00123-6)	20.00	July 1, 1992
800-End	(869-017-00124-4)	20.00	July 1, 1992
33 Parts:			
1-124	(869-017-00125-2)	18.00	July 1, 1992
125-199	(869-017-00126-1)	21.00	July 1, 1992
200-End	(869-017-00127-9)	23.00	July 1, 1992
34 Parts:			
1-299	(869-017-00128-7)	27.00	July 1, 1992
300-399	(869-017-00129-5)	19.00	July 1, 1992
400-End	(869-017-00130-9)	32.00	July 1, 1992
35	(869-017-00131-7)	12.00	July 1, 1992
36 Parts:			
1-199	(869-017-00132-5)	15.00	July 1, 1992
200-End	(869-017-00133-3)	32.00	July 1, 1992
37	(869-017-00134-1)	17.00	July 1, 1992
38 Parts:			
0-17	(869-017-00135-0)	28.00	Sept 1, 1992
18-End	(869-017-00136-8)	28.00	Sept. 1, 1992
39	(869-017-00137-6)	16.00	July 1, 1992
40 Parts:			
1-51	(869-017-00138-4)	31.00	July 1, 1992
52	(869-017-00139-2)	33.00	July 1, 1992
53-60	(869-017-00140-6)	36.00	July 1, 1992
61-80	(869-017-00141-4)	16.00	July 1, 1992
81-85	(869-017-00142-2)	17.00	July 1, 1992
86-99	(869-017-00143-1)	33.00	July 1, 1992
100-149	(869-017-00144-9)	34.00	July 1, 1992
150-189	(869-017-00145-7)	21.00	July 1, 1992
190-259	(869-017-00146-5)	16.00	July 1, 1992
260-299	(869-017-00147-3)	36.00	July 1, 1992
300-399	(869-017-00148-1)	15.00	July 1, 1992
400-424	(869-017-00149-0)	26.00	July 1, 1992
425-699	(869-017-00150-3)	26.00	July 1, 1992
700-789	(869-017-00151-1)	23.00	July 1, 1992
790-End	(869-017-00152-0)	25.00	July 1, 1992
41 Chapters:			
1, 1-1 to 1-10		13.00	[3] July 1, 1984
1, 1-11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
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7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
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18, Vol. I, Parts 1-5		13.00	[3] July 1, 1984
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18, Vol. III, Parts 20-52		13.00	[3] July 1, 1984
19-100		13.00	[3] July 1, 1984
1-100	(869-017-00153-8)	9.50	July 1, 1992
101	(869-017-00154-6)	28.00	July 1, 1992
102-200	(869-017-00155-4)	11.00	[7] July 1, 1991
201-End	(869-017-00156-2)	11.00	July 1, 1992
42 Parts:			
1-399	(869-017-00157-1)	23.00	Oct. 1, 1992
400-429	(869-017-00158-9)	23.00	Oct. 1, 1992
430-End	(869-017-00159-7)	31.00	Oct. 1, 1992
43 Parts:			
1-999	(869-017-00160-1)	22.00	Oct. 1, 1992
1000-3999	(869-017-00161-9)	30.00	Oct. 1, 1992
4000-End	(869-017-00162-7)	13.00	Oct. 1, 1992
44	(869-017-00163-5)	26.00	Oct. 1, 1992
45 Parts:			
1-199	(869-017-00164-3)	20.00	Oct. 1, 1992
200-499	(869-017-00165-1)	14.00	Oct. 1, 1992
500-1199	(869-017-00166-0)	30.00	Oct. 1, 1992
1200-End	(869-017-00167-8)	20.00	Oct. 1, 1992
46 Parts:			
1-40	(869-017-00168-6)	17.00	Oct. 1, 1992
41-69	(869-017-00169-4)	16.00	Oct. 1, 1992
70-89	(869-017-00170-8)	8.00	Oct. 1, 1992
90-139	(869-017-00171-6)	14.00	Oct. 1, 1992
140-155	(869-017-00172-4)	12.00	Oct. 1, 1992
156-165	(869-017-00173-2)	14.00	[8] Oct. 1, 1991
166-199	(869-017-00174-1)	17.00	Oct. 1, 1992
200-499	(869-017-00175-9)	22.00	Oct. 1, 1992
500-End	(869-017-00176-7)	14.00	Oct. 1, 1992
47 Parts:			
0-19	(869-017-00177-5)	22.00	Oct. 1, 1992
20-39	(869-017-00178-3)	22.00	Oct. 1, 1992
40-69	(869-017-00179-1)	12.00	Oct. 1, 1992
70-79	(869-017-00180-5)	21.00	Oct. 1, 1992
80-End	(869-017-00181-3)	24.00	Oct. 1, 1992
48 Chapters:			
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1 (Parts 52-99)	(869-017-00183-0)	22.00	Oct. 1, 1992
2 (Parts 201-251)	(869-017-00184-8)	15.00	Oct. 1, 1992
2 (Parts 252-299)	(869-017-00185-6)	12.00	Oct. 1, 1992
3-6	(869-017-00186-4)	22.00	Oct. 1, 1992
7-14	(869-017-00187-2)	30.00	Oct. 1, 1992
15-28	(869-017-00188-1)	26.00	Oct. 1, 1992
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49 Parts:			
1-99	(869-017-00190-2)	22.00	Oct. 1, 1992
100-177	(869-017-00191-1)	27.00	Oct. 1, 1992
178-199	(869-017-00192-9)	19.00	Oct. 1, 1992
200-399	(869-017-00193-7)	27.00	Oct. 1, 1992
400-999	(869-017-00194-5)	31.00	Oct. 1, 1992
1000-1199	(869-017-00195-3)	19.00	Oct. 1, 1992
1200-End	(869-017-00196-1)	21.00	Oct. 1, 1992
50 Parts:			
1-199	(869-017-00197-0)	23.00	Oct. 1, 1992
200-599	(869-017-00198-8)	20.00	Oct. 1, 1992
600-End	(869-017-00199-6)	20.00	Oct. 1, 1992
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 31, 1993. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[8] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.

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