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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 91–149–5]

Oriental Fruit Fly; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by removing the quarantine on a portion of San Diego County, CA, and by removing the imposed restrictions on the interstate movement of regulated articles from that area. The regulations, including the quarantine of a portion of San Diego County, were established to prevent the spread of the Oriental fruit fly into noninfested areas of the United States. We have determined that the Oriental fruit fly has been eradicated from San Diego County and that the quarantine and restrictions are no longer necessary.

DATES: Interim rule effective June 29, 1993. Consideration will be given only to comments received on or before September 7, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 91–149–5. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8247.

SUPPLEMENTARY INFORMATION:

Background

We established the Oriental fruit fly regulations (7 CFR 301.93 through 301.93–10; referred to below as the regulations) and quarantined a portion of San Diego County, CA, in a document effective on February 10, 1993, and published in the **Federal Register** on February 16, 1993 (58 FR 8517–8524, Docket No. 91–149–4). The regulations imposed restrictions on the interstate movement of regulated articles from the quarantined area to prevent the spread of the Oriental fruit fly into noninfested areas of the United States. The regulations also designated soil and a large number of fruits, nuts, vegetables, and berries as regulated articles.

Based on insect trapping surveys conducted by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service of the United States Department of Agriculture, we have determined that the Oriental fruit fly has been eradicated from the previously quarantined portion of San Diego County, CA. The last finding of Oriental fruit fly in this area was December 2, 1992.

Since then, no evidence of Oriental fruit fly infestations has been found in this area. Based on Departmental experience, we have determined that sufficient time has passed without finding additional flies or other evidence of infestation to conclude that Oriental fruit fly infestations no longer exist in San Diego County, CA. Further, Oriental fruit fly infestations are not known to exist anywhere else in the continental United States. Therefore, we are removing San Diego County, CA, from the list of quarantined areas in § 301.93–3(c), and adding to § 301.93–3(c) a statement that the Oriental fruit fly is not known to exist anywhere in the continental United States.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove an unnecessary regulatory burden on the public. A portion of San Diego County, CA, was quarantined due to the possibility that the Oriental fruit fly could be spread from this area to noninfested areas of the United States. Since this situation no longer exists, immediate action is necessary to remove the quarantine on San Diego County, CA, and to relieve the imposed restrictions on the interstate movement of regulated articles from that area.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

This interim rule relieves restrictions on the interstate movement of regulated articles from a portion of San Diego County, CA. There is very little commercial activity in the previously quarantined area that may be affected by

this rule. The approximately 11 small entities that may be affected include 3 nurseries and 8 fruit vendors. These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of California.

Most of these small entities sold previously regulated articles primarily for local intrastate, not interstate, movement. The sale of these articles will therefore remain unaffected by the regulatory provisions we are removing. Also, many of these entities sold other items in addition to the previously regulated articles so that the effect, if any, of this regulation on these entities will be minimal.

The effect of this regulation on these entities that did move previously regulated articles interstate was minimized by the availability of various treatments specified in the Plant Protection and Quarantine Treatment Manual, incorporated by reference in the regulations. The specified treatments, in most cases, allowed these small entities to move previously regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.93–3, paragraph (c) is revised to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) The area described in this paragraph is designated as a quarantined area: The Oriental fruit fly is not known to exist anywhere in the continental United States.

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16126 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

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7 CFR Part 301

[Docket No. 92–097–2]

Witchweed Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the witchweed quarantine and regulations by adding sorghum to the list of regulated articles whose interstate movement is restricted to prevent the artificial spread of witchweed. In that interim rule, we also amended the list of suppressive areas under the witchweed quarantine and regulations by adding and deleting specified areas in 10 counties in North Carolina and 1 county in South Carolina. The interim rule was necessary to prevent the artificial spread of witchweed into noninfested areas of the United States.

EFFECTIVE DATE: August 9, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Mario Rodriguez, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8247.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on January 5, 1993 (58 FR 215–217, Docket No. 92–097–1), we amended the witchweed quarantine and regulations in 7 CFR part 301 by adding sorghum to the list of specified regulated articles in § 301.80(b). We also amended § 301.80–2a, which lists generally infested and suppressive areas, by adding and deleting specified areas in 10 counties in North Carolina and 1 county in South Carolina to the list of suppressive areas. We added areas in two new counties, Harnett and Lenoir, in North Carolina. We also added areas in Craven, Cumberland, Greene, Pender, and Wayne Counties in North Carolina, and areas in Horry County in South Carolina. We removed areas in Columbus, Cumberland, Duplin, Greene, Pender, Pitt, and Wayne Counties in North Carolina.

Comments on the interim rule were required to be received on or before March 8, 1993. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12291 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the amendments to subpart "Witchweed," in 7 CFR part 301 that were published at 58 FR 215–217 on January 5, 1993.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16127 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

7 CFR Part 301

[Docket No. 93–066–1]

Pink Bollworm Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the pink bollworm regulations by adding Missouri to the list of States quarantined because of pink bollworm and to the list of generally infested areas. This action is necessary to prevent the interstate movement of pink bollworm into noninfested areas.

DATES: Interim rule effective July 8, 1993. Consideration will be given only to comments received on or before September 7, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–066–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Grefenstette, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–6365.

SUPPLEMENTARY INFORMATION:

Background

The pink bollworm, *Pectinophora gossypiella* (Saunders), is one of the world's most destructive pests of cotton. This insect spread to the United States from Mexico in 1917, and now exists throughout most of the cotton-producing States west of the Mississippi River.

The pink bollworm regulations contained in 7 CFR 301.52 *et seq.* (referred to below as the regulations) quarantine certain States and restrict the interstate movement of regulated articles from regulated areas in quarantined States for the purpose of preventing the spread of pink bollworm.

Regulated areas for the pink bollworm are designated as either suppressive areas or generally infested areas. Restrictions are imposed on the interstate movement of regulated articles from both types of areas in order to prevent the movement of pink bollworm into noninfested areas. However, the management and containment of pink bollworm is undertaken as an objective only in places that are designated as suppressive areas.

Prior to the effective date of this document, Missouri was not regulated because of pink bollworm. Surveys conducted by inspectors of the United States Department of Agriculture and by State agencies in Missouri have established that pink bollworm has spread into Dunklin County, Missouri.

Section 301.52–2 of the regulations states that less than an entire quarantined State will be designated as a regulated area only if the State is enforcing a quarantine or regulations that impose restrictions on the intrastate movement of regulated articles that are substantially the same as those imposed with respect to the interstate movement of such articles under the Federal regulations. Currently, Missouri is not enforcing such a quarantine or such regulations.

Therefore, in order to prevent the spread of pink bollworm, we are amending the list of regulated areas in § 301.52–2a of the regulations by designating Missouri as a pink bollworm generally infested area. We are also adding Missouri to the list of States in § 301.52(a) that are quarantined because of pink bollworm.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the artificial spread of pink bollworm to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as result of the comments.

Executive Order 12291

We are issuing this interim rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this interim rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause a significant adverse effect 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Regulatory Flexibility Act

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) impracticable. This rule may have a significant economic impact on a substantial number of small entities. If we determine this is so, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Impact Analysis.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This interim rule: (1) Preempts all State and local laws and regulations that are inconsistent with it; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this interim rule.

Paperwork Reduction Act

This document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine,

Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C., 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

3301.52 [Amended]

2. In § 301.52, paragraph (a) is amended by adding "Missouri," immediately after "Mississippi,".

3. Section 301.52–2a is amended by adding an entry for Missouri in alphabetical order to read as follows:

§ 301.52–2a Regulated area; suppressive and generally infested areas.

* * * * *

Missouri

(1) *Generally infested area.* Entire State.

(2) *Suppressive area.* None.

* * * * *

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16134 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations; Disaster Assistance Act of 1988; Procedures for Implementation

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim Rule with request for comments.

SUMMARY: The Federal Crop Insurance Corporation's (FCIC) procedures for implementing the Disaster Assistance Act of 1988 were published in 1989. Since that time, disaster assistance has been made available under several statutes, most of which make reference to, and incorporate the mandatory FCIC provisions of the Disaster Assistance Act of 1988. This rule makes the FCIC regulations implementing the Disaster Assistance Act of 1988 applicable to those provisions of subsequent Acts.

DATES: *Effective date* July 8, 1993.

COMMENT DATE: Comments may be submitted on or before September 7, 1993.

ADDRESSES: Comments should be submitted to Mari L. Dunleavy, Acting Director, Regulatory and Procedural Development, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250. Telephone (202) 254–8314.

FOR FURTHER INFORMATION CONTACT:

Mari L. Dunleavy, Telephone (202) 254–8314.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of the regulations affected by this rule under those procedures. The sunset review date established for these regulations is May 1, 1994.

Kathleen Connelly, Acting Manager, FCIC, has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, state, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Kathleen Connelly also certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons. The action will not have a significant economic effect on a substantial number of small entities, or on the farmers served by this totally voluntary crop insurance program because this action does not require significant actions on their part. This action imposes no additional burden on the insured farmer, does not require participation in the program, or increase what is currently paid to gain insurance protection. The reinsured company or sales and service contractor affected by this action perform less when purchase of insurance is mandated by various disaster acts. This rule only serves to reduce compensation to conform to the services required. The reduction is mandated by statute and allowed in the Standard Reinsurance Agreement and Agency Sales and Service Contract. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Section 207 of the Disaster Assistance Act of 1988 (the "ACT") mandated the purchase of crop insurance coverage as a requirement of eligibility for certain disaster assistance benefits. A rule carrying out this directive was promulgated on June 7, 1989, and incorporated the applicable dates for implementation for the 1989 crop year. However, these dates are not relevant to the subsequant Disaster Acts or subsequent crop years.

Since provisions for sign-up for disaster payments for the 1992 crop year have recently been extended by the Agricultural Stabilization and Conservation Service (ASCS) until May 7, it is imperative that the rule be promulgated prior to that date. Therefore, pursuant to 5 U.S.C. 553, an emergency situation exists and FCIC has determined that notice and public procedure are impracticable, unnecessary, and contrary to the public interest. However, FCIC is soliciting comments for 60 days after the effective date of this rule and will consider the comments prior to the final issuance of the rule.

List of Subjects in 7 CFR Part 400

Crop insurance, Disaster Assistance Act of 1988; Procedures for implementation.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the General Administrative Regulations (7 CFR part 400) as follows:

PART 400—[AMENDED]

1. The authority citation for 7 CFR part 400 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

Subpart N—Disaster Assistance Act of 1988; Procedures for Implementation

2. Section 400.250 is revised to read as follows:

§400.250. General statement.

The Disaster Assistance Act of 1988, subsequent disaster acts and disaster provisions in subsequent acts and the Rural Development Act (7 U.S.C. 1961 *et seq.*) have required that, subject to certain provisions in those enactments, procedures on a farm, in order to be eligible to receive benefits under the various provisions, would be required to purchase Federal crop insurance when the disaster for which benefits are being obtained are related to a peril which should be covered under the insurance policy. Most of these legislative provisions require that regulations be promulgated to provide for a reduction in the commissions paid to private insurance agents, brokers, or companies on contracts for crop insurance entered into under such disaster provisions. Said reductions must be sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

§400.251 [Amended]

3. Section 400.251(a) is amended by removing phrase, "the provisions of the ACT" and inserting in its place the phrase, "various disaster acts and disaster provisions which require the purchase of crop insurance issued under the Federal Crop Insurance Act".

4. Section 400.251(b) is amended by removing the year "1989" and by removing the phrase, "the provisions of section 207 of the Disaster Assistance Act of 1988, as set forth in subsections (c)(2) and (3) of said ACT" and inserting in its place the phrase, "the requirements of various disaster acts or provisions requiring the purchase of crop insurance issued under the Federal Crop Insurance Act".

§400.252 [Amended]

5. Section 400.252 is amended by removing the words "the ACT" wherever they appear and inserting in their place the words, "various disaster acts or disaster provisions".

6. Section 400.252(a) is further amended by removing the year "1988" and by removing the year "1989" wherever it appears and inserting in its place the word "next".

7. Section 400(b) is further amended by removing the phrase, "crop year 1989" and inserting in its place the phrase, "the next crop year" and by removing the phrase, "3 percent (3%)" and inserting in its place the phrase, "1½ percent".

Done in Washington, DC, on May 5, 1993.

Kathleen Connelly,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 93–16065 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–08–M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 92–140–2]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Oregon from Class A to Class Free. We have determined that Oregon now meets the standards for Class Free status. The interim rule was necessary to relieve certain restrictions on the interstate movement of cattle from Oregon.

EFFECTIVE DATE: August 9, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. John D. Kopec, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–6188.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on January 14, 1993 (58 FR 4360–4361, Docket No. 93–140–1), we amended the brucellosis regulations in 9 CFR part 78 by removing Oregon from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a).

Comments on the interim rule were required to be received on or before March 15, 1993. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12291 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 78.41 and that was published at 58 4360–4361 on January 14, 1993.

Authority: 21 U.S.C. 111–114a-1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16129 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

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9 CFR Part 94

[Docket No. 92–137–2]

Pork and Pork Products From Denmark; Restrictions on Importations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are affirming as a final rule, without change, an interim rule that amended the regulations to add certain restrictions concerning the importation into the United States of pork and pork products from Denmark. The imposition of additional import restrictions was a necessary response to conditions which make possible the commingling of swine vesicular disease-contaminated pork or pork products with disease-free pork and pork products in Denmark. The rule protects against the introduction in the United States of swine vesicular disease.

EFFECTIVE DATE: August 9, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. John W. Cougill, Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 758, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7834.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on December 30, 1992 (57 FR 62176–62177,

Docket No. 92–137–1), we amended the regulations in 9 CFR part 94 by adding Denmark to the list of countries in § 94.13 that, although free of swine vesicular disease, are subject to special restrictions on the importation into the United States of their pork and pork products.

Comments on the interim rule were required to be received on or before March 1, 1993. We received one comment by that date, in support of the interim rule. The facts presented in the interim rule still provide a basis for the rule.

The action also affirms the information contained in the interim rule concerning Executive Order 12291 and the Regulatory Flexibility Act, Executive Order 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 94.13 and that was published at 57 FR 62176–62177 on December 30, 1992.

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 1st day of July 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16128 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 94

[Docket No. 92–141–3]

Importation of Animal Products and Byproducts From Countries Where BSE Exists; Removal of Denmark

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the regulations by removing Denmark from the list of countries where bovine spongiform encephalopathy (BSE) exists. Denmark was added to the list in September 1992 after the disease was diagnosed in a cow in that country. We removed Denmark from the list in January 1993 after epidemiological investigations revealed that the disease occurred in only one animal imported into Denmark from Great Britain, and that the animal and the herd into which it was imported had been destroyed. The effect of that action was to relieve certain prohibitions or restrictions on the importation of certain fresh, chilled, and frozen meat, and certain other animal products and animal byproducts from ruminants which had been in Denmark, without presenting a significant risk of introducing BSE into the United States.

EFFECTIVE DATE: August 9, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. John Gray, Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 756, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7885.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on January 14, 1993 (58 FR 4306–4308, Docket No. 92–141–2), we amended the animal and animal product importation regulations in 9 CFR part 94 by removing Denmark from the list of countries in § 94.18 where bovine spongiform encephalopathy (BSE) exists.

Comments on the interim rule were required to be received on or before March 15, 1993. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12291 and the Regulatory Flexibility Act, Executive Order 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 94.18(a) and that was published at 58 FR 4306–4308 on January 14, 1993.

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16130 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

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9 CFR Part 94

[Docket No. 92–196–2]

Change in Disease Status of France Because of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are declaring France free of rinderpest and foot-and-mouth disease (FMD). There have been no outbreaks of FMD in France since 1981, and we have determined that rinderpest has not existed there since 1870. We are also adding France to a list of countries that, although declared free of rinderpest and FMD, are subject to special restrictions on the importation of their meat and other animal products into the United States. This revision removes the prohibition on the importation into the United States, from France, of ruminants and fresh, chilled, and frozen meat from ruminants, and relieves restrictions on the importation, from France, of milk and milk products from ruminants.

France is not declared to be free of hog cholera and swine vesicular disease. Therefore, the importation from France of swine and fresh, chilled, and frozen meat from swine will continue to be restricted because of these diseases. Similarly, certain restrictions on the importation, from France, of ruminant meat and edible products from

ruminants will remain in effect because bovine spongiform encephalopathy exists in France. We are also adding France to the list of countries from which the importation into the United States of llamas and alpacas is restricted. We are adding Spain to that list as well, in order to correct an earlier error. Finally, we are removing an outdated reference to the Panama Canal Zone, which no longer exists as a political entity.

EFFECTIVE DATE: July 23, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Chief Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 753, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7885.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as "the regulations") restrict the importation into the United States of certain animals and animal products in order to prevent the introduction of various diseases, including rinderpest, foot-and-mouth disease (FMD), bovine spongiform encephalopathy (BSE), African swine fever, hog cholera, and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

On March 16, 1993, we published in the **Federal Register** (58 FR 14174–14177, Docket No. 92–196–1) a proposal to amend the regulations by adding France to the list in § 94.1(a)(2) of countries that are declared to be free of rinderpest and FMD. In that document, we also proposed to add France to the list in § 94.11(a) of countries that, although declared free of rinderpest and FMD, are subject to special restrictions on the importation of their meat and other animal products into the United States. We further proposed to make several nonsubstantive editorial changes in the regulations.

We solicited comments concerning our proposal for a 60-day period ending on May 17, 1993. We received one comment by that date. The comment fully supported the proposed action.

Since the proposed rule was published, two more countries have been added to the list in § 94.1(a)(2) of countries declared free of rinderpest and FMD. Spain was added by a final rule published in the **Federal Register** on February 25, 1993 (58 FR 11365–11367, Docket No. 92–147–2) and effective March 29, 1993, and The Netherlands was added by a final rule published in the **Federal Register** on May 13, 1993 (58 FR 28343–28345, Docket No. 92–154–2) and effective June 14, 1993.

When Spain was declared free of rinderpest and FMD in the February 25, 1993, final rule mentioned above, it should have also been added to the list in § 94.1(d)(1) of countries in which rinderpest or FMD has been known to exist and that were declared to be free of rinderpest and FMD on or after September 28, 1990. However, we inadvertently neglected to add Spain to that list. Therefore, in this final rule we will correct that omission by adding Spain to the list in § 94.1(d)(1).

Also in this final rule, we are removing an outdated reference to the Panama Canal Zone, which no longer exists as a political entity, from the list in § 94.1(a)(2) of countries declared free of rinderpest and FMD. Panama is considered to be free of rinderpest and FMD, so removing the former Canal Zone from the list will have no effect on the rinderpest and FMD status of any part of the country.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposed rule as a final rule, with the changes discussed in this document.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. This rule removes the prohibition on the importation into the United States, from France, of ruminants and fresh, chilled, and frozen meat from ruminants and relieves restrictions on the importation, from France, of milk and milk products from ruminants. We have determined that approximately 2 weeks are needed to ensure that APHIS personnel at ports of entry receive official notice of this change in the regulations. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be made effective 15 days after publication in the **Federal Register**.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

This rule adds France to the list in part 94 of countries declared to be free of rinderpest and FMD. This action removes the prohibition on the importation into the United States, from France, of ruminants and fresh, chilled, and frozen meat from ruminants, and relieves restrictions on the importation, from France, of milk and milk products from ruminants. This action does not relieve restrictions on the importation of live swine and fresh, chilled, and frozen meat of swine from France because France is still considered to be affected with hog cholera and SVD. Similarly, this action does not relieve certain restrictions on the importation, from France, of ruminant meat and edible products from ruminants because BSE exists in France.

Based on available information, the Department does not anticipate a major increase in exports of ruminants and fresh, chilled, or frozen meat of ruminants from France into the United States as a result of this rule.

The value of total U.S. imports of cattle in 1991 was $951.6 million, and the value of total U.S. imports of sheep in 1991 was about $1.6 million. The United States did not import any cattle or sheep from France during 1991. In fact, no cattle or sheep were imported into the United States from any country in Western Europe during 1991 (USDA, Economic Research Service [ERS], "Foreign Agricultural Trade of the United States: Calendar Year 1991 Supplement," 1992). Clearly, Western Europe is not a source of ruminants for the United States, and it is unlikely that declaring France free of rinderpest and FMD will have any effect on the existing trade patterns.

In 1991, only 0.0002 percent of all beef and veal imported into the United States was imported from France (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1991 Supplement," 1992). Overall, France is a net importer of fresh, chilled, and frozen meat and meat extracts (Food and Agriculture Organization, "Trade Yearbook," 1990). Given France's general excess demand for meat products and the small percentage of its meat exports that are

sent to the United States, it is unlikely that declaring France free of rinderpest and FMD will significantly change existing patterns of trade. Therefore, any effect on domestic meat prices or supplies will be insignificant.

As with the ruminants and meat products discussed above, the Department does not anticipate a major increase in exports of milk and milk products from France into the United States as a result of this rule. The importation into the United States of all dairy products, except for casein and other caseinates, is restricted by quotas. Although the importation of casein into the United States is not regulated by quotas, world prices of casein are competitively set. The United States does not produce casein, but does import more than half of the casein produced in the world. The regulations currently allow casein and other caseinates to be imported into the United States from countries where rinderpest or FMD exists if the importer has applied for and obtained written permission from the Administrator. The eight APHIS-approved producers of casein in France provided approximately 7 percent of the casein imported into the United States from France in 1991 (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1991 Supplement," 1992). Declaring France free of rinderpest and FMD, thus removing the requirement for written permission from the Administrator, is not expected to have any effect on the amount of casein imported into the United States from France because the restrictions that we are removing did not substantially impede imports.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0015.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 94.1, paragraph (a)(2) is revised to read as follows:

§ 94.1 Countries where rinderpest or foot-and-mouth disease exists; importations prohibited.

(a) * * *

(2) The following countries are declared to be free of both rinderpest and foot-and-mouth disease: Australia, The Bahamas, Barbados, Bermuda, British Honduras (Belize), Canada, Channel Islands, Chile, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Great Britain (England, Scotland, Wales, and Isle of Man), Greenland, Guatemala, Haiti, Honduras, Iceland, Ireland, Jamaica, Japan, Mexico, The Netherlands, New Zealand, Nicaragua, Northern Ireland, Norway, Panama, Papua New Guinea, Poland, Spain, Territory of St. Pierre and Miquelon, Sweden, Trinidad and Tobago, and Trust Territory of the Pacific Islands.

* * * * *

§ 94.1 [Amended]

3. In § 94.1, paragraph (d)(1) is amended by adding the word "France," immediately after "Chile," and by removing the words "and Poland" and replacing them with "Poland, and Spain".

§ 94.11 [Amended]

4. In § 94.11, paragraph (a), the first sentence is amended by removing the words "Bahama Islands," and adding, in their place, "The Bahamas," and by adding the word "France," immediately after "Finland,".

§ 94.12 [Amended]

5. In § 94.12, paragraph (a), the first sentence is amended by removing the words "Bahama Islands," and adding, in their place, "The Bahamas,".

§ 94.13 [Amended]

6. In § 94.13, the introductory text, the first sentence is amended by removing the words "Bahama Islands," and adding, in their place, "The Bahamas,".

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16131 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–AGL–6]

Transition Area Alteration, Pontiac, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the Pontiac, IL, transition area to accommodate a new VOR runway 24 Standard Instrument Approach Procedure (SIAP) to the New Pontiac Municipal Airport, Pontiac, IL. This action also reflects the new location of Pontiac Municipal Airport by updating the airport's geographic position. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, September 16, 1993.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, April 7, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the existing Pontiac, IL, transition area (58 FR 18054). Interested parties were invited to participate in this rulemaking proceeding by

submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. The coordinates for this airspace docket are based on North American Datum 83. Transition areas are published in Section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the Pontiac, IL, transition area to accommodate a new VOR runway 24 SIAP to the new Pontiac Municipal Airport, Pontiac, IL. This proposal also reflects the new location of Pontiac Municipal Airport up updating the airport's geographic position.

The development of a new SIAP requires that the FAA alter the designated airspace to ensure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§71.1 [AMENDED]

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

Section 71.181 Designation of Transition Areas

* * * * *

AGL IL TA Pontiac, IL [Revised]
Pontiac Municipal Airport, IL
(lat. 40°55′ 25″ N., long. 88° 37′ 32″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4 mile radius of Pontiac Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on June 22, 1993.

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 93–16094 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 165

[CGD01 93–057]

Security Zone; Security Zone D Expansion, New London Harbor, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily expanding Security Zone D in New London Harbor at the Naval Underwater Warfare Center in New London, CT on July 9, 1993. This action is needed to protect the USS NEBRASKA (SSBN 739) against damage, sabotage or other subversive acts while the vessel is in New London for its commissioning. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

EFFECTIVE DATES: This regulation is effective from July 9, 1993 at 6 p.m. through July 10, 1993 at 1 p.m. unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander D.D. Skewes, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4464.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LCDR D.D. Skewes, project officer for Captain of the Port, Long Island Sound, and LCDR J. Stieb, project attorney, First Coast Guard District Legal Office.

Regulatory History

As authorized 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. The Coast Guard did not receive from the sponsor the final details concerning the event's exact location and position, which are essential information for the purposes of expanding the security zone, until June 15, 1993. There was not sufficient time to publish a proposed rule in advance of the event. Publishing a NPRM and delaying the date of the event would be contrary to the public interest.

Background and Purpose

The event requiring this regulation is the launching of the USS NEBRASKA (SSBN 739) at the Naval Underwater Warfare Center on the Thames River in New London, CT. This zone is required to provide security for the USS NEBRASKA prior to and during its commissioning. Security Zone D, as presently published in 33 CFR 165.140(a)(4) will be temporarily expanded for this launching.

Regulatory Evaluation

These regulations are not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979).

The event will last approximately 60 minutes. Because of the short duration of the event and the extensive advisories which will be made, commercial entities will be able to adjust to any disruptions. The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary. This security zone does not close the harbor to commercial traffic.

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 the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule 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 action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, they are in action to protect public safety and they are categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be made available in the docket.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

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

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.T01–057 is added to read as follows:

§ 165.T01–057 Security zone; Security Zone D Expansion, New London Harbor, CT.

(a) *Location.* The following area has been declared a security zone: All waters of the Thames River east of the Naval Underwater Warfare Center, New London, CT bounded by the following positions: 41°20′36″ N, 072°05′34.1″ W; 41°20′36″ N, 072°05′20″ W; 41°20′43.1″ N, 072°05′20″ W; 41°20′46.5″ N, 072°05′26″ W; 41°20′46.5″ N, 072°05′37.3″ W.

(b) *Effective date.* This regulation is effective from July 9, 1993 at 6 p.m. through July 10, 1993 at 1 p.m. unless terminated sooner by the Captain of the Port.

(c) *Regulations.* The general regulations covering security zones contained in § 165.33 of this part apply.

Dated: June 24, 1993.

H. Bruce Dickey,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 93–16080 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 51

RIN 1024–AB98

Concession Contracts and Permits

AGENCY: National Park Service, Interior.

ACTION: Address change on Final Rule.

SUMMARY: In the **Federal Register** on September 3, 1992 (57 FR 40496), the National Park Service published a final rule to amend regulations which describe National Park Service procedures governing the sale and transfer of concession contracts and permits. This document corrects the address for the Service's Information Collection Officer.

On page 40506 on the fourth line after "Service," the address "1100 L Street, NW., Washington, DC 20013" should be changed to read: "800 North Capitol Street NW., Washington, DC 20002."

EFFECTIVE DATE: October 5, 1992.

FOR FURTHER INFORMATION CONTACT: Lee Davis (202) 343–3784.

Terry Tesar,

Federal Register, Liaison Officer.

[FR Doc. 93–15837 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–10–M

POSTAL SERVICE

39 CFR Part 233

Mail Covers

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends the mail cover regulations to clarify the applicability of a mail cover as a law enforcement technique, to align the procedure for approval of a mail cover with the current Inspection Service format, and to allow the use of mail covers to locate assets pursuant to a criminal violation that is subject to forfeiture.

EFFECTIVE DATE: July 8, 1993.

FOR FURTHER INFORMATION CONTACT: H.J. Bauman, 202–268–4415.

SUPPLEMENTARY INFORMATION: The following is a list of the revised paragraphs within § 233.3, along with the justification for each revision. In addition, new paragraphs or paragraphs which define new terms are indicated below:

Paragraph (a) clarifies that the term "mail cover" applies only to law enforcement activities.

Paragraph (b) reinforces that information obtained from mail covers may be disclosed only in accordance with § 233.3(f) and 233.3(h).

Paragraphs (c)(1) through (c)(4) delete references to various classes of mail and insert instead the terms "sealed" and "unsealed" to be consistent with the definitions of mail matter in the Domestic Mail Manual.

Paragraph (c)(1) defines a mail cover as a nonconsensual recording of information appearing on the outside cover of mail matter. It also clarifies that a "postal violation" is a criminal activity directed against the Postal Service. It also clarifies that the attempt to identify assets that may be forfeitable under criminal law is a new justification for ordering the issuance of a mail cover.

Paragraph (c)(2) defines the term "record", previously undefined for the purposes of § 233.3.

Paragraph (c)(3) defines the term "sealed mail", previously undefined for the purposes of § 233.3.

Paragraph (c)(4) defines the term "unsealed mail", previously undefined for the purposes of § 233.3.

Paragraph (c)(5), formerly paragraph (c)(2), defines "fugitive."

New paragraph (c)(6), formerly paragraph (c)(3), defines "crime."

New paragraph (c)(7) defines the term "postal statute" as criminal activity directed against the Postal Service or one of its operations, programs, or revenues.

New paragraph (c)(8), formerly paragraph (c)(4), also adds to the definition of "law enforcement agency" any part of the federal government authorized to protect the national security.

New paragraph (c)(9), formerly paragraph (c)(5), defines "protection of the national security".

New paragraph (c)(10) defines the term "emergency situation" to allow the

immediate release of information under certain conditions.

Paragraphs (d)(1) and (d)(2) and new paragraph (d)(3) further clarify the delegation and designation authority of the Chief Postal Inspector and the Manager, Inspection Service Operations Support Group, and their designees. It requires that any such delegation must be in writing.

Paragraph (e)(1) amends the language of former paragraph (d)(2)(i), by clarifying the authority to order a mail cover for a violation of a postal statute as defined by these regulations.

Paragraph (e)(2) amends the language of former paragraph (d)(2)(ii), by authorizing the Chief Postal Inspector, or his designee, to order a mail cover to identify property, proceeds, or assets that are subject to forfeiture because of a violation of criminal law.

Paragraph (e)(3) amends the language of former paragraph (d)(2)(iii), by increasing from two to three days the time in which a written request must be received following an emergency mail cover request. It also authorizes the release of information if the releasing official is satisfied that an emergency situation exists.

Paragraph (f) adds abandoned mail or mail that is an immediate threat to persons or property as exceptions to the requirement of securing a mail cover order before recording information on the outside cover of mail matter. It also consolidates former paragraphs (f)(1) and (f)(2).

Former paragraphs (f)(1) and (f)(2) are deleted.

Paragraph (g)(1) clarifies that a federal search warrant is needed to open or inspect the contents of sealed mail matter.

Paragraph (g)(2) authorizes the opening of unsealed mail matter only for purposes of determining the payment of proper postage, or mailability.

Paragraphs (g)(3) and (g)(3) (formerly paragraphs (g)(2) and (g)(3)), clarify that a mail cover shall not include mail from and to a subject's known attorney. It also clarifies who may authorize a mail cover order.

Paragraph (g)(5), formerly paragraph (g)(4), discusses time limits.

Paragraph (g)(6), formerly paragraph (g)(5), adds authority for the Chief Postal Inspector to designate the authority to approve mail covers over 120 days.

Paragraph (g)(7), formerly paragraph (g)(6), clarifies that a mail cover will not remain in effect when the subject is indicted or an information has been failed. It also allows a request for a new mail cover on the subject of the indictment or information, if the basis is to assist in the identification of property, proceeds or assets forfeitable because of a violation of criminal law.

New paragraph (g)(8), formerly paragraph (g)(7), adds authority for the head of a law enforcement agency to designate to one high level headquarters official the authority to request a national security mail cover.

Paragraph (h)(1) replaces the word "housing" with the word "storage" to clarify the Chief Postal Inspector's authority to store records.

The language of former paragraph (h)(2) is deleted.

Paragraph (h)(2), formerly paragraph (h)(3), describes actions to be taken if a mail cover is improperly ordered.

Paragraph (h)(3), formerly paragraph (h)(5), describes how data is released to mail cover subjects in legal proceedings.

Paragraph (h)(4), formerly paragraph (h)(5), describes the retention period for mail cover files and records.

Paragraph (i) clarifies that information obtained from a mail cover should be sent by an employee of the Postal Inspection Service.

Paragraph (j)(1) describes the authority and supervision the Chief Postal Inspector has over the issuance of a small mail cover order, and amends the paragraph to be consistent with the current Postal Inspector Service organizational structure.

Paragraph (j)(2) requires the Chief Postal Inspector to select a designee to conduct a periodic review of national security mail covers.

New paragraph (j)(3), formerly paragraph (j)(2), clarifies that the Chief Postal Inspector's determination in mail cover matters is final and not subject to further administrative review.

Paragraph (k), Military Postal System, remains the same.

List of Subjects in 39 CFR Part 233

Administrative practice and procedures, Banks and banking, Credit, Crime, Law enforcement, Postal Service, Privacy, Seizure and forfeiture.

Accordingly, part 233 is amended as follows:

PART 233—[AMENDED]

1. The authority citation for part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401–3422; 18 U.S.C. 981, 1956, 1957, 2254; 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95–452, as amended), 5 U.S.C. App. 3.

2. Section 233.3 is revised to read as follows:

§ 233.3 Mail covers.

(a) Policy. The U.S. Postal Service maintains rigid control and supervision with respect to the use of mail covers as an investigative technique for law enforcement or the protection of national security.

(b) Scope. These regulations constitute the sole authority and procedure for initiating a mail cover, and for processing, using and disclosing information obtained from mail covers.

(c) Definitions. For purpose of these regulations, the following terms are hereby defined.

(1) *Mail cover* is the process by which a nonconsensual record is made of any data appearing on the outside cover of any sealed or unsealed class of mail matter, or by which a record is made of the contents of any unsealed class of mail matter as allowed by law, to obtain information in order to:

(i) Protect national security,

(ii) Locate a fugitive,

(iii) Obtain evidence of commission or attempted commission of a crime,

(iv) Obtain evidence of a violation or attempted violation of a postal statute, or

(v) Assist in the identification of property, proceeds or assets forfeitable under law.

(2) For the purposes of § 233.3 *record* is a transcription, photograph, photocopy or any other facsimile of the image of the outside cover, envelope, wrapper, or contents of any class of mail.

(3) *Sealed mail* is mail on which appropriate postage is paid, and which under postal laws and regulations is included within a class of mail maintained by the Postal Service for the transmission of mail sealed against inspection, including First-Class Mail, Express Mail, international letter mail, and mailgram messages.

(4) *Unsealed mail* is mail on which appropriate postage for sealed mail has not been paid and which under postal laws or regulations is not included within a class of mail maintained by the Postal Service for the transmission of mail sealed against inspection. Unsealed mail includes second-, third-, and fourth-class mail, and international parcel post mail.

(5) *Fugitive* is any person who has fled from the United States or any State, the District of Columbia, territory or possession of the United States, to avoid prosecution for a crime, to avoid punishment for a crime, or to avoid giving testimony in a criminal proceeding.

(6) *Crime*, for the purposes of this section, is any commission of an act or the attempted commission of an act that

is punishable by law by imprisonment for a term exceeding one year.

(7) *Postal statute* refers to a statute describing criminal activity, regardless of the term of imprisonment, for which the Postal Service has investigative authority, or which is directed against the Postal Service, its operations, programs, or revenues.

(8) *Law enforcement agency* is any authority of the Federal Government or any authority of a State or local government, one of whose functions is to:

(i) Investigate the commission or attempted commission of acts constituting a crime, or

(ii) Protect the national security.

(9) *Protection of the national security* means to protect the United States from any of the following actual or potential threats to its security by a foreign power or its agents:

(i) An attack or other grave, hostile act;

(ii) Sabotage, or international terrorism; or

(iii) Clandestine intelligence activities.

(10) *Emergency situation* refers to circumstances which require the immediate release of information to prevent the loss of evidence or in which there is a potential for immediate physical harm to persons or property.

(d) Authorizations—Chief Postal Inspector. (1) The Chief Postal Inspector is the principal officer of the Postal Service in the administration of all matters governing mail covers. The Chief Postal Inspector may delegate any or all authority in this regard to not more than two designees at Inspection Service Headquarters.

(2) Except for national security mail covers, the Chief Postal Inspector may also delegate any or all authority to the Manager, Inspector Service Operations Support Group, and, for emergency situations, to Inspectors in Charge. The Manager, Inspection Service Operations Support Group, may delegate this authority to no more than two designees at each Operations Support Group.

(3) All such delegations of authority shall be issued through official, written directives. Except for delegations at Inspection Service Headquarters, such delegations shall only apply to the geographic areas served by the Manager, Inspection Service Operation Support Group, or designee.

(e) The Chief Postal Inspector, or his designee, may order mail covers under the following circumstances:

(1) When a written request is received from a postal inspector that states reason to believe a mail cover will produce evidence relating to the violation of a postal statute.

(2) When a written request is received from any law enforcement agency in which the requesting authority specifies the reasonable grounds to demonstrate the mail cover is necessary to:

(i) Protect the national security,

(ii) Locate a fugitive,

(iii) Obtain information regarding the commission or attempted commission of a crime, or

(iv) Assist in the identification of property, proceeds or assets forfeitable because of a violation of criminal law.

(3) When time is of the essence, the Chief Postal Inspector, or designee, may act upon an oral request to be confirmed by the requesting authority in writing within three calendar days. Information may be released by the Chief Postal Inspector or designee, prior to receipt of the written request, only when the releasing official is satisfied that an emergency situation exists.

(f)(1) Exceptions. A postal inspector, or a postal employee acting at the direction of a postal inspector, may record the information appearing on the envelope or outer wrapping, of mail without obtaining a mail cover order, only under the circumstances in paragraph (f)(2) of this section.

(2) The mail must be:

(i) Undelivered mail found abandoned or in the possession of a person reasonably believed to have stolen or embezzled such mail,

(ii) Damaged or rifled, undelivered mail, or

(iii) An immediate threat to persons or property.

(g) Limitations. (1) No person in the Postal Service except those employed for that purpose in dead-mail offices, may open, or inspect the contents of, or permit the opening or inspection of sealed mail without a federal search warrant, even though it may contain criminal or otherwise nonmailable matter, or furnish evidence of the commission of a crime, or the violation of a postal statute.

(2) No employee of the Postal Service shall open or inspect the contents of any unsealed mail, except for the purpose of determining:

(i) Payment of proper postage, or

(ii) Mailability.

(3) No mail cover shall include matter mailed between the mail cover subject and the subject's known attorney.

(4) No officer or employee of the Postal Service other than the Chief Postal Inspector, Manager, Inspection Service Operations Support Group, and their designees, are authorized to order mail covers. Under no circumstances may a postmaster or postal employee furnish information as defined in § 233.3(c)(1) to any person, except as authorized by a mail cover order issued by the Chief Postal Inspector or designee, or as directed by a postal inspector under the circumstances described in § 233.3(f).

(5) Except for mail covers ordered upon fugitives or subjects engaged, or suspected to be engaged, in any activity against the national security, no mail cover order shall remain in effect for more than 30 days, unless adequate justification is provided by the requesting authority. At the expiration of the mail cover order period, or prior thereto, the requesting authority may be granted additional 30-day periods under the same conditions and procedures applicable to the original request. The requesting authority must provide a statement of the investigative benefit of the mail cover and anticipated benefits to be derived from its extension.

(6) No mail cover shall remain in force longer than 120 continuous days unless personally approved for further extension by the Chief Postal Inspector or designees at National Headquarters.

(7) Except for fugitive cases, no mail cover shall remain in force when an information has been filed or the subject has been indicted for the matter for which the mail cover is requested. If the subject is under investigation for further criminal violations, or a mail cover is required to assist in the identification of property, proceeds or assets forfeitable because of a violation of criminal law, a new mail cover order must be requested consistent with these regulations.

(8) Any national security mail cover request must be approved personally by the head of the law enforcement agency requesting the cover or one designee at the agency's headquarters level. The head of the agency shall notify the Chief Postal Inspector in writing of such designation.

(h) Records. (1) All requests for mail covers, with records of action ordered thereon, and all reports issued pursuant thereto, shall be deemed within the custody of the Chief Postal Inspector. However, the physical storage of this data shall be at the discretion of the Chief Postal Inspector.

(2) If the Chief Postal Inspector, or his designee, determines a mail cover was improperly ordered, all data acquired while the cover was in force shall be destroyed, and the requesting authority notified of the discontinuance of the mail cover and the reasons therefor.

(3) Any data concerning mail covers shall be made available to any mail cover subject in any legal proceeding

through appropriate discovery procedures.

(4) The retention period for files and records pertaining to mail covers shall be 8 years.

(i) Reporting to requesting authority. Once a mail cover has been duly ordered, authorization may be delegated to any employee in the Postal Inspection Service to transmit mail cover reports directly to the requesting authority.

(j) Review. (1) The Chief Postal Inspector, or his designee at Inspection Service Headquarters shall periodically review mail cover orders issued by the Manager, Inspection Service Operations Support Group or their designees to ensure compliance with these regulations and procedures.

(2) The Chief Postal Inspector shall select and appoint a designee to conduct a periodic review of national security mail cover orders.

(3) The Chief Postal Inspector's determination in all matters concerning mail covers shall be final and conclusive and not subject to further administrative review.

(k) Military postal system. Section 233.3 does not apply to the military postal system overseas or to persons performing military postal duties overseas. Information about regulations prescribed by the Department of Defense for the military postal system overseas may be obtained from the Department of Defense.

Stanley F. Mires,

Chief Counsel, Legislative Division.

[FR Doc. 93–16108 Filed 7–7–93; 8:45 am]

BILLING CODE 7710–12–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 170

[CGD 89–037]

RIN 2115–AD33

Stability Design And Operational Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing; request for comments.

SUMMARY: On December 10, 1992 at 57 FR 58406, the Coast Guard indefinitely suspended the effective date of 46 CFR 170.210 in the stability design and operational regulations published on September 11, 1992 at 57 FR 41812. This notice requests specific comments to allow further investigation of the application of, and costs associated with, the performance of the periodic lightweight survey requirements in 46 CFR 170.210.

DATES: Comments must be received on or before November 5, 1993. A public hearing is scheduled for 8 a.m. on August 5, 1993.

ADDRESSES: Comments should be submitted in writing to the Executive Secretary, Marine Safety Council (G–LRA–2/3604) (CGD 89–037), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001. The comments and materials referenced in this notice will be available for examination and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the Office of the Executive Secretary, Marine Safety Council (G–LRA–2), Room 3604, Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593–0001. Comments may also be hand-delivered to this address.

The public hearing will be held at Coast Guard Headquarters at the time and date indicated in "**DATES:**".

FOR FURTHER INFORMATION CONTACT: Ms. P.L. Carrigan, Marine Technical and Hazardous Materials Division, (202) 267–2988.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 13, 1990, the Coast Guard published a notice of proposed rulemaking entitled Stability Design Design and Operational Regulations in the **Federal Register** (55 FR 5120).

During the 60-day comment period, the Coast Guard received 28 letters commenting on the proposed rulemaking. Following is a breakdown of the sources of these letters:

Four were from mobile offshore drilling unit (MODU) owners/operators;
One was from a MODU operator association;
One was from a tankship owner/operator;
One was from a tank barge owner/operator;
One came from an offshore supply vessel (OSV) owner/operator;
Seven came from Great Lakes and/or oceangoing cargo ship owners/operators;
Two were from cargo ship associations;
One more came from a cargo ship captain;
One was from a shipyard;
One came from a naval architecture firm;
One was from a river passenger vessel owner/operator;
One was from a passenger vessel owners' association;
One came from the Military Sealift Command;
One came from the Naval Sea Systems Command;
One was from the State of Texas Transportation Department;
Three came from Coast Guard field offices/personnel.

A public hearing was requested in only one of the comment letters and the Coast Guard decided at the time that a public hearing was not necessary because the concerns addressed in this letter were resolved in the final rule. Only four of the 28 letters received included comments on specific costs associated with performance of the proposed periodic lightweight surveys. Two of the cost estimates were associated with small passenger vessels, one addressed offshore supply vessels and the other one addressed an ocean-going cargo ship. Where applicable, the economic assessment for the proposal was adjusted in response to these comments.

On September 11, 1992, the Coast Guard published a final rule entitled Stability Design and Operational Regulations in the **Federal Register** (57 FR 41812) which adopted periodic survey requirements from proposed Rule.

Reason for Suspension of Effective Date

Following publication of the final rule, five letters were received questioning the cost and applicability of the periodic lightweight surveys in 46 CFR § 170.210 to mobile offshore drilling units (MODUs) and small passenger vessels. These issues, as related to MODUs, were again raised during the National Offshore Safety Advisory Committee meeting on December 1, 1992, at New Orleans, Louisiana. As a result of the information received, the Coast Guard issued a notice indefinitely suspending the effective date of periodic survey requirements under 46 CFR 170.210 on December 10, 1992.

Drafting Information

The principal persons involved in the drafting of this notice are Ms. Patricia L. Carrigan, Project Manager, Office of Marine Safety, Security and Environmental Protection and LT Ralph L. Hetzel, Project Counsel, Office of Chief Counsel.

Request for Data, Information, and Comments

This notice encourages the submission of specific information and comments. It is the goal of the Coast Guard to propose regulations that will best address both the safety and operational needs of vessels. However, due to the variety of vessels affected by

the requirement in § 170.210 and the lack of comments submitted to the docket for certain vessel types, it was difficult to adequately address and analyze the effect that this regulation would have on all vessel types. Therefore, the Coast Guard again seeks input on aspects associated with compliance with § 170.210 from vessel owners, operators, naval architects, shipyards, Coast Guard and classification society inspectors, consumers, and others involved with the affected vessels. Interested persons are invited and encouraged to participate by submitting written views, data or arguments and, if possible, attending the public hearing.

The Coast Guard would like members of the concerned public to comment on a number of specific issues. In considering these issues, the following specific vessel types should be addressed separately in order to allow the Coast Guard to accurately evaluate the applicability and cost of the suspended section of this regulation:

(a) Tank vessels (Subchapter D) [Do not address vessels which qualify for the existing applicability exceptions in § 170.210(e)(2), (e)(3), (e)(5), or (e)(6).];

(b) Large passenger vessels (Subchapter H) [Do not address vessels which qualify for the existing applicability exceptions in § 170.210(e)(3) or (e)(6).];

(c) Miscellaneous industrial and cargo vessels (Subchapter I) [Do not address vessels which qualify for the existing applicability exceptions in § 170.210(e)(3), (e)(5), or (e)(6).];

(d) MODUs (Subchapter I–A) [Do not address vessels which qualify for the existing applicability exceptions in § 170.210(e)(3), (e)(4), or (e)(6).],

(e) Special purpose vessels (Subchapter R) [Do not address vessels which qualify for the existing applicability exceptions in § 170.210(e)(3) or (e)(6).],

(f) Small passenger vessels (Subchapter T) [Do not address vessels which qualify for the existing applicability exceptions in § 170.210(e)(1), (e)(3) or (e)(6).]; and

(g) Oceanographic research (Subchapter U) vessels [Do not address vessels which qualify for the existing applicability exceptions in § 170.210(e)(3) or (e)(6).].

Persons submitting comments should include their names and addresses, identify this notice (CGD 89–037), identify the specific area of the section to which each comment applies, and include supporting documents or sufficient detail to indicate the reason for each comment. Receipt of comments will be acknowledged if a stamped self-addressed post card or envelope is enclosed with the comments.

All comments received before the expiration of the comment period will be considered before further action is taken on this section of the stability regulations. After completion of further investigation of this issue, the Coast Guard expects to publish either a supplemental notice of proposed rulemaking or a new effective date for this section.

Specific Issues on Need and Applicability

Issue 1. It is rare that a single identifiable hazard is the sole cause of a stability casualty; however weight growth has been identified as a contributing factor. Weight growth is the unaccounted for accumulation, deletion, or relocation of untracked amounts of weight, such as dunnage, waste, paint, redecoration, disused but not discarded equipment and spare parts, sludge, and similar materials. Accurate tracked weight changes to a vessel are not considered to be weight growth. To allow a better evaluation of the scope of this problem, please provide comments concerning the amount of weight growth you have seen or experienced. Please provide specific examples of amount of, or lack of, weight growth over a specific period of time on a given size and type of vessel as evidenced by the discovery, or lack of discovery, of weight changes during subsequent inspections, deadweight surveys, inclining tests, or casualty investigations.

Issue 2. Where weight changes have been discovered at subsequent deadweight surveys or inclining tests, please comment on whether there was a reduction or increase in stability (change in GM or KG) due to untracked weight changes. Please include specifics of vessel type and size.

Issue 3. Under current regulations, vessels are inclined only at the time of build, after a major modification, or if the stability is questioned by the Officer In Charge of Marine Inspections (OCMI). This means that while the vessel meets the stability criteria at these specific times, at any time thereafter the vessel may no longer meet the stability criteria due to untracked weight changes. 46 CFR 170.210 requires that a deadweight survey check be made on 5 year intervals to verify that a vessel still meets the stability requirements and that the stability information carried aboard the vessel is still appropriate. Please comment on whether this time period is appropriate or if the interval should be different for different vessel types.

Issue 4. No specific requirements on the actual recording of changes in weight onboard vessels are given in the regulations. Therefore, the type and amount of records maintained on weight changes will vary among operators. While some operators try to be diligent and track all known weight changes, other operators track only those changes they think will substantially effect their lightship weight. Even for prudent operators, some weight growth will go unrecorded because of the nature of the problem. Draft marks and load lines may or may not serve as indicators of weight growth. Other than a periodic weight check, please comment by suggesting other reliable methods that could effectively be used to evaluate weight growth problems? Please be specific and provide any available data that supports your suggestion.

Issue 5. The Coast Guard regulations set minimum standards for safety. It is the Coast Guard's position that the tolerances in § 170.201(b) are reasonable and achievable and that excessive weight change over a vessel's life without a stability review is an unsafe practice. Please comment concerning whether the margins in § 170.210(b) are reasonable or unreasonable. Please explain the basis for your opinion and supply any available data that supports your answer.

Issue 6. In § 170.210(e)(5), vessels regulated under Subchapter D, or Subchapter I of this Chapter, whose lightweight displacement comprises less than 35 percent of their total fully loaded displacement are exempted from the periodic lightweight verification. This exemption was added to the final rule after reviewing the arguments and data provided in the comments on vessels such as oceangoing cargo ships and tankers, showing that changes in these vessels' lightweight has a significantly smaller effect than that of other ship types. However, realizing that fixed permanent ballast is considered to be a part of a vessel's lightweight, in your comments, please consider whether the lightweight used in this exemption ratio should exclude the weight of the permanent ballast or if the ratio should be adjusted to account for permanent ballast.

Issues Concerning Requirement Costs

Issue 7. Concern has been raised about the cost of these requirements. In your comments provide estimated costs, if known, for performing a deadweight survey vs. a full inclining test on a given type and size of vessel. Please include itemized data on out-of-service costs, professional fees and any ancillary costs, if available. In calculating the

estimated costs, remember that it is not always necessary for all the items not part of the lightweight to be removed from the vessel to complete a deadweight survey. It is necessary, however, to accurately record the weight and location of each item not part of the lightweight.

Issue 8. At the time some owners purchase a vessel, they elect to not purchase the stability related vessel plans. This problem seems to apply mainly to small passenger vessels (Subchapter T). There is a concern that if redrawn plans are necessary, some differences in vessel characteristics could result from variances between the old and new plans rather than from any changes in the vessel. Please comment on the expected accuracy of new lines plans drawn of an existing small passenger vessel. In your comments consider, for vessels not having their original vessel plans, whether it may be possible to alleviate the need for new plans and still meet the safety goals of this section of the regulation.

Issue 9. One estimated cost, provided in the comments on the NPRM, was for redrawn small passenger vessel lines plans at $4000–$6000. All vessels normally undergo some degree of modification, improvement, or repair sometime during their life that require having a set of the vessel's plans. If the vessel owner does not choose to buy the plans for the vessel at the time of build, the owner must still be responsible for the cost of redrawn plans when improvements, maintenance, or repairs are done on the vessel. Owners purchasing a vessel sometime after build must also figure into the purchase the costs of the plans for the vessel to carry out improvements, maintenance, or repairs. It is the Coast Guard's position that an owner's decision on whether or not to acquire the relevant vessel plans at the time of build or purchase of the vessel is their own, and not a cost attributable to periodic lightweight verification. Please comment on whether a prospective purchaser of a new or a used vessel should consider the cost of securing the vessel plans and documentation necessary to carry out improvements, maintenance, or repairs. If possible, discuss any other reasons to have vessel plans other than to comply with § 170.210. In your comments, explain the basis for your opinion. Also, for specific vessel types and sizes you may have knowledge about, please estimate general costs associated with redrawing of vessel plans in your comments.

Issue 10. Plesase consider the geographic locations and facilities available to perform deadweight surveys for different vessel types in your comments. Discuss advantages or disadvantages associated with specific vessel types or sizes during performance of deadweight survey and/or inclining tests dockside, or in the case of MODUs, on station.

Issues Released to Implementation

Issue 11. The Coast Guard intends to phase-in the requirement for periodic lightweight verification over a five year period as stated in § 170.210(a)(2). For each affected vessel, the date by which its initial periodic lightweight verification must be carried out will be determined by a number of factors, including the history and condition of the vessel, the date of the vessel's last lightweight verification, the date of the vessel's next credit drydocking, and the expiration date of the vessel's Load Line Certificate. The Coast Guard intends that this verification be completed in conjunction with other required surveys to try to avoid a vessel being taken from service solely to perform the lightweight verification. The Coast Guard will publish a Navigation and Inspection Circular containing specific guidance on the phase-in process. Please comment on whether this type of phase-in period is appropriate. If possible, please suggest improvements in the implementation of this phase-in period. Consider whether it should be shorter, longer or keyed to different vessel requirements.

Issue 12. In the final rule, the Coast Guard agreed that "bare bones" vessels which are constructed or operated such that a significant amount of weight growth cannot occur would be exempted from this requirement through the application of § 170.210(e)(6). Please discuss in your comments specific vessel types that should qualify for this exemption. Also, the procedure under consideration for obtaining this exemption is as follows:

Step 1. Apply to local OCMI for this exemption providing background and data on the specific vessel that supports the contention that the vessel is a "bare bones" vessel and it is not subject to significant weight growth.

Step 2. The OCMI, as the authority most familiar with the operation of the particular vessel, will add either an endorsement or a recommendation for denial, before forwarding the request to Commandant.

Step 3. Commandant(G–MTH) will either grant or deny the request for the exemption based on the input received from the requestor and the OCMI while maintaining an equivalent application of this exemption across all Coast Guard districts.

This procedure should allow latitude to the OCMI in determining whether or not a vessel needs a periodic survey. Please comment on whether this procedure could be improved and still maintain latitude for OCMI and equivalency of application among districts.

Public Hearing Meeting Date

The Coast Guard has determined that the opportunity to make oral presentations will aid the rulemaking process and a public hearing is planned. The public hearing is set for 8 a.m. to 12 p.m. on August 5, 1993 in room 2415 of Coast Guard Headquarters, Washington, DC 20593. More information about this public hearing is available by contacting the person listed in **FOR FURTHER INFORMATION CONTACT.**

Requirement for Periodic Lightweight Verification

The section containing the requirements under discussion is reproduced below for reference.

§ 170.210 Lightweight verification.

(a) Except as provided in paragraph (e) of this section, verification of a vessel's lightweight displacement and longitudinal center of gravity is required for all vessels, including vessels built prior to January 3, 1984, as follows:

(1) The owner must conduct a deadweight survey at intervals not exceeding 5 years to determine the lightweight displacement and longitudinal center of gravity, unless otherwise authorized by the Commandant.

(2) For each vessel, the date by which its initial periodic lightweight verification must be carried out will be determined by the OCMI by consideration of a number of factors. These factors include the history and condition of the vessel, the date of the vessel's last lightweight verification, the date of the vessel's next credit drydocking, and the expiration of the vessel's Load Line Certificate.

(3) An authorized Coast Guard representative must be present at each deadweight survey conducted under this section.

(4) If the deviation from the lightweight displacement and longitudinal center of gravity does not exceed the values in paragraph (b) of this section, the owner must certify to the Commanding Officer, Marine Safety Center that the lightweight characteristics have not changed. The Commanding Officer, Marine Safety Center may accept the certification or require the owner to provide supporting calculations for review and approval.

(b) The owner must conduct a stability test in accordance with subpart F of this part, if—

(1) The deviation of the lightweight displacement calculated from the last stability test exceeds 3 percent of the lightweight displacement;

(2) The deviation of the longitudinal center of gravity calculated from the last stability test exceeds 1 percent of LBP (length between perpendiculars);

(3) The deviation from the previously approved lightweight displacement, updated by documented alterations, exceeds 2 percent of the lightweight displacement; or

(4) The deviation from the previously approved longitudinal center of gravity, updated by documented alterations, exceeds 1 percent of LBP.

(c) If a stability test is required by paragraph (b) of this section, the stability booklet must be updated in accordance with § 170.110 to reflect the current stability condition of the vessel.

(d) The deadweight survey required in paragraph (a)(1) of this section must be repeated as part of the stability test required in paragraph (b) of this section, unless the entire stability test including the deadweight survey is completed at the same time.

(e) Periodic lightweight verification is not required for the following:

(1) Vessels to which the simplified stability test of § 171.030 of this chapter was applied;

(2) Vessels with an estimated lightweight center of gravity determined in accordance with § 170.200;

(3) Vessels to which § 170.175(d) applies;

(4) Self-elevating mobile offshore drilling units;

(5) Vessels regulated under Subchapter D or Subchapter I of this Chapter whose lightweight displacement comprises less than 35 percent of their total fully loaded displacement; or

(6) Vessels exempted by the Commandant.

Dated: June 16, 1993.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–16079 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket Nos. 92–259, 90–4, 92–295; FCC 93–284]

Cable Act of 1992—Must-Carry and Retransmission Consent Provisions

AGENCY: Federal Communications Commission.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the Commission's Clarification Order, which was published Thursday, June 10, 1993 (58 FR 32449). The Clarification Order responded to a number of issues raised in a Request for Declaratory Ruling filed jointly by the Association of Independent Television Stations, Inc. and the National Association of Broadcasters. That action clarified the requirements of the must-carry rules adopted to implement the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act").

EFFECTIVE DATE: June 10, 1993.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman, Mass Media Bureau, Policy and Rules Division, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

Background

The Clarification Order that is the subject of this correction provided explanations of the new rules adopted to implement the broadcast signal carriage provisions of the 1992 Cable Act, which were published on April 2, 1993 (58 FR 17350). That action was intended to facilitate compliance with the new must-carry rules consistent with Commission and Congressional intent.

Need for Correction

As published, the clarification of the final rules contains an error in the listed docketed proceedings affected by that action which may prove misleading and is in need of clarification.

Correction of Publication

Accordingly, the dockets cited in the June 10, 1993, publication on page 32449, third column, in the docket heading for the clarification of the final rules, which were the subject of FR Doc. 93–13595, are corrected as follows: [MM Docket Nos. 92–259, 90–4, 92–295, FCC 93–284].

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–15830 Filed 7–7–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 76

[MM Docket Nos. 92–259, 90–4, 92–295; FCC 93–278]

Cable Act of 1992—Must-Carry and Retransmission Consent Provisions

AGENCY: Federal Communications Commission.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the Commission's Order, which was published Thursday, June 10, 1993 (58 FR 32452). That Order denied requests for stay submitted by the National Cable Television Association and Yankee Microwave, Inc. seeking postponement of the effective dates of the rules implementing the must-carry and retransmission consent provisions of the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act").

EFFECTIVE DATE: June 10, 1993.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman, Mass Media Bureau, Policy and Rules Division, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

Background

In the Order that is the subject of this correction, the Commission denied two stay requests of its final rules adopted to implement the must-carry and retransmission consent provisions of the 1992 Cable Act, which were published on April 2, 1993 (58 FR 17350). In the Order, the Commission stated that the parties did not demonstrate a need to stay the rules and that the implementation of the rules as adopted balances the interests of broadcasters and cable operators.

Need for Correction

As published, the denial of stay of the final rules contains an error in the listed docketed proceedings affected by that action which may prove misleading and is in need of clarification.

Correction of Publication

Accordingly, the dockets cited in the June 10, 1993, publication on page 32452, first column, in the docket heading for the denial of the stay requests of the final rules, which were the subject of FR Doc. 93–13596, are

corrected as follows: [MM Docket Nos. 92–259, 90–4, 92–295, FCC 93–278].

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–15831 Filed 7–7–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 218 and 229

[Docket No. LI–7; Notice 5]

RIN 2130–AA53

Event Recorders

AGENCY: Federal Railroad Administration (FRA).

ACTION: Final rule.

SUMMARY: FRA is acting to improve the safety of railroad operations and to enhance the quality of information available for post accident investigations by requiring event recorders on fast trains, by requiring that event recorders be effectively maintained, and by requiring that the data recorded by event recorders be preserved following a reportable accident.

DATES: This final rule is effective November 5, 1993.The date for compliance with the duty to preserve accident data (§ 229.135(d)) and with the duty to periodically inspect event recorders (§ 229.25(e)) is November 5, 1993. The date for compliance with the duty to have an in-service event recorder in the lead locomotive of any train operated faster than 30 miles per hour (§ 229.135(a)) is January 16, 1995.The date for submitting petitions for reconsideration under FRA's Rules of Practice, 49 CFR 211.29(a), is no later than September 7, 1993.

FOR FURTHER INFORMATION CONTACT: Rolf Mowatt-Larssen, Chief, Motive Power and Equipment Division, Office of Safety Enforcement, RRS–14, Room 8326, Federal Railroad Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202–366–4094), or Thomas A. Phemister, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202–366–0635).

SUPPLEMENTARY INFORMATION:

Statutory Background

Sections 10 and 21 of the Rail Safety Improvement Act of 1988 (RSIA), Public Law 100–342, 102 Stat. 624 (June 22, 1988), provide that

> The Secretary shall, within 18 months after the date of the enactment of the Rail Safety Improvement Act of 1988, issue such rules, regulations, standards, and orders as may be necessary to enhance safety by requiring that trains be equipped with event recorders within 1 year after such rules, regulations, orders, and standards are issued. If the Secretary finds that it is impracticable to equip trains as required within the time limit, the Secretary may extend the deadline for compliance with such requirement, but in no event shall such deadline be extended past 18 months after such rules, regulations, orders, and standards are issued. The term "event recorders" means devices that record train speed, hot box detection, throttle position, brake application, brake operations, and any other function the Secretary considers necessary to record to assist in monitoring the safety of train operation, such as time and signal indication; and are designed to resist tampering.

Sec. 21. Tampering With Safety Devices.

Section 202 of the Federal Railroad Safety Act of 1970 is amended by adding at the end the following new subsection:

"(o)(1) The Secretary shall, . . ., issue such rules, regulations, orders, and standards as may be necessary to prohibit the willful tampering with, or disabling of, specified railroad safety or operational monitoring devices.

Proceedings to Date

On November 23, 1988, FRA published an Advance Notice of Proposed Rulemaking (ANPRM) in this docket. 53 FR 47557. The ANPRM summarized the state of FRA's knowledge about event recorders, called for written comments, and announced a public hearing to gather further information. The substantive comments submitted by interested parties, the testimony given, and the exhibits received at the January 1989 hearing were helpful to the agency.

On February 3, 1989, in a related proceeding, FRA published a final rule in Docket RSOR–10 (54 FR 5485). Published primarily in implementation of section 21 of the RSIA, that rule prohibited tampering with event recorders and granted limited authority to deactivate such devices as were currently installed.

On June 18, 1991, FRA published a Notice of Proposed Rulemaking (NPRM) in this docket. 56 FR 27931. The NPRM summarized the issues surfaced by the ANPRM and the comments of interested parties on those issues. Two public hearings were held in order to facilitate public participation; the written comments submitted in response to the NPRM are extensive, detailed, and helpful. FRA is grateful that the regulated community (both management and labor), the supply industry, individual citizens, and sister Federal agencies were so generous with their time and their knowledge.

Background

As reported in the ANPRM, railroad industry statistics show that there were approximately 20,000 locomotive units in service on the major freight railroads and Amtrak at the close of 1988. The vast majority of these were in freight or passenger road service. About two-thirds of the fleet has been added since 1970 and just under one-fourth of locomotives are eight years old or less. Of the road locomotives in the national fleet, over 17,000 are owned and operated by ten major railroads and Amtrak.

Every major railroad uses event recorders of some type. More than 10,500 locomotives are now equipped with a recorder retaining eight or more events and over 3,500 carry recorders for two or three events. This total of about 14,000 locomotives is a significant increase from the nearly 7,500 locomotives determined to be equipped at the time FRA published the ANPRM in this proceeding in November 1988; more than 70 percent of the road locomotives on the nation's major railroads are now equipped with some form of event recorder.

What An Event Recorder Does

Comments made in response to both the ANPRM and the NPRM show that the public perception of the role and capabilities of an event recorder is largely based on the use made of such devices in the air transport industry. In the investigation of an air disaster, it is often the flight data recorder that, together with the cockpit voice recorder, provides either the key clues about what happened leading up to the crash or the most reliable verification of a disaster hypothesis based on observations made of the debris. The importance of a flight data recorder stems from the complex, three dimensional environment in which airplanes move, the typical disintegration of the aircraft when it hits the ground, and the fact that the plane may fall to earth a considerable distance, both vertically and horizontally, from the actual "place" where the catastrophic event took place.

By contrast, railroads operate fundamentally in two dimensions and, except in rare cases, investigators usually have significantly more wreckage at the actual site of the accident from which they can glean the clues that lead to a determination of cause. None of the locomotive event recorders in common use on America's

railroads records as wide a range of data as the black boxes in a commercial airplane and FRA has not found any railroad equipping its locomotives with anything like the cockpit voice recorders found in large passenger airplanes. This preamble will contain a brief discussion of a plan FRA has to significantly advance the development of event recorders for railroads; it will draw on the experience of the airline industry.

Section 10 of the RSIA defines an event recorder as a device that records "train speed, hot box detection, throttle position, brake application, brake operations," and other functions the Secretary considers necessary to assist in monitoring the safety of train operations, "such as time and signal indications."

The newer recorders in common use by the railroad industry, those on the more than 10,500 road locomotives already equipped with a device that records at least eight events, accumulate the following information:

1. Time;
2. Speed;
3. Traction motor amperage;
4. Distance traveled;
5. Throttle position;
6. Dynamic brakes;
7. Locomotive independent brake; and
8. Train brake pipe pressure reduction.

A typical locomotive-mounted device records (on magnetic tape or in digital form in a computer "memory") the last 48 hours of locomotive events. The information is stored on three data channels, with a fourth dedicated to tracking elapsed time.

The timing channel carries a constant, analog signal of 6.25 Hertz used as a time reference, especially when the data are played back. This channel is used in the generation of time, speed, and distance.

A second channel records wheel revolutions. When calibrated for drive wheel diameter, this channel, working with the time signal, is used to generate unit speed and distance travelled.

A third channel records traction motor current, thus measuring the amount of "work" the motor is performing. Among other derivatives of these data are the determination of the presence and force of the dynamic brake.

The fourth channel records what has been called a "digital word." Such a word, with eight bits of information, is used to retain information on throttle position, automatic brake pipe pressure, application of the locomotive (the "independent") brake, and such parameters as direction of travel. Each condition is sampled, placed into correct order within the eight-bit digital word, and recorded. When and if these data are retrieved, a playback unit reads and decodes the proper sequence and displays the data on a readout medium such as a strip chart. Because the "digital word" recorder collects and stores "samples" of conditions, a condition change may be noted after the time in which it actually happens. This lag may be as much as 15 seconds.

Skilled technicians can use recorder data to recreate, typically, a history of the last 48 hours of a locomotive's operation. While airplane black boxes usually retain only the final minutes of a trip, locomotives need to record over a longer interval. Unless damaged, for instance, the power consist on a train is often used to remove from the scene any cars still on the tracks, clearing them for the rerailing and cleanup crews. A 48-hour "tape loop" is common, both to provide a picture of the entire trip leading up to the accident and to allow the locomotives pulling a train involved in an accident to play a clean-up role without "erasing" essential data by recording over it.

Experts in accident reconstruction use all available data to determine the cause of an accident and are almost always successful. Sometimes, the initial determination is relatively easy: if the cars are tipped off the track and lying in consist order along the outside of a curve, overspeed is a safe initial assumption. Cause is also readily determined from visible evidence in cases such as a broken wheel on the first car derailed, a rail turned under the second locomotive, or marks of a derailed wheel down the ties until that car meets a switch or a grade crossing.

Other accidents are more difficult to analyze, and even seemingly simple accidents may occasionally have contributing causes that elude investigators. FRA believes it has generally been successful in determining the cause of an accident, whether or not event recorder data are available. Of the nearly 300 accidents (of all types, including grade crossing accidents and employee fatalities) directly investigated by the agency each year, all but 3 to 6 percent are closed with a known cause or causes. Because of the nature of the railroad environment, it is usually possible to interview the crew and learn from them what was happening immediately before the accident. With recorder data, the accuracy of their statements can be verified, as can the accuracy of a train simulation run on the basis of their statements.

Event recorder data increase both the quality and the quantity of information available to the investigator, an especially important factor in analyzing complex post-accident scenes. When the death of the head-end crew means that eyewitness testimony is not available, or when the combined effects of derailment, collision, or fire make it extremely difficult to read the physical evidence, the event recorder may provide or lead to vital intelligence otherwise destroyed.

Even though they cannot guarantee discovery of the cause of an accident, event recorder data have demonstrated their utility. On May 12, 1989, a Southern Pacific train ran away on a hill outside San Bernardino, California, and derailed at a curve near the bottom of the hill. Portions of the train and its cargo landed in a residential area, resulting in four fatalities, two serious injuries, and seventeen minor ones. An early suspected cause was poor train handling by the crew, but after rigorous analysis of all the data, including that available from the event recorders, the National Transportation Safety Board absolved the crew from blame. Instead, the crucial factors included a failure to accurately report the total weight of the train, a failure to tell the crew about the condition of the dynamic brakes available to them, and an unclear operating rule about brake applications with heavy trailing tonnage on grades. At San Bernardino, it was immediately obvious that the train left the tracks because it was going too fast, but the data provided by the on-board event recorder also allowed investigators to look more closely at and for the cause of the overspeed. Once this was known, a "lessons learned" approach led to operational corrections aimed at enhancing the quality of information available to the engineer and improving the decision-making capabilities of this key position. FRA understands that Southern Pacific has made operational changes to its train handling procedures, including a change in its air brake rules, as a result of the information learned in this accident investigation.

The Presence of Event Recorders in the Railroad Industry

As noted, major freight railroads in the United States already have more than 70 percent of their road locomotives equipped with an event recorder of some type; because most trains are powered by more than one locomotive, it is well within probability that up to 90 percent of the major freight railroads' trains are equipped with event recorders. Essentially all of the National Railroad Passenger Corporation's (Amtrak's) locomotives are equipped

and, while FRA's information is not fully complete, some commuter railroads have event recorder equipped locomotives and others are working with the supply industry to develop the "standard" commuter-railroad event recorder.

Only a very few of the switching and terminal railroads and smaller line-haul companies have equipped their locomotives with event recorders, but these power units are most often used in low speed operations for which speed indicators are not required.

So far as FRA has been able to determine, virtually all new road locomotives purchased by major United States railroads are factory equipped with an event recorder capable of gathering and retaining information on the parameters established by the RSIA, with one exception: "Hot box" (over-heated journal) detection. The reasons for not recording this "event" on a locomotive-mounted recorder are simple: First, the railroads have determined that hot box readings should be recorded and monitored at central locations. Second, wayside hot box detector signals are now routed to other locations on a railroad; bringing that signal "on board" could be done, but recording data on the locomotive that are now recorded elsewhere would be duplicative and would serve no apparent safety purpose. Third, FRA believes that the present method of hot box detection and recording is more complete than merely recording an overly hot journal reading on a moving recorder; it is also more secure in that there is virtually no chance that the data would be destroyed, altered, or tampered with in an accident.

Some railroads notify the crew of a train passing a hot box detector of both negative and positive readings but the common procedure is either to call the crew with orders to stop and inspect a suspected hot box or to have a wayside indicator convey the same message. In either event, the fact of the detection of a suspected over-heated journal and of the notification to the crew is recorded and available for examination by FRA and railroad officials. FRA's review of the railroad industry's practices regarding hot box detection, reporting, and recording have convinced the agency that no additional requirements are necessary. There would be no safety purpose served by requiring the recording of hot box detection by a device mounted on a locomotive.

Cost and Utility Considerations

Approximately 10,500 of the nearly 20,000 locomotives operated by the railroads are now equipped with either an eight (8) track or a digital recorder: Essentially all of Amtrak's locomotives, the great majority of Class I freight railroads' locomotives, and far fewer commuter and short line/regional railroad locomotives. FRA estimates that equipping enough locomotives with event recorders to comply with the rule issued in this notice will cost the railroads slightly less than $46 million, with an annual maintenance cost of just under $1.8 million. According to the regulatory impact analysis in the docket of this proceeding, the major railroads will bear 49 percent of this cost, the short lines and regional railroads about 5 percent, and the commuter railroads about 45 percent.

Because the smaller freight railroads are not now equipped with recorders as a general rule, the cost impact of a rule requiring event recorders on each locomotive would be borne disproportionately by this segment of the industry. However, section 10 of the RSIA does not require each locomotive to be equipped; the statutory requirement is that, where necessary to enhance safety, trains shall be equipped.

Unlike good brakes, sound track, and qualified engineers, event recorders only indirectly prevent accidents. Their primary safety benefit lies in their use as a tool to diagnose train handling accidents, to continue building a knowledge base of accident causation and, through sampling actual train movements, to evaluate changes in methods of train operation. Event recorders also provide a way to sample the train-handling ability of an engineer in a real-world environment. Another regulatory proceeding, Docket No. RSOR–9, Qualifications for Locomotive Engineers, (56 FR 28228) has dealt more directly with the potential applications for event recorders in monitoring the performance of locomotive engineers.

The Need for Event Recorders

FRA has determined that event recorders enhance railroad safety. Whether they are used to aid accident analysis, to monitor locomotive engineers' performance, or to monitor equipment performance, event recorders provide data that are free from bias, free from the inconsistent powers of human observation, and free from the possible taint of self-interest. The data extracted from recorders can be played over and over as part of the analysis process without losing their consistency.

Event recorders provide FRA with a growing pool of verifiable factual information about how trains are operated and what happens when they become part of an accident. Even the presence of event recorder data will not ensure the discovery of the cause of every accident nor eliminate all sources of controversy about causation, but as shown in the Southern Pacific's San Bernardino derailment, event recorder data can help direct the attention of an accident investigator to possible causes not at first suspected. In addition, by reducing the potential for bias from accident investigations, the data from event recorders can help pinpoint operational changes that may prevent the next accident.

Issues and Discussion

Those filing comments and presenting testimony at the hearings held following publication of the NPRM in this matter have provided the agency with a wealth of facts and informed opinions and have been extremely helpful to FRA in resolving the issues. Eleven persons or organizations made formal statements at one of the two hearing sessions and 37 sets of comments were filed, including the supplemental comments filed by several parties after the hearings. In addition to participation by large and small railroads and their industry associations, FRA has received material from rail labor, from manufacturers of event recorders and related equipment, from specialized parts of the railroad industry, and from private individuals. An alphabetical list of those submitting statements follows:

American Association of Private Car Owners, Inc.
American Short Line Railroad Association
Association of American Railroads
Bach-Simpson, Inc.
Bates, J.R., Representative, UTU Local 103–E
Bessemer and Lake Erie Railroad Company
Brotherhood of Locomotive Engineers
Consolidated Rail Corporation
CP Rail Legal Services
CSX Transportation, Inc.
The Everett Railroad Company
Iowa Traction Railroad
Keokuk Junction Railway
Kyle Railways, Inc.
Long Island Rail Road
Metro North Commuter Railroad
National Transportation Safety Board
NJ Transit
Norfolk Southern Corporation
On-Track Corporation
Phillips, Theodore
Port Authority Trans-Hudson Corporation
The Railway Association of Canada
Railway Labor Executives Association
Santa Cruz, Big Trees & Pacific Railway Company
Southeastern Pennsylvania Transportation Authority
St. Louis Steam Train Association
Tourist Railway Association
United Transportation Union
Wisconsin Central Ltd.

While most commenters spoke or wrote on more than one issue, and while most

of the comments supported the position(s) of at least one other commenter, the issues themselves were grouped around a few key points.

Rather than attempt to paraphrase each commenter's response to each of the proposed regulatory sections in the NPRM, FRA believes it is better, and more understandable, to discuss the several key issues in this proceeding and to relate the thrust of the comments on each of these.

What events should be recorded? The RSIA defines event recorders as devices that record "train speed, hot box detection, throttle position, brake application, brake operations, and other functions the Secretary considers necessary to record to assist in monitoring the safety of train operation." FRA determined, as explained above, that the recording of hot box detection was more effectively accomplished at a central location than on board a train, but proposed in the NPRM to define an event recorder as a device to monitor and record "speed, direction of motion, time, distance, throttle position, and brake applications and operations (including dynamic brake applications and operations)." No commenter said anything against FRA's proposal to continue the present method of monitoring and recording hot boxes.

Some commenters proposed adding to the "events" to be recorded; suggested candidates include the bell/horn, cab signals, wayside signals, and other automated signal features. Other commenters requested that some present devices, either capable of recording only time, speed, and distance, or capable of recording the proposed events but for a shorter time and only while the locomotive is in motion, be "grandfathered," that is, be considered as acceptable alternatives pending a phase-in period.

FRA seriously considered adding a requirement to record the functioning of the bell or horn but has not done so for now because sampling rate of the industry "standard" magnetic tape machine can result in a lag of several seconds between the sounding of the horn and the capturing of it on tape. At mainline speeds, such a delay means that locating the point at which the horn blew is conjecture at best and horn/bell data of that caliber have no utility in accident investigation. As will be discussed below, FRA will be working towards a true "state of the art" event recorder and will consider requiring recording the horn/bell then.

Hot box detector readings happen outside the cab and so do wayside signal aspects; bringing this information on board requires precise and expensive technology for which there is no current pressing need. A "wayside signal" is one placed along side the track (or above it) and that displays, by means of lights or signal "arms," information about the occupancy or condition of the track ahead of the train. The signals are changed either by the passing of a train or from a central control station. Just as there is no signal inside a motor vehicle that the traffic light ahead has turned red, wayside signals do not have a corresponding reading at the control stand of a locomotive engineer. FRA will continue to evaluate the need to record wayside signals, particularly as event recorders improve.

Cab signals are another matter entirely; they already appear inside the cab at the engineer's control stand. Wiring an event recorder to pick up the aspect being displayed is not only relatively easy, but will provide a "witness" to the display that would otherwise not be available. At least one commenter said that recording cab signals would help resolve issues as to the cause of accidents where signals are involved. FRA agrees and this final rule adds cab signals, where the locomotive is so equipped, to the parameters required to be recorded.

The major railroads have, as might be expected, installed a number of different types of event recorders on their equipment. In addition to recorders that fully comply with the final rule announced by this notice, some have installed machines that retain data only on time, speed, and distance. These railroads have requested that these machines be "grandfathered" for ten years (reduced to five in testimony at one of the hearings) to allow the orderly phase-in of newer, more complete recorders. Other commenters urged FRA not to allow a three-event recorder to serve as the only event recorder on a train.

FRA is aware that the three-event recorder has a good history of helping accident investigators reconstruct what happened, but these devices simply do not provide all the data FRA, as guided by the RSIA and its own experience, believes necessary. Accordingly, three-event recorders cannot be "grandfathered," but FRA knows that it is impracticable to replace these recorders in a short time, both because too many units would have to be changed out in the time available and because there is the strong probability that the supply industry could not meet a sudden spike in orders for more capable event recorders. For these reasons, the final rule in this docket provides for an eighteen month phase-in period.

Because the rule in this matter requires that trains rather than locomotives be equipped, railroads with large numbers of three-event recorders may be able to accomplish with equipment scheduling what their mechanical departments are not able to accomplish with purchase and installation of complying event recorders. Certainly any requests for waiver and extension of time would have to deal with all possible means of achieving compliance.

Another kind of event recorder in use in significant numbers in the North American locomotive fleet records the required events but only while the train is moving and only for the most recent eight hours of movement. (A locomotive making several stops will produce a tape that extends back over considerably more than the most recent eight clock hours.) Eight hours is enough in virtually all cases to get a clear picture of any equipment problems with the locomotive on which the recorder is installed and certainly enough to note train handling difficulties immediately prior to an accident. If the train pulled by a locomotive thus equipped is involved in an accident and the locomotive is needed to assist in wreck clearing, the operating railroad can preserve the evidence recorded just prior to the accident by disconnecting the recorder, that is, by taking it out of service in the manner allowed by the final rule. The primary problem with these machines is that they do not record air brake tests made while the train is standing; FRA believes, however, that this lack will not fatally affect accident reconstruction. FRA does not believe that the motion-only recorder is the way for the future, but will allow units in place as of the date of publication of this final rule to be "counted" in assembling power consists to move trains.

The commuter railroads suggested that, for them, the recorded parameters need to be different. FRA sees the functional parameters required by this rule as broad enough to address the needs of the commuter railroads. Taken together, for instance, it would appear that "throttle position" and "brake applications and operations" cover the same parameters as "motoring mode" and "braking mode." FRA does not wish to restrict either technological advances or the unique needs of any segment of its regulated community and the agency thinks it has not. FRA believes that the event recorder "defined" by this final rule will fit the operations of commuter railroads, and, indeed, of any railroad within FRA's jurisdiction. If this is not the case, respondents have available to

them petitions for reconsideration and petitions for waiver.

Some commenters raised issues about the recorder's sampling intervals and sampling accuracy. FRA certainly expects that event recorders will be as accurate as present standards for speed indicators and for air gauges, but the agency realizes that more developmental work needs to be done in this area. FRA has decided not to further delay the requirement to have event recorders on trains and will postpone for now standards that would require resolution of technological issues that are intertwined with the extended development of solid state recorders and with recommendations that event recorders be standardized as to size, location, and crashworthiness. Event recorder developmental issues are discussed in more detail below.

Several participants expressed a desire to have a "status indicator," usually in the form of a warning light, to show the engineer whether or not the event recorder is working. Such lights are typically one of two kinds: either they show that the recorder is receiving electrical power or they show that the capstan drive (which moves magnetic tape across the recording heads) is turning. The problem with both indications is that they do not show that the recorder is actually capturing data and correctly storing it. The surest way to do that is to remove the tape and play it back, but that only shows that the device was working. FRA will delay a requirement for a status light until one is developed that will truly show whether or not the machine is functioning as intended.

Finally, one participant sought a requirement that the recorder keep a record of cars in the train that experience undesired emergency brake applications. The problem with current technology is that, while it can detect an emergency brake application, it cannot pinpoint the location of a "dynamiter" within the train. This participant also requested that the recorder keep track of the train's profile, or weight distribution. FRA is not aware of an on-board recorder that will measure and record this information; while draft and buff forces might be measurable with an adaptation of current technology, detecting these forces beyond the pulling coupler of the locomotive is not yet a standard option.

What trains should be equipped with event recorders? Section 10 of the RSIA requires event recorders on trains where they will enhance safety. FRA has discussed at some length, both in this preamble and in the preambles to the ANPRM and the NPRM in this docket, that the primary benefit from event recorders is the assistance they provide to accident investigators attempting to reconstruct complex accidents. The NPRM proposed that all passenger trains and freight trains operated at 30 miles per hour or faster, pulling more than 50 cars, be powered by at least one locomotive with an event recorder.

Some commenters wanted certain categories of railroads eliminated from the requirements for event recorders; others wanted certain types of operations. Others said that their equipment wasn't compatible with event recorders or that, with steam excluded, it was unfair not to also exclude historical diesel or electric locomotives. Still others requested that "passenger" be defined to exclude tourist or excursion railroads or the operation of special Christmas or charity trains. Yet another commenter wanted coverage on everything operated outside yard limits.

Because the primary benefit of the event recorder is the assistance it can provide for accident analysis, the requirement to equip trains can only be viewed in that light. Class II and Class III railroads are defined by the Interstate Commerce Commission on the basis of their economic activity, not their operating speeds. To exclude "tourist," "excursion," "historic," "museum," and other special trains by defining those persons who ride them as other than "passengers" strains credibility.

FRA has reconsidered its initial proposal to include train length and speed as joint criteria for determining which operations must be covered with an event recorder and has concluded that speed alone should govern. As was pointed out in the NPRM, the energy that must be dissipated in a train accident varies with the square of speed. Requiring that both speed and trailing tonnage be considered introduces unnecessary complication, especially when no distinction is made between empty and loaded cars.

Likewise, FRA realizes that accident complication is more a function of speed than of equipment and that an "unequipped" speed for passenger service is both possible and justified. While FRA recognizes a special duty of care owed to railroad passengers, this agency is also aware that passenger trains have significant operational and equipment differences from freight trains and that these differences lead to more predictable behavior in an accident by the passenger equipment. In general:

- Passenger trains have faster acting brakes than freight trains (with less draft gear slack their brake control valves can be designed to produce faster application);
- Passenger trains have a graduated release feature and a higher brake pipe pressure; with a brake pipe that is typically shorter than a freight train's, they also have less pressure gradient;
- Passenger trains have more even brake application throughout the train because there is only a little variation between the empty and loaded weight of passenger cars and because there is significantly less variation in density throughout the train;
- Passenger trains have an anti-skid feature that allows more controlled stops under adverse traction conditions;
- Passenger equipment in general, and commuter equipment in particular, is not interchanged away from its owner, thus allowing inspection and maintenance forces to become more familiar with each piece of equipment; and
- Commuter operations are characterized by tight control over trains through automatic train control, centralized dispatching, short blocks, tight schedules, cab signals, and short trains; these factors allow fairly precise isolation of accident causes.

FRA received comments strongly advocating that event recorders be required regardless of speed because of the number of accidents that happen on low speed track; other comments urged the adoption of 40 miles per hour as the appropriate recorder/no recorder speed.

FRA is not persuaded that event recorders need to be present in order to capture information about accidents that occur on low speed track. FRA has previously concluded that the operational safety factors inherent in slow speed operations are not sufficient to require that all locomotives be equipped with speed indicators (49 CFR 229.117). To now require the equipping of such locomotives with event recorders, which do not directly enhance the locomotive's operational safety, is not appropriate. Besides, the rule on event recorders is not an attempt to provide automated analysis of every accident, but only to provide an aid for expert investigators dealing with complicated post-accident scenes. FRA has determined that these accidents are more likely to occur during higher speed operations, whether those operations are of freight or passenger trains. FRA's experience is that Class two track (with maximum speeds of 25 miles per hour for freight trains and 30 miles per hour for passenger) does not produce the kinds of complex post-accident environments that demand calling the full capabilities of event recorders into play. FRA also does not

agree with the suggestion for raising the speed to 40 miles per hour as the recorder/no recorder threshold. As noted earlier, the energy that must be dissipated in an accident rises geometrically as train speed increases. In FRA's judgement the types of accidents in which event recorder data will prove useful occur at speeds higher than 30 miles per hour. Thus, this final rule requires event recorders on all trains operating faster than 30 miles per hour.

To a degree, the remaining commenter concerns about the appropriate threshold for equipping locomotives are misplaced. For example, the rule FRA is adopting amends part 229 without altering the scope or applicability section of that part. Part 229 does not apply to steam locomotives or to railroads that are not part of the general system. Similarly, operation of a train without a recorder for special occasions (e.g., the movement of historical equipment on the general system) could possibly be accomplished by a waiver or the use of complying equipment for the lead locomotive without unnecessarily complicating the regulatory criteria for when event recorders must be present. Consequently, the final rule does not contain the suggested discrete changes to the equipping threshold.

New and rebuilt locomotives. FRA's initial proposal would have required event recorders on all new and rebuilt locomotives, primarily as a step towards the day when all locomotives (equipped with speed indicators) would have event recorders. The "new and rebuilt" category was proposed to avoid the economic penalties of retrofitting event recorders to otherwise serviceable locomotives. The desirability of ultimately equipping all locomotives was underscored by comments filed by the National Transportation Safety Board (NTSB) in which they emphasized their desire to capture and have available data concerning the functioning of each locomotive unit.

Upon review of the comments and testimony, however, FRA has decided not to require all new and rebuilt locomotives to be equipped with event recorders at this time even though that is the unmistakable trend in the industry. First, a rule keyed to new and rebuilt locomotives does not reflect the best interpretation of the mandate in RSIA to equip trains where doing so will enhance safety. FRA believes the option it has chosen, requiring event recorder-equipped lead locomotives on trains operated faster than 30 miles per hour, does satisfy the best interpretation of the statute. Second, FRA has learned that several railroads believe that the number of recorder equipped locomotives in their current fleet will enable them to comply with a requirement for an event recorder in the lead locomotive of every train operated at more than 30 miles per hour. For these railroads, a requirement to equip each new or rebuilt locomotive with an event recorder would be an unjustified burden.

"Heavy-electric" commuter equipment. Much of the service provided by commuter railroads, and it is estimated that this group of railroads will bear about 45 percent of the industry's cost for event recorders, uses locomotives that are not essentially different from those of Amtrak or the freight railroads, at least in so far as equipping them to comply with this rule is concerned. FRA is, however, aware that a significant number of carriers use "heavy-electric" equipment, that is, passenger carrying cars that are capable of self-propulsion (by drawing power from ground level "third rails" or overhead catenary).

Just as the design of this equipment is different from that of typical locomotives, the operating characteristics for this equipment are different. Heavy electric equipment, in particular, is not interchanged away from its owner (thus allowing inspection and maintenance forces to become more familiar with each piece of equipment) and different in that heavy electric operations are characterized by tight control over trains through automatic train control, centralized dispatching, short blocks, tight schedules, cab signals, and short trains. These differences, however, do not provide a basis for treating heavy electric operations differently under this rule. Indeed, the use of this equipment for the transportation of passengers and the relatively high speeds and short headways that characterize this type of service clearly require that it be subject to this final rule. Each train comprised of heavy electric equipment must have an in-service event recorder in the lead locomotive.

Railroads using heavy-electric equipment, and Long Island Railroad, Metro North Commuter Railroad, NJ Transit, Port Authority Trans-Hudson Corporation, and Southeastern Pennsylvania Transportation Authority all submitted statements in response to the NPRM, have provided valuable insight into their unique equipment and into their operating environments. FRA appreciates the activities of the heavy-electric commuter operators in working with the supply industry to develop a "standard" commuter-railroad event recorder. This agency is aware of the technological problems facing heavy-electric operators, especially the poor performance of magnetic tape recorders in tunnel operations. FRA welcomes a continuing dialogue with the commuter railroads concerning the use of newly developed digital recorders.

All Locomotives. The NTSB commented that all locomotives in a train should be equipped in order to permit accident investigators to determine the performance of each locomotive in the consist. In addition to the obvious cost implications of this suggestion, there are sound reasons for not attempting to mandate equipping all locomotives at this time. FRA knows that event recorder technology is likely to advance rapidly. Accordingly, rather than establish a rule that would eventually require an event recorder meeting today's standard on every locomotive (except those traveling so slowly they do not even need speed indicators), FRA believes that it is wise to wait to see whether the recorders themselves become significantly better than they now are. FRA agrees with the NTSB that standards should be set for sampling intervals, the ranges of recorded parameters, and the accuracy of their recording. Performance standards for accident survivability should be explored, with the objective of attaining cost effective improvements that will prevent destruction of data by fire or impact. It is also likely that standardized data extraction protocols would enhance the utility of the event recorder immensely. As good as these ideas are, FRA cannot simply bring them into being by mandating them. Time will be required to bring these concepts to mature and practical fruition.

The Federal entity with more experience than any other in reading and using event recorders is the NTSB. FRA will be consulting with the Board to determine how best to use its expertise in working with the supply industry, the railroads, and other interested parties, including most certainly those representing the locomotive engineers, to develop standards for accuracy, for crashworthiness, and for utility for the next generation of event recorders. Equipping trains operating faster than 30 miles per hour now with event recorders, maintained as required, will also enhance this effort by helping to create a data base about recorders themselves.

Where should the event recorders be? The NPRM would have required that any one of the locomotives powering a train carry an in-service event recorder. For recording the basic events of a trip,

this might have been adequate, but FRA has determined that the recorder will be most helpful if it records the events happening in the locomotive occupied by the engineer, that is, the lead locomotive. Only that locomotive, for instance, can record the cab signal aspect displayed to the engineer, because every subsequent locomotive in the power consist will "see" the most restrictive aspect as soon as the lead unit passes the signal. Only the lead locomotive's device will record the engineer's actions in throttle control or in setting up the dynamic brake—recorders on trailing units will note the "message" received, the action they were requested to take, but only the lead locomotive will record the direct input of the person in control.

The benefits of this are evident both for accident analysis and for evaluating the performance of the engineer. Experience shows that a good engineer can give an accurate narrative account of the events of a trip leading up to an accident. In the past, these explanations have been programed into simulators and the recreations, more often than not, show that the person at the control stand correctly described what took place. With the in-service event recorder required to be in the lead unit, additional verification will be provided.

The final rule requires that trains operated faster than 30 miles per hour must have an in-service event recorder in the lead locomotive. In order to keep the recorder in the lead unit as much of the time as possible without requiring undue, and possibly dangerous, switching of locomotives within the power consist, the final rule also states that a lead locomotive with its recorder taken out of service may not remain as the lead locomotive beyond the next calendar day inspection.

FRA is aware that push-pull commuter operations don't have a traditional "locomotive" at the lead in one direction and that this may present problems in some cases. The ideal solution would be for the actions taken at the engineer's stand in the control car to be recorded on the device in the locomotive. This agency welcomes suggested solutions for any operations where this part of the final rule presents problems.

How should event recorders be maintained? The NPRM proposed a requirement that event recorders be maintained at the quarterly periodic inspection, according to written instructions which were to the kept at the site of the work; this requirement supplemented a more basic performance requirement, that the event recorders on trains be "in-service." Two commenters objected and wanted maintenance requirements more tightly drawn. FRA agrees that the proposal left room for confusion.

The line between a performance standard and a regulatory specification is hard to draw and the performance specification is often criticized for being either too lax or so strict that it becomes what one safety expert called "a hanging rule:" any deviation from perfection is an offense. Obviously, neither extreme was intended by FRA and a definition of "In-service" has been added to § 229.5. In addition, FRA's final rule now states explicitly that the quarterly maintenance procedure shall include a thorough test of all of the operating functions captured by the recorder and that the readout of the test tape showing the results of this systems check shall be kept with the locomotive maintenance records until the next one is filed. FRA has no desire to create unnecessary maintenance burdens on the railroads on the one hand, but, on the other, it cannot condone event recorders which fail for lack of effective maintenance. Testimony and comments by representatives of the railroads and of the suppliers demonstrate agreement that a properly maintained recorder will operate from one quarterly inspection to the next without failure, virtually all of the time. The final rule recognizes what industry has said and, accordingly, requires event recorders to be maintained so well that 90 percent of them are still functioning as intended when they arrive at the quarterly inspection. If this level of performance cannot be met on a month-to-month basis, the final rule then requires maintenance intervals and practices to be adjusted so that it can.

Although no parties commented on this aspect of the proposed rule, FRA notes that the maintenance requirements in § 229.25 are "mandatory" in the sense that § 229.23 requires all non-complying conditions to be corrected before the locomotive is used; under new § 229.135(e) a locomotive, due for a periodic inspection, with an inoperative event recorder is a non-complying locomotive under §§ 229.7 and 229.9. This means that a locomotive with an inoperative recorder may not be dispatched from the 92-day inspection.

How should data be preserved following an accident? The NPRM proposed two ways to ensure that data in the event recorder are preserved following an accident. First, tampering with the recorder or the data in it was prohibited and made actionable under civil penalty procedures and proceedings for disqualification from performing safety-sensitive functions. Second, immediately following an accident, the railroad was required to take action to preserve the data recorded by the event recorder, either by safeguarding the locomotive or by removing the tape or the recorder itself and storing them in a secure place for later analysis.

Several commenters suggested amending the proposal. The railroads noted that they need immediate access to the data for their own investigation, both to compare the recorder readout with the physical evidence and to direct their search of the derailment site. One commenter suggested that FRA be extremely cautious about access to recorder data in the post-accident environment to prevent bias from entering the investigation. Another commenter requested timely access to recorder data by, among others, involved rail labor organizations, and the NTSB asked FRA to require the railroads to comply with Board rules on the preservation of evidence.

FRA recognizes the legitimate needs of both management and labor to the operational data stored in event recorders. But Congress, in enacting the Rail Safety Improvement Act of 1988, said that event recorders were being required to "enhance safety." This places the public interest at the top of the needs to be satisfied through analysis of event recorder data.

FRA's initial proposal attempted to weave together the investigatory needs and authorities of the National Transportation Safety Board and of this agency; on reflection, and considering the written comments and oral testimony, FRA has concluded that they are best handled separately. The NTSB has made it clear that they want only the unread, original tape or other data from the event recorders; FRA is willing to let the railroad analyze recorder data as long as a duplicate original is preserved for Federal analysis.

The final rule provides that, after an accident reportable to the Board, the railroad will take no action (except as necessary to avoid outright destruction of the data) until the Board has had eight hours from the time of notification of the National Response Center to declare that it will conduct an investigation of the accident. After the eight hour period (or earlier if the Board makes a "no investigation" determination) the railroad is still required to preserve the data on an FRA-reportable accident; the difference at this level is that the company can now duplicate it and put the copy on its own readout machine. If, during the eight hour period, the Board notifies the

railroad that an investigation will be conducted, the railroad will be governed by the Board's instructions.

Relation to Other Rulemaking Proceedings

In its final rule proscribing tampering with safety devices, published February 3, 1989 (54 FR 5485), FRA required installed event recorders to be operative unless the locomotive was being hauled dead-in-tow or unless the event recorder became inoperative enroute, in which case FRA imposed a notification requirement similar to that used for certain signal-related equipment that controls or restricts train operations. The AAR filed a Petition for Reconsideration in that Docket. Some of what is in this final rule responds to that petition.

FRA agrees that it serves no safety purpose to create a situation in which a locomotive without an installed event recorder could be used in a power consist while a locomotive with an inoperative event recorder could not. FRA notes that section 10 of the RSIA seeks to have event recorders not on locomotives but on those trains where the equipment is necessary to enhance safety.

While this rule requires event recorders to be in operating order at the time the locomotive is cleared from the quarterly inspection, these devices, like any mechanical or electronic device, are subject to random failures. FRA sees no safety benefit in severely restricting the operation of a locomotive costing upwards of a million dollars because of the failure of a fifty dollar part in a black box. The final rule in this docket would permit operation of a locomotive with an event recorder known to have failed but it could not be the sole power, nor the lead locomotive, on a train operated faster than 30 miles per hour.

Based on FRA's further analysis and on the arguments advanced in the AAR's Petition for Reconsideration, FRA believes that, while event recorders come under the general category of safety devices by some meanings of that term and, while they may positively encourage crews to obey the law, they are not the kind of active safety devices that have an immediate effect on train operations. Event recorders do not function in the same way or for the same purpose as does equipment used to assure that the locomotive operator is alert, or that the engineer is not physically incapacitated, or that the person at the controls is aware of and complying with the indications of a signal or other operational control system.

Accordingly, FRA has removed references to event recorders from subpart D of part 218 and has included all regulations relating to event recorders (including a provision prohibiting tampering with such recorders) in the Railroad Locomotive Safety Standards in part 229.

In Docket No. RSOR–9, Qualifications for Locomotive Engineers (56 FR 28228), FRA has discussed the use of event recorders to monitor locomotive engineer performance.

Analysis by Section

Section 229.5. This section is amended by adding a definition of "event recorder" as a tamper-resistant device to record data on train speed, direction of motion, time, distance, throttle position, and brake applications and operations over the most recent 48 hours of operation of the electrical system of the locomotive on which it is installed and by adding a definition of "in-service" as an event recorder successfully tested at its most recent periodic inspection and not known to have suffered any failures since then.

Section 229.25. This section is amended by adding a requirement that event recorders be maintained according to standards set by the manufacturer, the supplier, or the owner of the unit; a written copy of the maintenance instructions shall be maintained at the location where the work is being done. At a minimum, event recorders must be run through the full range of each of the operational parameters they were recording and verification of the correct functioning of the recorder, in the form of a read out tape, must be filed with other locomotive maintenance records until the next inspection and maintenance episode. Finally, a performance standard for the effective maintenance of event recorders requires that 90 percent of them be still fully functional when they arrive for periodic inspection. If the "ready rate" drops below this, railroads are required to adjust maintenance intervals or operations so that this performance level is achieved. This maintenance provision will take effect on the effective date of this rule, that is, it will apply to event recorders (as defined by this rule) already installed on that date.

Section 229.135. This new section of the regulations contains the essence of FRA's event recorder requirements. Subsection (a) requires that, eighteen months after the effective date of this final rule, trains operating faster than 30 miles per hour must have an in-service event recorder in the lead locomotive. This is the only provision of the final rule that takes effect after the effective date of the rule.

Subsection (b) provides that a locomotive on which the event recorder has been taken out of service may not remain as the lead locomotive beyond the next calendar day inspection. This subsection also provides that event recorder inspection, maintenance, and testing is limited to that required by § 229.25(e).

Subsection (c) allows a railroad to take an event recorder out of service, and requires it in the case of known failures, upon the authorization of a qualified person. Out of service event recorders must be tagged and may not remain out of service beyond the next periodic inspection.

Subsection (d) provides for the security, and subsequent use by Federal investigators, of data from the recorders of locomotives involved in accidents. Subsection (e) provides that individuals who willfully disable event recorders or alter the data recorded by them are subject to civil penalties and disqualification proceedings.

Regulatory Impact

E.O. 12291 and DOT Regulatory Policies

This final rule has been evaluated in accordance with existing policies and procedures, and is considered to be non-major under Executive Order 12291 but significant under DoT policies and procedures (44 FR 11034, February 26, 1979).

In an effort to design a regulatory approach that would achieve the maximum benefits at the minimum cost to the industry, FRA developed six regulatory options: (1) Taking no action; (2) requiring the installation of event recorders on all locomotives; (3) requiring the installation of event recorders on all new and rebuilt locomotives; (4) requiring event recorders on Amtrak inter-city passenger trains as well as all high-speed, heavy-tonnage freight trains; (5) requiring event recorders on all passenger trains, high-speed and heavy tonnage freight trains, and all new and rebuilt locomotives; and (6) requiring event recorders on all trains operated faster than 30 miles per hour.

FRA's analysis shows that the sixth option is both economically reasonable and fully responsive to the public interest as expressed by Congress in the RSIA. It has a 20-year discounted cost of just over $60 million dollars. It will result in event recorders first being present when and where they do the most good. FRA contemplates that, after a research and development effort yields performance standards with which all

manufacturers may be required to comply, virtually all locomotives will be equipped, thus increasing, for example, the potential that at least one unit's event recorder data will survive even a major, head-on collision. The chosen option avoids a massive, immediate, and costly full retrofit program, analyzed by FRA to have a 20-year discounted cost of over $92 million dollars, the burden of which would fall disproportionately on small and medium sized railroads, and it will improve FRA's ability to accurately identify the causes of accidents involving complex scenarios involving train handling and train dynamics.

A full analysis of economic impact, including the impact on small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), of the rule proposed here and of the other options considered by FRA has been made and is included in the docket file of this proceeding.

Regulatory Flexibility Act

These regulations have been revised to reduce their impact on small entities to the bare minimum consistent with Congressional intent. FRA certifies that this rule will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

The proposed rule contains information collection requirements. FRA has endeavored to keep the burden associated with this proposal as simple and minimal as possible. The proposed sections that contain information collection requirements and the estimated time to fulfill each requirement are as follows:

Proposed section	Brief description	Estimated avg. time
229.25(e)	Maintaining manufacturer's, supplier's, or owner's instructions for event recorder inspection, maintenance, and testing.	15 min.
229.25(e)	Data verification readout record.	1 hr.
229.135(c)	Tagging reason for removing event recorder from service.	1 min.
229.135(d)	Record of "security" of event recorder data.	15 min.

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. FRA solicits comments on the accuracy of the estimates, the practical utility of the information, and alternative methods that might be less burdensome to obtain this information. Persons desiring to comment on this topic should submit their views in writing to FRA and to FRA Desk Officer, Regulatory Policy Branch (OMB No. 2130–0004), Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20530.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) FRA has submitted the information collection requirements in this rule to the Office of Management and Budget and has obtained approval under OMB approval number 2130–0004.

Environmental Impact

This rule will not have any identifiable environmental impact.

Federalism Implications

This rule should not have substantial 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. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

List of Subjects

49 CFR Part 218

Occupational safety and health, Penalties, Railroad employees, Reporting and recordkeeping requirements.

49 CFR Part 229

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Rule

Therefore, in consideration of the foregoing, FRA amends Parts 218 and 229, Chapter II, Subtitle B of Title 49, Code of Federal Regulations to read as follows:

PART 218—RAILROAD OPERATING PRACTICES

1. The authority for part 218 continues to read as follows:

Authority: 45 U.S.C. 431 and 438, as amended; Pub. L. 100–342; and 49 CFR 1.49 (m).

2. By revising § 218.51(b)(3) to read as follows:

§ 218.51 Purpose.

* * * * *

(b) * * *

(3) Under the provisions of § 229.9 of this chapter, provided that when a locomotive is being operated under the provision of § 229.9(b) a designated officer has been notified of the defective alerter or deadman pedal at the first available point of communication.

3. By revising § 218.61(c) to read as follows:

§ 218.61 Authority to deactivate safety devices.

* * * * *

(c) If a locomotive is equipped with a device to record data concerning the operation of that locomotive and/or of the train it is powering, that device may be deactivated only in accordance with the provisions of § 229.135.

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

1. The authority citation for part 229 is revised to read as follows:

Authority: 45 U.S.C. 22–34, as amended; 45 U.S.C. 431, 438, as amended; 49 App. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49 (c), (g), and (m).

2. By revising § 229.4(b) to read as follows:

§ 229.4 Information collection.

(a) * * *

(b) The information collection requirements are found in the following sections:

(1) Section 229.9.
(2) Section 229.17.
(3) Section 229.21.
(4) Section 229.23.
(5) Section 229.25.
(6) Section 229.27.
(7) Section 229.29.
(8) Section 229.31.
(9) Section 229.33.
(10) Section 229.55.
(11) Section 229.103.
(12) Section 229.105.
(13) Section 229.113.
(14) Section 229.135.

3. By amending § 229.5 to redesignate current paragraph (g) as paragraph (h); redesignate current paragraphs (h) through (m) as paragraphs (j) through (o); and add new paragraphs (g) and (i) to read as follows:

§ 229.5 Definitions.

* * * * *

(g) *Event recorder* means a device, designed to resist tampering, that monitors and records data on train speed, direction of motion, time, distance, throttle position, brake applications and operations (including train brake, independent brake, and, if so equipped, dynamic brake applications and operations) and, where

the locomotive is so equipped, cab signal aspect(s), over the most recent 48 hours of operation of the electrical system of the locomotive on which it is installed. A device, designed to resist tampering, that monitors and records the specified data only when the locomotive is in motion shall be deemed to meet this definition provided the device was installed prior to [insert the effective date of the rule] and records the specified data for the last eight hours the locomotive was in motion.

* * * * *

(i) *In-service event recorder* means an event recorder that was successfully tested as prescribed in § 229.25(e) and whose subsequent failure to operate as intended, if any, is not actually known by the railroad operating the locomotive on which it is installed.

* * * * *

4. By amending § 229.25 to add a new paragraph (e) to read as follows:

§ 229.25 Tests: every periodic inspection.

* * * * *

(e) The event recorder, if installed, shall be inspected, maintained, and tested in accordance with the instructions of the manufacturer, supplier, or owner thereof and in accordance with the following criteria:

(1) A written copy of the instructions in use shall be kept at the point where the work is performed.

(2) The event recorder shall be tested prior to performing any maintenance work on it. At a minimum, the event recorder test shall include cycling all required recording parameters and determining the full range of each parameter by reading out recorded data.

(3) If this test does not reveal that the device is recording all the specified data and that all recordings are within the designed recording parameters, this fact shall be noted on the data verification result required to be maintained by this section and maintenance and testing shall be performed as necessary until a subsequent test is successful.

(4) When a successful test is accomplished, a copy of those data verification results shall be maintained with the locomotive's maintenance records until the next one is filed.

(5) A railroad's event recorder periodic maintenance shall be considered effective if ninety percent (90%) of the recorders inbound in any given month for periodic inspection are still fully functional; maintenance practices and test intervals shall be adjusted as necessary to yield effective periodic maintenance.

5. By adding a new § 229.135 as follows:

§ 229.135 Event recorders.

(a) *Duty to equip.* Effective January 16, 1995, and except as provided in paragraph (b) of this section, any train operated faster than 30 miles per hour shall have an in-service event recorder in the lead locomotive. For the purpose of this section "train" includes a locomotive or group of locomotives with or without cars and "lead locomotive" means the locomotive from whose cab the crew is operating the train and, when cab control locomotives and/or MU locomotives are coupled together, is the first locomotive proceeding in the direction of movement.

(b) *Response to defective equipment.* A locomotive on which the event recorder has been taken out of service as provided in paragraph (c) of this section may remain as the lead locomotive only until the next calendar-day inspection. A locomotive with an inoperative event recorder is not deemed to be in improper condition, unsafe to operate or a non-complying locomotive under §§ 229.7 and 229.9 and, notwithstanding any other requirements in this chapter, inspection, maintenance, and testing of event recorders is limited to the requirements set forth in § 229.25(e).

(c) *Removal from service.* A railroad may remove an event recorder from service, and if a railroad knows that an event recorder is not monitoring or recording the data specified in § 229.5(g), shall remove the event recorder from service. When a railroad removes an event recorder from service, a qualified person shall cause to be recorded the date and the reason[s] for removing the device from service on a tag to be applied to the device or to the place from which the device was removed, as appropriate. The tag described in § 229.9(a)(3) or other suitable tag may be used for this purpose. An event recorder may not remain out of service beyond the completion of the next periodic inspection as set forth in §§ 229.23 and 229.25 of this subpart.

(d) *Preserving accident data.* For the purposes of this paragraph (d), the term event recorder includes all locomotive mounted recording devices designed to record information concerning the functioning of a locomotive or train regardless of whether the device meets the definition of event recorder in § 229.5.

(1) *Accidents reportable to the National Transportation Safety Board.* If any locomotive equipped with an event recorder is involved in an accident that is required to be reported to the National Transportation Safety Board (See 49 CFR part 840), the railroad using the locomotive shall make no attempt, except by the direction of a representative of the Board, or as may be necessary to preserve the data from destruction, to extract or analyze the recorded data until 8 hours have passed from the time the accident is reported to the National Response Center, or until the Board declares that it will not conduct an investigation of the accident, whichever comes first. If, within the 8-hour period, the Board notifies the railroad that an investigation will be conducted, the railroad will be governed by the Board's instructions; if the Board notifies the railroad that an investigation will not be conducted, or if the Board fails to give notification within the 8-hour period, the railroad may extract the data consistent with the preservation requirements of paragraph (d)(2) of this section.

(2) *Accidents required to be reported to the Federal Railroad Administration.* If any locomotive equipped with an event recorder is involved in an accident that is required to be reported to FRA (See 49 CFR part 225), the railroad using the locomotive shall, to the extent possible, and to the extent consistent with the safety of life and property, preserve the data recorded by the device for analysis by FRA. This preservation requirement permits the railroad to extract and analyze such data; *provided* the original or a first-order accurate copy of the data shall be retained in secure custody and shall not be utilized for analysis or any other purpose except by direction of FRA or the Board. This preservation requirement shall expire 30 days after the date of the accident unless FRA or the Board notifies the railroad in writing that the data are desired for analysis.

(3) *Relationship to other laws.* Nothing in this section is intended to alter the legal authority of law enforcement officials investigating potential violation[s] of State criminal law[s] and nothing in this chapter is intended to alter in any way the priority of National Transportation Safety Board investigations under 49 App. U.S.C. 1903, nor the authority of the Secretary of Transportation to investigate railroad accidents under 45 U.S.C. 40 and 437, and 49 App. U.S.C. 1808.

(e) *Disabling event recorders.* Except as provided in paragraph (c) of this section, any individual who willfully disables an event recorder is subject to civil penalty and to disqualification from performing safety-sensitive functions on a railroad as provided in § 218.55 of this chapter and any individual who tampers with or alters the data recorded by such a device is subject to a civil penalty as provided in appendix B of this part and to

disqualification from performing safety-sensitive functions on a railroad if found unfit for such duties under the procedures in 49 CFR part 209.

6. By amending Appendix B—Schedule of Civil Penalties—by revising the penalties for § 229.25 under subpart B—Inspection and tests and by adding penalties for § 229.135 under subpart C—Safety requirements as follows:

Appendix B to Part 229—Schedule of Civil Penalties

* * * * *

Section	Violation	Willful violation
229.25		
(a) through (e)(4) Tests: Every periodic inspection	2,500	5,000
(e)(5) Ineffective maintenance	8,000	16,000
* * * * *		
229.135		
(a) Lead locomotive without in-service event recorder	2,500	5,000
(b) Improper response to out of service event recorder	2,500	5,000
(c) Unauthorized removal from service	2,500	5,000
Failure to remove from service a recorder known to have failed	2,500	5,000
(d) Failure to preserve data or unauthorized extraction of data	2,500	5,000
(e) Tampering with device or data	2,500	7,500

* * * * *

Issued in Washington, DC, on July 1, 1993.

Grady C. Cothen, Jr.,

Acting Administrator, Federal Railroad Administration.

[FR Doc. 93–15966 Filed 7–7–93; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 91–65; Notice 2]

RIN 2127–AE15

Federal Motor Vehicle Safety Standards; Air Brake Systems, Burnish Procedures and Recovery Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule amends two aspects of Federal Motor Vehicle Safety Standard No. 121, Air Brake Systems, in response to a petition for rulemaking submitted by Rockwell International. First, the rule amends the adjustment procedure for brake burnish during road and dynamometer testing; and second, it amends the dynamometer test's recovery requirement applicable to truck and bus front brakes. With respect to brake burnish, the rule allows up to three brake adjustments during the burnish procedure at intervals specified by the vehicle manufacturer and at the conclusion of burnishing. The agency believes that this amendment brings the burnish test procedures closer to conditions found in actual vehicle usage. With respect to the recovery requirements, the rule no longer requires front axle brakes on trucks and buses to comply with the minimum pressure requirements related to the brake chamber. The agency believes that this amendment improves brake performance by removing a provision that may prevent the use of larger, more effective brakes on front axles.

DATES: *Effective Date:* The amendments become effective on August 9, 1993.

Petitions for Reconsideration: Any petitions for reconsideration of this rule must be received by NHTSA no later than August 9, 1993.

ADDRESSES: Petitions for reconsideration of this rule should refer to Docket 91–65; Notice 2 and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Richard C. Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. (202–366–5274).

SUPPLEMENTARY INFORMATION:

I. Background

A. Burnish Requirements

Standard No. 121, Air Brake Systems (49 CFR 571.121), specifies road tests and dynamometer tests to measure whether vehicles equipped with air brakes comply with the standard's performance requirements. For instance, such vehicles are subject to "burnish" procedures conducted at the outset of road testing and dynamometer testing. A burnish procedure consists of a series of brake applications, which are also known as "snubs," that serve to simulate the break-in of the brakes on new vehicles under normal driving conditions.

Under the current road test burnish procedures, two options, "a" and "b", are available until September 1, 1993 (see S6.1.8.1). Brakes on vehicles manufactured on or after that date must be burnished under option "b." The burnish procedures in both options consist of 500 snubs. In addition, both options specify that the brakes be adjusted during the burnish procedure, if necessary, in accordance with the manufacturer's recommendations, after the 125th, 250th, and 375th snubs and after burnish is completed.

Standard No. 121 also specifies a dynamometer test to measure mechanical force (see S6.2.6). Before the dynamometer test, brakes are burnished by making 400 stops from 40 mph at a deceleration of 10 f.p.s.p.s. For these brake applications, the standard specifies that the "initial brake temperature" must be within a stated range. The term "initial brake temperature" is defined as "the average temperature of the service brakes on the hottest axle of the vehicle 0.2 mile before any brake application."

The current burnish procedures resulted from a rulemaking conducted in response to a petition from International Harvester that culminated in a final rule published on March 14, 1988 (49 FR 8191). After several notices, the agency adopted a burnish procedure in which the brakes on heavy duty vehicles were burnished by 500 snubs slowing the vehicle from 40 mph to 20 mph, without regard to brake temperatures generated during the burnish. The burnish procedure also permitted manual brake adjustments at specified intervals. In the final rule, the agency stated that standardizing intervals at which adjustments could be made would reduce a potential source of variability.

B. Brake Recovery During Dynamometer Testing

At present, section S5.4 specifies requirements that foundation brake assemblies must meet during dynamometer tests for retardation, brake power, and recovery. During brake recovery, the chamber pressure for non-antilock systems must be within a range of 85 to 20 psi. (Anti-lock systems have a range between 85 and 12 psi). The purpose of the 85 psi requirement at the high end of the test specification is to ensure that the brakes can recover from the elevated temperatures which cause brakes to fade. Along with causing brake fade, these elevated temperatures may also permanently alter the physical characteristics of the brake block material. The purpose of the 20 psi and 12 psi requirements at the low end of the test specification is to check for overly aggressive brake blocks with an unstable coefficient of friction resulting from the exposure to high temperature conditions.

II. Petition

On January 8, 1991, Rockwell International (Rockwell) submitted a petition for rulemaking, requesting that the agency amend two aspects of Standard No. 121: (1) The adjustment procedure for brake burnish; and (2) the recovery requirement for front brakes on trucks and buses.

With respect to brake burnish, Rockwell explained that it has experienced problems with brake drag under the current adjustment procedures. For Rockwell's brake design under the current regulation, a manual adjustment is not allowed at the 50th snub, even though such an adjustment would reduce brake swell. Rockwell requested that the Standard be amended to permit manual adjustment at four intervals at the manufacturer's discretion, if necessary. The petition did not request changes to the brake adjustment provisions in the dynamometer test.

With respect to brake recovery, Rockwell stated that the 20 psi requirement results in brake size and input power being limited because if a brake's performance level is too high, the pressure will be less than 20 psi. This limitation historically has had limited impact because recovery typically has fallen at mid-range. However, the petitioner requested that the standard be amended to exclude truck and bus front axle brakes from the minimum pressure requirements to allow use of larger front brake sizes and input powers. The petitioner believed that concern about early lock-up would generally not apply to front axle brakes because of the dynamic weight transfer to front axles during deceleration.

III. Agency Proposal

On December 23, 1991, NHTSA published a notice of proposed rulemaking (NPRM) proposing to amend Standard No. 121 in two respects in response to Rockwell's petition. (56 FR 66395). First, the notice proposed amending the burnish requirements in the road and dynamometer test conditions to allow up to three brake adjustments during the burnish procedure, at intervals specified by the vehicle manufacturer, and a final adjustment at the conclusion of burnishing. The agency believed that this proposal would bring the burnish procedures closer to conditions found in actual vehicle usage, given the development of non-asbestos brake blocks that respond to elevated temperatures with increased swelling. Second, the notice proposed amending the brake recovery requirement to exclude the front brakes of trucks and buses from the minimum pressure requirement. The agency believed that this amendment would remove a requirement that might impede the development of larger front brakes on heavy vehicles.

IV. Comments to the NPRM and the Agency's Response

NHTSA received comments in response to the NPRM from motor vehicle manufacturers including General Motors (GM), International Harvester (IH), Ford, and Freightliner and brake equipment suppliers including Ferodo America, Abex, Motion Control Industries, and Echlin. The commenters generally agreed with the proposals to amend the brake adjustment schedule during the burnish requirements and to amend the brake recovery requirements with respect to front brakes on trucks and buses. In addition, commenters addressed specific matters in the proposed regulation, including the need to apply the proposed exclusion to the brake recovery requirements to anti-lock systems.

The agency has considered the points raised by the commenters in developing the final rule. The agency's discussion of the more significant comments and other relevant information is set forth below. The notice first addresses issues about brake adjustment during braking and then addresses truck and bus front axle brake recovery.

A. Brake Adjustment During Burnish

As explained above, Standard No. 121 specifies a burnish procedure requiring a series of snubs that simulate the break-in that brakes get when they are initially used on the public roads. In the 1988 rulemaking about burnish, NHTSA decided to specify the intervals at which manual adjustments could be made. Specifically, manual adjustments were permitted after the 125th, 250th, and 375th snubs and after completing the burnish, with each adjustment made in accordance with the manufacturer's recommendation.

After evaluating the Rockwell petition, NHTSA proposed amending the adjustment schedule during brake burnish to permit adjustment at intervals specified by the vehicle manufacturer, if necessary. The agency reasoned that the amendment might be necessary to accommodate the new generation of non-asbestos brake blocks. In addition, the agency believed that in currently specifying the adjustment intervals, the standard did not account for differences among brakes. The agency requested comment about the best way to prescribe the adjustment schedule to allow flexibility to accommodate new brake designs, while ensuring that the burnish requirements were enforceable and appropriate.

The NPRM addressed two other considerations related to the brake adjustment schedule during burnish. First, the agency proposed amending the brake adjustment intervals specified for the dynamometer test conditions in S6.2 to be consistent with the adjustment schedule during the road test procedures. Second, the agency proposed changing the definition for "initial brake temperature" to be more appropriate for dynamometer testing.

Several commenters addressed the issue related to the adjustment schedule during brake burnish. GM agreed with the rationale set forth in the preamble that different brake system designs may require manual adjustments at different times. Ford supported the proposal although the proposed changes would not benefit its vehicles. Ferodo commented that the proposed readjustment procedure would eliminate problems associated with the burnish procedures. Abex supported allowing three adjustments during the burnish. Rockwell commented that its petition was intended to provide manufacturers with flexibility to make up to three adjustments as necessary during the burnish test and not to specify predetermined adjustment points. It stated that to provide greater flexibility, the phrase "at intervals

specified by the vehicle manufacturer" should be deleted.

Several commenters, including Rockwell stated that the adjustments for both the road and dynamometer tests should be done pursuant to the brake manufacturer's schedule. Rockwell commented that it would be an unnecessary burden to repeat tests using all the potential vehicle manufacturer adjustment procedures. Abex commented that the brake manufacturer's schedule should be followed because conditions controlling the need for readjustments will vary significantly due to ambient conditions, vehicle configuration, brake size, axle ratings, friction material properties, and the predetermined axle by axle brake balance of the specific vehicle being tested.

After reviewing these comments, NHTSA believes that its proposal to amend the adjustment schedule during brake burnish is appropriate. The agency believes that this amendment will provide increased flexibility to manufacturers without resulting in any safety problems. In response to the comments that adjustments should be made at the brake manufacturer's discretion, the agency believes that the vehicle manufacturer's adjustment procedure should be followed instead of the brake manufacturer's. While NHTSA is aware that the brake manufacturer frequently conducts the brake development testing, the agency notes that the vehicle manufacturer is the entity ultimately responsible for certifying that the air brakes comply with standard No. 121. Therefore, the vehicle manufacturer should be responsible for the adjustment schedule.

NHTSA believes that having the regulatory text state that the vehicle manufacturer is responsible for specifying the brake adjustment intervals should not result in any significant change in the relationship between the brake supplier and the vehicle manufacturer. The agency believes that the vehicle manufacturer and its axle or brake supplier would coordinate their compliance testing efforts. The agency would not necessarily expect the burnish adjustment points to be identical in all cases. Since the dynamometer and road tests are run under different cooling conditions, the agency would expect the drum and lining expansion rates to be different, resulting in unique schedules of adjustment for each participant.

With respect to the definition for "initial brake temperature," GM, Abex, and Rockwell commented that the time should be changed to 18 seconds (0.2 miles/40 mph), instead of 12 seconds as proposed in Notice 1, since all burnish snubs will be conducted from 40 mph beginning September 1, 1993. The agency agrees with these commenters that the time should be changed to 18 seconds to make the dynamometer and road tests consistent.

Ferodo recommended that the definition of initial brake temperature should be amended to mean the "temperature of the hottest brake at brake apply." Ferodo also expressed concern that adding an interval of 12 seconds between initial brake temperature and brake apply will add a variable and degrade temperature control.

NHTSA believes that if Ferodo has a problem with accessing of temperature data in 12 seconds (now 18 seconds), then they must have misinterpreted how they should be performing the test. Under S6.2.6, the initial brake temperature means the average temperature of the service brakes on the hottest axle of the vehicle 0.2 miles before any brake application. In the dynamometer tests, they would convert the 0.2 miles to a time since the brake system they were testing was not being run on a vehicle on a test track. The agency notes that no other axle or brake material supplier expressed having a problem with the proposed timing change. In addition, the agency believes that the amendment will only necessitate having manufacturers change several lines of computer code. Based on the above considerations, the agency has determined that Ferodo's concerns are unfounded.

B. Brake Chamber Pressure During Recovery

As explained above, Standard No. 121 currently specifies provisions about a vehicle's brake recovery during the dynamometer testing. (see section S5.4.3) Within two minutes after completing the brake power tests, the brake of a vehicle (other than either front axle brake of a truck-tractor) is required to make 20 consecutive stops from 30 mph at a deceleration rate of 12 f.p.s.p.s. During these stops, the service line air pressure needed to attain the deceleration rate must be not more than 85 lb per square inch and not less than 20 lb/square inch for non antilock brake systems (or 12 lb/square inch for brakes controlled by an antilock system). As explained above, the requirements at the low end of the specification are to prevent overly aggressive brake blocks with an unstable coefficient of friction resulting from exposure to high temperature conditions. One effect of the low end requirements is to prevent the use of larger brakes on the front axle because such systems may go below the fixed lower pressure limit.

NHTSA proposed amending the requirement so that front axle brakes on trucks and buses would no longer have to comply with the minimum pressure requirements for the brake chamber during the recovery tests. The agency believed that this proposed amendment would result in eliminating a regulation that might serve to impede the use of larger, more effective front brakes. Such an amendment would be consistent with the agency policy of encouraging the use of large front brakes.

Several commenters addressed the issue of the brake recovery requirements. GM supported the proposal to remove the 20 psi recovery requirement, stating that the proposal could enhance overall brake system performance by facilitating the use of larger front foundation brakes. GM stated that it has had to limit front brake size due to the 2 psi lower limit requirement. Rockwell, Abex, and Navistar recommended eliminating all minimum pressure requirements for truck and bus front brakes regardless of whether they are controlled by ABS. Believing that this situation resulted from an oversight because antilock brakes are more forgiving of over-recovery, Navistar requested that both the 12 psi and 20 psi requirements be eliminated. In addition, Navistar requested that S5.4.3.(a) and S5.4.3(b) be removed from the proposed regulatory text.

Echlin disagreed with the proposal to eliminate the lower pressure limits, stating that such an action would defeat the purpose of controls that help prevent degraded vehicle control. It believed that as a result of this proposal, brake block materials with overly aggressive recovery characteristics could return. Echlin believed that more effective front brakes could be allowed by testing on the dynamometer at a load higher than the gross axle weight rating (GAWR).

NHTSA agrees with Rockwell, Abex and Navistar that the lower limit recovery requirement applicable to antilock systems on front brakes should be eliminated. This decision results in more consistent treatment for antilock and non-antilock brake systems.

Regulatory Analyses and Notices

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

NHTSA has analyzed this rulemaking and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant"

within the meaning of the Department of Transportation regulatory policies and procedures. The main effect of the burnish amendment is to provide burnish procedures that are more representative of the actual "break-in" that vehicle brakes typically receive while in use on the nation's roads, without favoring any particular braking system design. In particular, allowing adjustment consistent with the vehicle manufacturer's recommended adjustment schedule more fully accounts for differences among brake systems. The main effect of the amendment about recovery requirements is to remove a restriction that prevents the installation of better performing front brakes.

The amendment to the burnish procedures will not result in any cost increase because it does not impose any new requirements on manufacturters. Rather, it provides greater flexibility to manufacturers to conduct the burnish testing. The amendment to the recovery requirements will result in a cost savings because front axle brakes on trucks and buses no longer have to comply with certain requirements.

B. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this rulemaking on small entities. Based on this evaluation, I hereby certify that the amendments will not have significant economic impact on a substantial number of small entities. Few of the truck tractor or brake manufacturers may qualify as small entities. While some trailer manufacturers may qualify as small entities, this rule will not significantly increase the production or certification costs for those manufacturers that qualify as small entities. Small organizations and governmental jurisdictions which purchase these vehicles will not be affected since the cost impacts of this rule are minimal. Accordingly, a regulatory flexibility analysis has not been performed.

C. Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. NHTSA has determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. No state laws will be affected.

D. Environmental Impacts

In accordance with the National Environmental Policy Act of 1969, NHTSA has considered the environmental impacts of this rule. The agency has determined that this rule will not have a significant affect on the quality of the human environment.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

2. Section 571.121 is amended by revising the definition in S4 of "initial brake temperature," S5.4.3, S6.1.8.1, and S6.2.6 to read as follows:

§ 571.121 Standard No. 121, Air Brake Systems.

* * * * *

S4. * * *

"Initial brake temperature" means the average temperature of the service brakes on the hottest axle of the vehicle 0.2 mile before any brake application in the case of road tests, or 18 seconds before any brake application in the case of dynamometer testing.

* * * * *

S5.4.3 *Brake recovery.* Except as provided in S5.4.3(a) and (b), starting two minutes after completing the tests required by S5.4.2, a vehicle's brake shall be capable of making 20 consecutive stops from 30 mph at an average deceleration rate of 12 f.p.s.p.s., at equal intervals of one minute measured from the start of each brake application. The service line air pressure needed to attain a rate of 12 f.p.s.p.s. shall be not more than 85 lb/in², and not less than 20lb/in² for a brake not subject to the control of an antilock system, or 12 lb/in² for a brake subject to the control of an antilock system.

(a) Notwithstanding S5.4.3, neither front axle brake of a truck-tractor is subject to the requirements set forth in S5.4.3.

(b) Notwithstanding S5.4.3, neither front axle brake of a bus or a truck other than a truck-tractor is subject to the requirement set forth in S5.4.3 prohibiting the service line air pressure from being less than 20 lb/in² for a brake not subject to the control of an antilock system or 12 lb/in² for a brake subject to the control of an antilock system.

* * * * *

S6.1.8.1 Vehicles manufactured before September 1, 1993 may be burnished according to the procedures set forth in S6.1.8.1(a) or S6.1.8.1(b) of this section, at the manufacturer's option. Vehicles manufactured on or after September 1, 1993 shall be burnished according to the procedures set forth in S6.1.8.1(b) of this section.

(a) With the transmission in the highest gear appropriate for the series given in Table IV, make 500 brake applications at a deceleration rate of 10 f.p.s.p.s., or at the vehicle's maximum deceleration rate if less than 10 f.p.s.p.s., in the sequence specified. Except where an adjustment is specified, after each brake application, accelerate to the next speed specified and maintain that speed until making the next brake application at a point 1 mile from the initial point of the previous brake application. If a vehicle cannot attain any speed specified in 1 mile, continue to accelerate until the specified speed is reached or until the vehicle has traveled 1.5 miles from the initial point of the previous brake application, whichever occurs first. If during any of the brake applications specified in Table IV, the hottest brake reaches 550 °F, make the remainder of the 500 brake applications from that snub condition, except that a higher or lower snub condition shall be used as necessary to maintain an after-stop temperature of 500 °F±50F. However, if at a snub condition of 40 to 20 mph, the temperature of the hottest brake exceeds 550 °F, make the remainder of the 500 brake applications from that snub condition, without regard to brake temperature. The brakes may be adjusted not more than three times during the burnish procedure, at intervals specified by the vehicle manufacturer, and may be adjusted at the conclusion of the burnishing, in accordance with the vehicle manufacturer's recommendations.

Any automatic pressure limiting valve is in use to limit pressure as designed, except that any automatic front axle pressure limiting valve is bypassed if the temperature of the hottest brake on a rear axle exceeds the temperature of the hottest brake on a front axle by more than 125 °F. A bypassed valve is reconnected if the temperature of the hottest brake on a front axle exceeds the temperature of the hottest brake on a rear axle by 100 °F or more.

TABLE IV

Series	Snubs	Snub conditions (highest speed indicated, miles per hour)
1	175	40–20
2	25	45–20
3	25	50–20
4	25	55–20
5	250	60–20

(b) With the transmission in the highest gear appropriate for a speed of 40 mph, make 500 snubs between 40 mph and 20 mph at a deceleration rate of f.p.s.p.s., or at the vehicle's maximum deceleration rate if less than 10 fpsps. Except where an adjustment is specified, after each brake application accelerate to 40 mph and maintain that speed until making the next brake application at a point 1 mile from the initial point of the previous brake application. If the vehicle cannot attain a speed of 40 mph in 1 mph, continue to accelerate until the vehicle reaches 40 mph or until the vehicle has traveled 1.5 miles from the initial point of the previous brake application, whichever occurs first. Any automatic pressure limiting valve is in use to limit pressure as designed. The brakes may be adjusted up to three times during the burnish procedure, at intervals specified by the vehicle manufacturer, and may be adjusted at the conclusion of the burnishing, in accordance with the vehicle manufacturer's recommendation.

* * * * *

S6.2.6 Brakes are burnished before testing as follows: Place the brake assembly on an inertia dynamometer and adjust the brake as recommended by the vehicle manufacturer. Make 200 stops from 40 mph at a deceleration of 10 f.p.s.p.s., with an initial brake temperature on each stop of not less than 315 °F and not more than 385 °F. Make 200 additional stops from 40 mph at a deceleration of 10 f.p.s.p.s. with an initial brake temperature on each stop of not less than 450 °F and not more than 550 °F. The brakes may be adjusted up to three times during the burnish procedure, at intervals specified by the vehicle manufacturer, and may be adjusted at the conclusion of the burnishing, in accordance with the vehicle manufacturer's recommendation.

* * * * *

Issued on July 2, 1993.

Howard M. Smolkin,

Executive Director.

[FR Doc. 93–16101 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 85

RIN 1018–AB95

Clean Vessel Act Grant Program

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Interim rule; request for comment.

SUMMARY: This notice provides the requirements for participation in the Clean Vessel Act Grant Program authorized by Section 5604 of the Clean Vessel Act of 1992. This rule provides for the uniform administration of this new grant program. Additionally, the Fish and Wildlife Service seeks comments on the rule in an effort to develop permanent rules for the program.

DATES: Effective Date: August 9, 1993 except for § 85.20(a)(1) which contains information collection requirements which are not effective until approved by OMB. When approval is received, the agency will publish a document announcing the effective date.

Comment Deadline: Comments must be received on or before August 23, 1993.

Other Dates: Proposals will be accepted for FY 1993 and FY 1994 funds ($12.5 million) through August 31, 1993. For FY 1995 through FY 1997, proposals will be due by May 1 of the year preceding that fiscal year (e.g., May 1, 1994 for FY 1995).

ADDRESSES: Comments may be mailed to the Division of Federal Aid, Fish and Wildlife Service, U.S. Department of the Interior, Room 140 ARLSQ, 4401 North Fairfax Drive, Arlington, Virginia 22203, or delivered to the same address.

FOR FURTHER INFORMATION CONTACT: Columbus Brown, Chief, Division of Federal Aid, (703) 358–2156.

SUPPLEMENTARY INFORMATION:

Background

Sewage discharged by recreational boaters may be a substantial contributor to localized degradation of water quality in the United States. The discharge of untreated sewage by boaters is prohibited under Federal law in all areas within the navigable waters of the United States. Many boaters have Type III marine sanitation devices (holding tanks), or portable toilets for sewage. However, there is currently an inadequate number of pumpout stations and waste reception facilities (dump stations) for boaters to dispose of their sewage. The purpose of the Act, therefore, is to provide funds to States for the construction, renovation, operation, and maintenance of pumpout and dump stations to improve water quality.

Section 5604 of the Clean Vessel Act (Pub. L. 102–587, Subtitle F) authorizes the Director of the U.S. Fish and Wildlife Service (Director) to make grants to coastal States for conducting surveys of the status of existing facilities and need for additional facilities, and developing plans for the provision of facilities; and to all States for constructing/renovating pumpout and dump stations and for implementing associated education programs. Funds will be available on a competitive basis to ensure that grants address the highest national priorities. Amounts made available in a fiscal year are available for two years for obligation.

Environmental Effects

Because this rule is an administrative action, the effects on the physical, biological and sociological environment are too broad, speculative, and conjectural to be analyzed meaningfully. Therefore, the action is categorically excluded from any environmental documentation pursuant to the National Environmental Policy Act. However, construction/renovation of pumpout and dump stations will require separate environmental consideration.

All actions that may be funded by this national grant program will comply with requirements of the National Environmental Policy Act (Appendix 1 of 516 Department Manual 6) prior to the funding. Compliance with the National Environmental Policy Act and other environmental laws related to the Endangered Species Act, Coastal Barriers Resources Act as amended by the Coastal Barrier Improvement Act, Coastal Zone Management Act, Executive Orders on Floodplains (E.O. 11988) and Wetlands (E.O. 11990), historic/cultural resources, prime and unique farmlands, and the Clean Water Act shall be completed before grant agreements are approved by the Fish and Wildlife Services.

Information Collection Requirements

The information collection requirements contained in this rule, except for surveys, are only those necessary to fulfill applicable

requirements of 43 CFR part 12, and have been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The collection of survey information contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Public Comment

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the interim rule to the office identified in the Address Section of this preamble. Comments must be received on or before August 23, 1993.

Statement of Effects

The interim rule will have no economic/cost or price effects. It will not cause a significant effect on a substantial number of small entities. The grant program does not involve "taking" as described in Executive Order 12630. The rule allows eligible States to make decisions regarding the development and submission of proposed grants for surveys, plans, construction/renovation and education. Therefore, it is consistent with Executive Order 12612 on Federalism. The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*)

Intergovernmental Review of Federal Programs

This Clean Vessel Act Grant Program is covered under Executive Order 12372 "Intergovernmental Review of Federal Programs" and 43 CFR part 9 "Intergovernmental Review of Department of the Interior Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

States and Territories that participate in the Executive Order process have established Single Points of Contact (SPOCs). Applicants should alert their SPOCs to the prospective applications and receive any necessary instructions to provide material as required by the SPOC. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the narrative. Applicants from States that choose to exempt the grants need take no action regarding E.O. 12372.

Author

The primary author of these rules is Robert D. Pacific, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 85

Grant program, Grant procedures, Program policy, Project selection criteria, Natural resources, Coastal waters, Pumpout station, Waste reception facility, Recreational vessel, Coastal zone management, Information collection, Record keeping and Reporting requirements.

Regulation Promulgation

For the reasons set out in the preamble, subchapter F of chapter I, title 50 of the Code of Federal Regulations is amended by adding a new part 85.

PART 85—CLEAN VESSEL ACT GRANT PROGRAM

Subpart A—General

Sec.

85.10 Purpose and scope
85.11 Definitions
85.12 Information collection, record keeping, and reporting requirements

Subpart B—Application for Grants

85.20 Eligible activities
85.21 Application procedures
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Subpart C—Grant Selection

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85.40 Cost sharing
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85.45 Public access to facilities and maintenance
85.46 Survey and plan standards
85.47 Program crediting
85.48 Compliance with Federal laws, regulations, and policies

Authority: Public Law 102–587, Subtitle F.

Subpart A—General

§ 85.10 Purpose and scope.

This part establishes the requirements for state participation in the Clean Vessel Act Grant Program authorized by Section 5604 of the Clean Vessel Act (Pub. L. 102–587, subtitle F).

§ 85.11 Definitions.

Terms used in this part shall have the following meaning:

Clean Vessel Act or Act. The Clean Vessel Act (Public Law 102–587, Subtitle F).

Coastal State. A State of the United States in, or bordering on the Atlantic, Pacific, or Arctic Ocean; the Gulf of Mexico; Long Island Sound; or one or more of the Great Lakes; includes Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands; and, excludes Alaska and American Samoa.

Coastal waters. In the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes; and, in other areas, those waters, adjacent to the shorelines, which contain a measurable percentage of sea water, including sounds, bays, lagoons, bayous, ponds, and estuaries.

Coastal zone. Coastal zone has the same meaning that the term has in section 304(1) of the Coastal Zone Management Act of 1992 (16 U.S.C. 1453(1)). The coastal zone consists of coastal waters (including the lands therein and thereunder) and the adjacent shorelands, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands and protect coastal waters.

Construction. Activities which produce new capital improvements and increase the value or usefulness of existing property.

Education/information. The education/information program as identified in the technical guidelines as published in the **Federal Register**, to make recreational boaters aware of the environmental pollution problem resulting from sewage discharges from vessels and inform them of the location of pumpout and dump stations.

Eligible applicant. An agency of a State designated by the Governor.

Facility. A pumpout and waste reception facility.

Grant. An award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government to an eligible grantee.

Inland state. A state which is not a coastal state. The District of Columbia, American Samoa and Alaska are included as inland States.

Maintenance. Those activities necessary for upkeep of a facility. These are activities that allow the facility to function and include routine recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is non-routine cyclical maintenance to keep facilities fully functional.

Operation. Those activities necessary for the functioning of a facility to produce desired results. These are activities that make the facility work.

Plans. Those plans identified in the technical guidelines as published in the Federal Register, for construction or renovation of pumpout and dump stations necessary to ensure that there are adequate and reasonably available stations to meet the needs of recreational vessels using the coastal waters of the State.

Pumpout station. A facility that pumps or receives sewage from a type III marine sanitation device (holding tank) installed on board vessels.

Recreational vessel. Watercraft manufactured for operation, or operated, primarily for pleasure; or, leased, rented, or chartered to another for the latter's pleasure.

Renovation. Major rehabilitation of facilities to restore them to their original intended purpose.

Surveys. Those surveys identified in the technical guidelines as published in the Federal Register. Surveys are to determine the number and location of all operational pumpout and dump stations at public and private marinas, mooring areas, docks, and other boating access facilities within the coastal zone; and, to determine the number of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas of coastal waters where those vessels congregate.

Type III marine sanitation device (holding tank). Any equipment for installation on board a vessel which is specifically designed to receive, retain, and discharge sewage.

Waste reception facility (dump station). A facility specifically designed to receive sewage from portable toilets carried on vessels. Dump stations do not include lavatories or restrooms.

§ 85.12 Information collection, recordkeeping, and reporting requirements.

(a) The information collecting requirements for this grant program are those necessary to comply with 43 CFR part 12 which include a narrative statement as identified in § 85.22, Grant proposals.

(b) Recordkeeping requirements include the tracking of costs and accomplishments related to the grant as required by 43 CFR 12.60, monitoring and reporting program performing (43 CFR 12.80), and financial reporting (43 CFR 12.81).

(c) Reporting requirements, including retention and access requirements as required by 43 CFR 12.82.

Subpart B—Application for Grants

§ 85.20 Eligible activities.

(a) *Eligibility grant activities—coastal states:*

(1) Identification in the coastal zone of all operational pumpout and dump stations, and surveys of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas where those vessels congregate. Also eligible are costs of developing a list, including chart coordinates, of all operational pumpout and dump stations in the coastal zone of the State for submission to the Fish and Wildlife Service.

(2) Plans for construction and renovation of pumpout and dump stations in the coastal zone of the State necessary to ensure that these stations are adequate and reasonably available to meet the needs of recreational vessels using the coastal waters of the State. Completed State-funded plans may be submitted after the technical guidelines appear in the Federal Register.

(b) *Eligible grant activities—all states:*

(1) Education/information program to educate/inform recreational boaters about the environmental pollution problems resulting from sewage discharges from vessels and to inform them of the location of pumpout and dump stations.

(2) The construction, renovation, operation and maintenance of pumpout and dump stations. Eligible grant activities also include any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, haulage costs; and any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

(c) *Ineligible activities:*

(1) Activities that do not provide public benefits.

(2) Enforcement activities.

(3) Construction/renovation of restroom facilities.

(4) Construction, renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment.

§ 85.21 Application procedures.

(a) Eligible applicants will submit their proposals to the appropriate Regional Office of the U.S. Fish and Wildlife Service.

Region 1 States Include—American Samoa, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington

Division of Federal Aid, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon 97232–4181 (503) 231–6128

Region 2 States Include—Arizona, New Mexico, Oklahoma, and Texas

Division of Federal Aid, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW., Albuquerque, New Mexico 87103, (505) 766–2095

Region 3 States Include—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin

Division of Federal Aid, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, (612) 725–3596

Region 4 States Include—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands

Division of Federal Aid, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, SW, Suite 1290, Atlanta, Georgia 30303, (404) 331–5446

Region 5 States Include—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia

Division of Federal Aid, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589, (413) 253–8501

Region 6 States Include—Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, and Wyoming

Division of Federal Aid, U.S. Fish and Wildlife Service, 134 Federal Building, P.O. Box 25486, Denver, Colorado 80225

134 Union Boulevard, third floor, Lakewood, Colorado 80225, (303) 236–7392

Region 7 State Includes—Alaska

Division of Federal Aid, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786–3435

(b) Proposals will be accepted for FY 1993 and FY 1994 funds ($12.5 million) between the effective date and August 31, 1993. For FY 1995 and FY 1997, proposals will be due by May 1 of the year preceding that fiscal year (e.g., May 1, 1994 for FY 1995).

§ 85.22 Grant proposals.

Grant proposals will consist of a narrative which identifies and describes the following:

(a) The need within the purposes of the Act; coastal States with approved plans should indicate how the activities contained in the proposal implements the plan,

(b) Discrete objective(s) to be accomplished during a specified time period that address the need(s),

(c) Expected results or benefits from accomplishing the objectives, including the numbers of recreational vessels and people served,

(d) The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, cooperators, grant location, innovative approaches, and estimated costs,

(e) Amount and source of matching funds,

(f) Fees for use of facility.

Subpart C—Grant Selection

§ 85.30 Grant selection criteria.

The Director shall give priority consideration to grant proposals that meet the following criteria:

Note: These criteria are not listed in priority order and, as such, are equal. The goal is to have each proposal address as many of these criteria as possible.

(a) In coastal States that have no survey or plan, proposals to complete such survey and plan,

(b) In coastal States, proposals for constructing and renovating pumpout and dump stations in accordance with a coastal State's plan approved under section 5603(c) of the Clean Vessel Act,

(c) Proposals that provide for public/private partnership efforts to develop and operate pumpout and dump stations,

(d) Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum amount,

(e) Proposals that include an education/information component,

(f) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the **Federal Register**, and

(g) Proposals in areas with high vessel/pumpout or dump station ratios.

§ 85.31 Grant selection.

The Fish and Wildlife Service, Division of Federal Aid, will convene a ranking panel of Federal employees, to include representatives from Regional Offices, to review, rank, and make funding recommendations to the Director the Fish and Wildlife Service. The Director will make the selection of eligible grants by November 1, annually. Upon selection of a proposal the appropriate Regional Office will advise the successful applicant of additional documentation requirements.

Subpart D—Conditions on Use/Acceptance of Funds

§ 85.40 Cost sharing.

(a) The Federal share shall not exceed 75% of total costs approved in the grant agreement.

(b) The provisions of 43 CFR 12.64 apply to cost sharing or matching requirements. Third party in-kind contributions must be necessary and reasonable to accomplish grant objectives and represent the current market value of noncash contributions furnished as part of the grant by another public agency, private organization, or individual.

§ 85.41 Allowable costs.

(a) Allowable grant costs are limited to those costs that are necessary and reasonable for accomplishment of approved grant objectives and meet the applicable Federal cost principles in 43 CFR 12.60(b). Purchase of informational signs, program signs, and symbols designating pumpout and dump stations, are allowable costs.

(b) Grants or facilities designed to include purposes other than those eligible under the Act shall have the costs prorated equitably among the various purposes. Grant funds shall only be used for the part of the activity related to the Clean Vessel Act.

(c) Costs incurred prior to the effective date of the grant agreement are not allowable with the exception that preliminary costs are allowed only with the approval of the appropriate Regional Director. Preliminary costs may include such items as feasibility surveys, engineering design, biolgoical reconnaissance, appraisals, preparation of grant documents such as environmental assessments for compliance with the National Environmental Policy Act, or prior costs for surveys and plans. Prior costs for surveys and plans will be allowed only for the first set of applications, and only for costs incurred after enactment of the Act on November 4, 1992. This allowance is necessitated because of the short timetable for implementing the Act. These costs must be substantiated and documented.

§ 85.42 Real and personal property.

(a) Applicable regulations regarding acquisition, property records, maintenance, and disposal of real property and equipment are found in 43 CFR 12.71 and 43 CFR 12.72. If questions arise about application, the appropriate Regional Office should be contacted.

(b) A State shall ensure that design and installation of the facilities are in accordance with the technical standards identified in the technical guidelines as published in the **Federal Register**.

(c) The State must ensure that facilities are operated and maintained, and that structures or related assests are used for the stated grant purpose.

§ 85.43 Signs and symbols.

A national symbol, to be developed, should be installed to be clearly visible to direct boaters entering the facility to pumpout and dump stations. Appropriate information signs should be installed at pumpout and dump stations. Such information could indicate fees, restrictions, hours of operation, operating instructions, and a contact name and telephone number if the facility is inoperable.

§ 85.44 Fee charges for use of facilities.

A maximum of a $5.00 fee may be charged for use of pumpout facilities constructed, operated or maintained with grant funds. Such proceeds shall be retained, accounted for, and used by the operator to defray operation and maintenance costs for the useful life of the facility.

§ 85.45 Public access to facilities and maintenance.

All recreational vessels must have access to pumpout and dump stations funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

§ 85.46 Survey and plan standards.

(a) *Survey standards.*

(1) Surveys should be conducted according to the technical guidelines as published in the **Federal Register**.

(2) Surveys may be conducted Statewide, if necessary, to obtain information on boats using the coastal zone.

(b) *Plan standards.* Plans should be developed according to the technical guidelines as published in the **Federal Register.**

§ 85.47 Program crediting.

Signs should acknowledge that the facility was constructed or improved with funds from the Clean Vessel Act. Following is suggested language: "This facility was built (or improved) using Federal Aid matching funds authorized by the Clean Vessel Act."

§ 85.48 Compliance with Federal laws, regulations, and policies.

(a) In accepting Federal funds, State representatives must agree to and certify compliance with all applicable Federal laws, regulations, and policies. This is done by submitting an assurances statement that describes the compliance requirements for Federal grants.

(b) Compliance with environmental and other laws, as defined in Service Manual 523 FW Chaper 1, may require additional documentation. Consult with Regional Offices for specific applicability.

Dated: May 18, 1993.

Richard N. Smith,

Acting Director.

[FR Doc. 93–16059 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 58, No. 129
Thursday, July 8, 1993

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 92–197–1]

Change in Disease Status of New Caledonia Because of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to declare New Caledonia free of rinderpest and foot-and-mouth disease (FMD). We have determined that New Caledonia, which has never had an outbreak of either disease, meets all of the criteria for being declared free of rinderpest and FMD. Although New Caledonia is a possession of France, New Caledonia meets the requirements of the regulations for receiving separate status as to rinderpest and FMD. This proposed revision would remove the prohibition on the importation into the United States, from New Caledonia, of ruminants and fresh, chilled, and frozen meat from ruminants, and would relieve restrictions on the importation, from New Caledonia, of milk and milk products from ruminants. This proposed revision would also ensure that New Caledonia's animal health status would not be affected should the rinderpest and FMD status of France change.

This proposed revision would not give New Caledonia separate status from France in terms of diseases other than rinderpest and FMD, and France is not declared to be free of hog cholera and swine vesicular disease. Therefore, even if this proposal is adopted, the importation from New Caledonia of swine and fresh, chilled, and frozen meat from swine would continue to be restricted because of those diseases. Similarly, certain restrictions on the importation, from New Caledonia, of ruminant meat and edible products from ruminants would remain in effect because bovine spongiform encephalopathy exists in France.

DATES: Consideration will be given only to comments received on or before September 7, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92–197–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead (202-690-2817) to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Chief Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 753, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7885.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as "the regulations") govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including rinderpest, foot-and-mouth disease (FMD), bovine spongiform encephalopathy (BSE), African swine fever, hog cholera, and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all countries of the world except those listed in § 94.1(a)(2), which are declared to be free of both diseases. We are proposing to add New Caledonia to that list. New Caledonia is a possession of France, but it meets all of the criteria specified in § 94.1a of the regulations for determining the separate status of a territory or possession with regard to rinderpest and FMD.

We will consider declaring a country to be free of rinderpest and FMD if there have been no reported cases of the diseases in that country for at least the previous 1-year period, and no vaccinations for rinderpest or FMD have been administered to swine or ruminants in that country for at least the previous 1-year period. In the case of New Caledonia, there has never been an outbreak of rinderpest or FMD, and no ruminants or swine have ever been vaccinated for either disease.

New Caledonia has applied to the U.S. Department of Agriculture (USDA) to be recognized as free of rinderpest and FMD. The Animal and Plant Health Inspection Service (APHIS) has reviewed the documentation submitted by the government of New Caledonia in support of its request. In addition, APHIS officials have evaluated the capability of New Caledonia's veterinary services, laboratory and diagnostic procedures, vaccination practices, and the administration of laws and regulations to ensure against the introduction of disease into New Caledonia through the importation of animals, meat, and animal products. The APHIS officials conducting the evaluation concluded that New Caledonia is free of rinderpest and FMD. Details concerning the evaluation are available upon written request from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Based on the information discussed above, we believe that New Caledonia qualifies for listing in § 94.1(a)(2) of the regulations as a country declared free of rinderpest and FMD. Although New Caledonia is a possession of France, and APHIS is in the process of declaring France to be free of rinderpest and FMD, we have determined that New Caledonia should receive separate status to ensure that New Caledonia's animal health status would not be affected if an outbreak of rinderpest or FMD should occur in France in the future. This action would remove the prohibition on the importation, from New Caledonia, of fresh, chilled, and frozen meat from ruminants and milk and milk products from ruminants. This action would not give New Caledonia separate status from France in terms of diseases other than rinderpest and FMD, so importations from New Caledonia of live swine and fresh, chilled, or frozen meat from swine would continue to be restricted under 9 CFR part 94 because France has not been declared free of hog cholera and SVD. Similarly, the importation, from New Caledonia, of ruminant meat and edible products from ruminants would

continue to be restricted under § 94.18 because BSE exists in France.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

We are proposing to declare New Caledonia free of rinderpest and FMD. We have determined that New Caledonia, which has never had an outbreak of either disease, meets all of the criteria for being declared free of rinderpest and FMD. This proposed revision would remove the prohibition on the importation into the United States, from New Caledonia, of ruminants and fresh, chilled, and frozen meat from ruminants, and would relieve restrictions on the importation, from New Caledonia, of milk and milk products from ruminants.

New Caledonia is a net importer of meat. No meat exports from New Caledonia were reported by the United Nations Food and Agriculture Organization (FAO) in 1989, while approximately $12.4 million worth of fresh, chilled, and frozen meat was imported into New Caledonia during the same year (FAO, "Trade Yearbook," 1990).

FAO and USDA production and trade data indicate that approximately 40 percent of New Caledonia's beef and veal is imported (FAO, "Trade Yearbook," 1990, and USDA, Economic Research Service, "Foreign Agricultural Trade of the United States; Calendar Year 1991 Supplement," 1992). It is unlikely, therefore, that there would be any new imports of beef or veal into the United States from New Caledonia.

New Caledonia has a game ranching industry, and this proposed rule would allow deer meat from New Caledonia to be imported into the United States. According to the North American Deer Farmers Association, 80 percent of the commercially produced venison consumed in the United States is imported from New Zealand, where deer farming is a mature industry. Commercial venison production in the United States, where deer farming is still a new industry, complements, rather than competes with, the venison imports from New Zealand because the U.S. peak production season is opposite that of New Zealand.

New Caledonia and New Zealand share the same peak production season, so exports of venison from those two countries would be in direct competition in the U.S. market. Venison from New Caledonia would enter the U.S. market at the expense of producers in New Zealand, rather than at the expense of domestic producers of venison, so the impact on the U.S. deer farming industry is expected to be minimal. As demand for venison grows, the cost advantages of domestic production are likely to reduce U.S. reliance on all imports of venison.

As stated above, this proposed revision would remove restrictions on the importation of milk and milk products from ruminants into the United States from New Caledonia. The United States does not import casein from New Caledonia, and total U.S. imports of other dairy products from all Pacific island countries other than Australia and New Zealand were valued at only $2,000 in 1991 (USDA, Economic Research Service, "Foreign Agricultural Trade of the United States; Calendar Year 1991 Supplement," 1992). Therefore, we do not expect that this proposed revision would have any effect on U.S. businesses that rely on imported milk or milk products from ruminants.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0015.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would be revised to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.1 [Amended]

2. Section 94.1, paragraph (a)(2), would be amended by adding "New Caledonia," immediately after "Mexico,".

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16132 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

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9 CFR Part 98

[Docket No. 93–047–1]

Importation of Certain Animal Embryos and Semen

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are considering revising the regulations pertaining to the importation of certain animal embryos and semen to make these regulations consistent with current technology and improve them in other ways. We are soliciting comments from the public on the current regulations and any suggested amendments.

DATES: Consideration will be given only to comments received on or before September 7, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–047–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Roger Perkins, Staff Veterinarian, National Center for Import-Export, VS, APHIS, USDA, room 765B, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–4325.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 98 (referred to below as the regulations) govern the importation of certain animal embryos and semen to protect the health of U.S. livestock and poultry. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture administers these regulations.

APHIS officials believe that amendments to the regulations may be appropriate at this time as a result of advances in veterinary technology. Accordingly, we are seeking input from the public on the practicability, economic implications, and animal health ramifications of the regulations and any suggested amendments. Interested persons may obtain a copy of the regulations by contacting the person listed above under **FOR FURTHER INFORMATION CONTACT.**

The regulations are divided into three subparts. Subpart A provides the requirements for importing ruminant and swine embryos from countries free of rinderpest and foot-and-mouth disease and for importing embryos of horses and asses. The regulations require, among other things, that importers of these embryos obtain an import permit from APHIS. The regulations also provide specific conditions regarding the conception, collection, and transport of imported embryos. Upon arrival in this country, an embryo must be accompanied by a health certificate, and the importer must provide a document that includes certain information to an inspector at the port.

Subpart B provides the requirements for importing cattle embryos from countries where rinderpest or foot-and-mouth disease exists. The regulations in this part include some of the same requirements as in Subpart A, but Subpart B includes many additional requirements to ensure that imported cattle embryos from these countries do not introduce either of these serious diseases. For example, the regulations in Subpart B contain detailed requirements concerning the health status of the donor dam, the layout and construction of the embryo collection unit, and various procedures, including procedures for embryo collection.

Subpart C pertains to the importation of certain animal semen. Among other things, the regulations require that importers of certain animal semen obtain an import permit from APHIS and provide a declaration including certain information to an inspector at the port upon the semen's arrival. The regulations also include specific requirements for the importation of semen from countries affected with rinderpest or foot-and-mouth disease.

We believe several aspects of the regulations could be revised to make the importation of certain animal embryos and semen more practical for importers without increasing the risk that these products will introduce exotic livestock and poultry diseases into the United States. For example, the regulations for importing cattle embryos from countries where rinderpest or foot-and-mouth disease exists specify that, among other things, the donor dams must undergo several tests and the embryos must be washed at least times prior to exportation. Recent scientific data has confirmed what we had suspected—that embryo washing is a more effective disease control tool than had been previously believed. As a result, we now believe some of the required disease testing of the donor dams could be reduced or eliminated without increasing the chances of importing infected embryos from these countries.

We are particularly interested in receiving comments concerning the importation of embryos and semen from countries affected with serious livestock diseases, such as foot-and-mouth disease and hog cholera, that are exotic to the United States. Such comments should address potential risks and recommendations for reducing them. We would appreciate it if the comments are supported by references from scientific and professional literature. Commenters who are aware of opposing viewpoints to their positions are also encouraged to cite such contradictory opinions and their reasons for refuting them.

APHIS officials will carefully review all comments received by the close of the comment period. If we decide to propose amendments to the regulations, we will publish a proposal in the **Federal Register.**

Authority: 7 U.S.C. 1622; 21 U.S.C. 103, 104, 105, 111, 134a, 134b, 134c, 134d, 134f; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 29th day of June 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–16133 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–93–12]

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 September 8, 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 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 (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on July 1, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No: 27005
Petitioner: Mr. John A. Cohan
Regulations Affected: 13 CFR part 91
Description of Rulechange Sought: To add a new section to the FARs to address temporary flight restrictions in the proximity of noise sensitive areas. This proposed section would require the issuance of a NOTAM, whenever the Administrator determines that a request from a homeowner's association, environmental protection group or other community organization desirous of protecting the noise sensitive area is bona fide.
Petitioner's Reason for the Request: The petitioner feels that this proposed new Section 91.145 is necessary to counter the large volume of complaints received by the FAA concerning aircraft being operated in the vicinity of areas or communities that are noise-sensitive, particularly where alternate visual flight patterns are accessible.

[FR Doc. 93–16095 Filed 7–7–93; 8:45 am]
BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 93–NM–11–AD]

Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146 series airplanes. This proposal would require a functional test to ensure proper operation of the "LIFT SPOILER UNLOCKED" indication system, and replacement of any lift spoiler jack spindle that fails the functional test. This proposal is prompted by a report that lift spoiler jack spindles were manufactured with excess cadmium plating, which may cause the spindles to stick. The actions specified by the proposed AD are intended to prevent failure of the "LIFT SPOILER UNLOCKED" indication system.

DATES: Comments must be received by August 31, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–11–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AVRO International Aerospace, Incorporated, 22111 Pacific Boulevard, Sterling, Virginia 20166. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–11–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–11–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model 146 series airplanes. The CAA advises that lift spoiler jacks were manufactured with an excess of cadmium plating on the spindles. This excess of cadmium plating may cause the spindles to stick, and subsequently, the lift spoiler warning system may indicate falsely that lift spoilers are unlocked. This condition, if not corrected, could result in a failure of the "LIFT SPOILER UNLOCKED" indication system.

British Aerospace has issued BAe 146 Inspection Service Bulletin S.B.27–137, dated November 17, 1992, that describes procedures for a functional test to ensure proper operation of the "LIFT SPOILER UNLOCKED" indication system and repair or replacement of any lift spoiler jack spindle that fails the functional test. (This service bulletin refers to Dowty Aerospace Wolverhampton Service Bulletin P308–27–005, dated October 2, 1992, as an additional service information source.) The CAA classified the British Aerospace service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation

described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a functional test to ensure proper operation of the "LIFT SPOILER UNLOCKED" indication system, and replacement of any lift spoiler jack spindle that fails the functional test. The actions would be required to be accomplished in accordance with the British Aerospace service bulletin described previously.

The FAA estimates that 45 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $12,375, or $275 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace: Docket 93–NM–11–AD.

Applicability: Model BAe 146 series airplanes equipped with a lift spoiler jack, part number P308–45–0002 or P308–45–0102; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the "LIFT SPOILER UNLOCKED" indication system, accomplish the following:

(a) At the next scheduled maintenance inspection of the lift spoiler configuration warning microswitches, but no later than 15 months after the effective date of this AD, perform a functional test of the lift spoiler configuration warning microswitches in accordance with British Aerospace BAe 146 Inspection Service Bulletin S.B.27–137, dated November 17, 1992.

(1) If all of the configuration microswitches operate properly, prior to further flight, no further action is required by this AD. However, entries in the airplane maintenance records that are to be transferred with the airplane must indicate the serial number of each affected lift spoiler jack.

(2) If any configuration microswitch fails to operate properly, prior to further flight, replace the lift spoiler jack spindle with a jack on which the actions described in the service bulletin have been accomplished. Entries in the airplane maintenance records that are to be transferred with the airplane must indicate the serial number of each affected lift spoiler jack.

(b) As of the effective date of this AD, no person shall install on any airplane a lift spoiler jack on which the actions described in British Aerospace BAe 146 Inspection Service Bulletin S.B.27–137, dated November 17, 1992, have not been accomplished.

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

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

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

Issued in Renton, Washington, on July 1, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–16077 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 91–ANE–61]

Presque Isle, ME Transition Area

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed to modify the Presque Isle, ME Transition Area. Since issuing the NPRM, the FAA has conducted a re-evaluation of terminal airspace in the New England Region to update all control zones and transition areas, and will make the proposed modification part of another notice, therefore, this proposed rule is not required. Accordingly, the proposal is withdrawn.

FOR FURTHER INFORMATION CONTACT: Charles M. Taylor, Airspace Specialist, System Management Branch, ANE–530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 270–2428; fax (617) 272–0395.

SUPPLEMENTARY INFORMATION: A proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Presque Isle, ME Transition Area was published in the **Federal Register** on April 7, 1992 (57 FR 11698). The proposed rule would have modified the Presque Isle, ME Transition Area by increasing slightly the area north of Loring Air Force Base (AFB).

Since issuing the proposed rule the FAA has conducted a re-evaluation of terminal airspace in the New England region to update all control zones and transition areas and keep those areas in conformity with the requirements of the United States Standard for Terminal Instrument Procedures (TERPS). The FAA will incorporate modifications proposed for the Presque Isle, ME Transition Area into a new notice of proposed rulemaking to cover all

terminal airspace in the New England Region.

Transition areas are published in §71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The Presque Isle, ME Transition Area is published in that Order.

Withdrawal of this notice of proposed rulemaking constitutes only such action, does not preclude the agency from issuing another notice in the future, and does not commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and, therefore, is not covered by Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air), Transition areas.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Airspace Docket 91–ANE–61, published in the **Federal Register** on April 7, 1992 (57 FR 11698) is withdrawn.

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.

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

Francis J. Johns,

Manager, Air Traffic Division, New England Region.

[FR Doc. 93–16096 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 117

[CGD 91–059]

RIN 2115–AE14

Drawbridge Operation Regulations, Unnecessary Openings

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the regulations which govern the nation's drawbridges. The proposed amendments would clarify the responsibilities of vessel operators requesting drawbridge openings and prohibit vessel operators from signalling for unnecessary drawbridge openings. This action is intended to better accommodate the needs of vehicular traffic and reduce the wear and tear on draw machinery while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before August 23, 1993.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 91–059), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Tyssens, Alterations, Drawbridges, and Systems Branch (G–NBR–1), (202) 267–0376.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD 91–059) and the specific section of this proposal to which each comment applies, and give a reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound materials is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this rulemaking in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES.** The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Drafting Information

The principal persons involved in drafting this document are Mr. Larry Tyssens, Project Manager, and Ms. Helen Boutrous, Project Counsel, Office of Chief Counsel.

Background and Purpose

Currently, 33 CFR 117.11 specifies that no vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered. This section does not address vessels that have no appurtenances and that can pass safely underneath the drawbridge in question in the closed position, or vessels which signal for a drawbridge opening with no intention of passing through the bridge. Under § 117.5, drawtenders are required to open a bridge when a proper signal is given. Unnecessary drawbridge openings can cause vehicular delays and inordinate wear and tear on draw machinery. Therefore, it has been suggested that there is a need for a regulation requiring that vessel owners and operators refrain from requesting such unnecessary drawbridge openings. Also, it has been suggested that defining the terms used in the regulation would provide mariners with additional guidance concerning their responsibilities under the regulations when requesting the opening of a drawbridge.

Discussion of Proposed Amendments

The proposed amendments would revise § 117.11. The section heading would read "Unnecessary opening of the draw" and the revised section would prohibit an owner or operator from signalling for a drawbridge to open unless there is insufficient vertical clearance for the vessel to pass safely under the drawbridge in the closed position. The revised provision would also prohibit an owner or operator from signalling for a drawbridge to open for any purpose other than to pass through the drawbridge opening.

In order to clarify vessel operators' responsibilities under § 117.11, a new § 117.4 entitled "Definitions" is proposed. That section would define the terms "nonstructural," "appurtenance," "lowerable," and "not essential to navigation." These are the key factors a vessel operator must consider in determining whether there is sufficient clearance to pass under a closed draw or whether signalling for the draw to open is appropriate. Examples would be provided in the definition of "lowerable" to provide guidance for determining whether an appurtenance would be considered "lowerable" either by manual or mechanical methods for purposes of passing through a drawbridge.

Drawbridge openings that are unnecessary to the safe passage of mariners can cause vehicular traffic delays and unnecessary wear and tear on draw machinery. These proposed revisions are intended to prevent such unnecessary openings while allowing for the reasonable needs of navigation.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation is unnecessary. This proposal is operational in nature and, if adopted, will result in no cost to the public.

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).

This proposal requires no new equipment and imposes no additional expense on small businesses. Additionally, if the proposal is adopted, there will be less delay to vehicular traffic. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this proposal 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. The authority to regulate the nation's drawbridges across the navigable rivers and other waters of the U.S. has been committed to the Coast Guard by Federal statutes. Therefore, the Coast Guard does not expect this proposal, if adopted, to raise any preemption issues with respect to state actions on the same subject matter.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation because it is a Bridge Administration Program action involving the promulgation of operating requirements or procedures for drawbridges. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 105–1(g).

2. Section 117.4 is added to read as follows:

§ 117.4 Definitions.

Certain terms used in this part are defined in this section.

Appurtenance. The term "appurtenance" means an attachment or accessory extending beyond the hull or superstructure that is not an integral part of the vessel and is not needed for a vessel's piloting, propelling, controlling, or collision avoidance capabilities.

Lowerable. The term "lowerable" means the nonstructural vessel appurtenance can be mechanically or manually lowered and raised again. The term "lowerable" also applies to a nonstructural vessel appurtenance which can be modified to make the item flexible, hinged, collapsible, or telescopic such that it can be mechanically or manually lowered and raised again. Failure to make the modification is considered equivalent to refusing to lower a lowerable nonstructural appurtenance that is not essential to navigation. Examples of appurtenances which are considered to be lowerable include, but are not limited to, fishing outriggers, radio antennae, television antennae, false stacks, and masts purely for ornamental purposes. Examples of appurtenances which are not considered to be lowerable include, but are not limited to, radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks' substructures and buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment.

Nonstructural. The term "nonstructural" means that the item is not rigidly fixed to the vessel and is thus susceptible to relocation or alternation.

Not essential to navigation. The term "not essential to navigation" means the nonstructural vessel appurtenance does not adversely affect the vessel's piloting, propulsion, control, or collision avoidance capabilities when in the lowered position.

3. Section 117.11 is revised to read as follows:

§ 117.11 Unnecessary opening of the draw.

No vessel owner or operator shall—

(a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position; or

(b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

Dated: July 2, 1993.

W.J. Ecker,

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

[FR Doc. 93–16081 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[ET Docket No. 93–198; FCC 93–328]

Preparation for International Telecommunication Union World Radiocommunication Conferences

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Notice of inquiry.

SUMMARY: In December, 1992, the International Telecommunication Union (ITU) underwent a major restructuring. At that time, it was decided that World Radiocommunication Conferences (WRCs, formerly WARCs) should be convened every two years. The first WRC (WRC–93) under the new structure will be held November 15–19, 1993, in Geneva, Switzerland. WRC–93 is expected to set agendas for the 1995 and

1997 conferences, and will not address the merits of particular regulatory provisions in specific topic areas. The Commission's Notice of Inquiry solicits public comment regarding substantive issues that the Commission should consider advocating for placement on the agendas of the 1995, 1997 or future WRCs.

DATES: Comments are due on July 19, 1993. Reply comments are due on July 29, 1993.

FOR FURTHER INFORMATION CONTACT: Damon C. Ladson, Office of Engineering and Technology, (202) 653–8106; or, Thomas M. Walsh, Office of International Communications, (202) 632–0935.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry adopted June 24, 1993, and released June 28, 1993. This action will not add to or decrease the public reporting burden. The full text of Commission decisions are available for inspection and copying during regular business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street NW., Washington, DC 20036.

Summary of Notice of Inquiry

1. The ITU Council (Council) has directed WRC–93 to consider scheduling two specific issues for WRC–95: (1) A review of the Radio Regulations based upon the report of the Voluntary Group of Experts (VGE) (addressing service definitions related to and organizational structure of the international Table of Frequency Allocations and approaches to simplifying the Radio Regulations generally); and (2) guidance on using spectrum allocated internationally to the mobile-satellite service. WRC–93 is also directed to schedule the remainder of the WRC–95 agenda, and to make recommendations for a preliminary agenda for WRC–97.

2. To reach informed judgments about the desirability and feasibility of including various telecommunication issues on future WRC agendas, the *NOI* solicits public comment. Beyond the two issues that the ITU Council directed WRC–93 to consider scheduling, *supra*, the *NOI* identifies the following topics as candidates for inclusion on the agendas of future WRCs: (1) Broadcast-satellite service (sound); (2) wind profiler radars; (3) space services; and (4) high frequency broadcasting. Other matters, including resolutions and recommendations from past conferences, also are likely to be considered at WRC–93. With the biennial scheduling of WRCs, it is hoped that issues may be scheduled for consideration systematically, providing for greater lead time for preparations for conferences. The urgency to include all topics on the next scheduled WRC should be reduced now that subsequent opportunities to consider subjects will occur every two years. Individual topics that might be considered at WRC–95 or WRC–97 are discussed below. It should be noted that the two major topics the Council directed WRC–95 to consider are likely to occupy a considerable amount of time.

3. *Report of the Voluntary Group of Experts.* The VGE work primarily concerns identifying ways to simplify the Table of Frequency Allocations, the related service definitions and the regulatory and procedural provisions in the international Radio Regulations. Following completion of its work, the VGE will issue a report (by the first quarter of 1994) making recommendations for simplifying the Radio Regulations. The VGE report will be forwarded to ITU member administrations for consideration at WRC–95.

4. *Mobile-Satellite Services (MSS).* There are several domestic proceedings that could result in new U.S. based MSS systems intended to operate globally. To facilitate the possible implementation of future U.S. MSS systems, it is important that U.S. conference delegations insure there is an appropriate MSS environment for U.S. systems.

5. *Broadcast-Satellite Service (sound) (BSS (sound)).* In GEN Docket No. 90–357, the Commission has proposed to allocate the 2310–2360 MHz band for satellite digital audio radio service (satellite DARS), designated internationally as BSS (sound). The 2310–2360 MHz band is one of three different frequency bands allocated by WARC–92 for BSS (sound). Additionally, WARC–92 resolved to convene a planning conference for use of those bands before 1998. Until that conference, to reserve future planning options, only the upper 25 MHz of each of the three BSS (sound) bands can be used. The two opportunities to consider planning the BSS (sound) bands are the 1995 and 1997 WRCs.

6. *Wind Profiler Radars.* Wind profiler radar systems use radar signals to measure wind speed and direction, vertical wind velocity, intensity of turbulence and precipitation parameters. WARC–92 invited the CCIR to make appropriate technical recommendations regarding use of frequencies near 50, 400, and 1000 MHz for wind profiler radar operations. Consideration of appropriate frequency assignments for wind profilers was invited for the next competent WRC, which would be WRC–95. This matter is important to United States interests as the Commission has recently issued a *NPRM* to allocate spectrum for wind profilers.

7. *Space Services.* WARC–92 adopted RES712 that resolved that the next competent WRC considers certain matters concerning the space services. These matters are: (1) Worldwide primary allocations for the earth-exploration and space research services in the appropriate bands within the 8–20 GHz range; (2) intersatellite service requirements near 23 GHz; (3) providing spectrum for space-based active earth sensors around the 35 GHz band; and (4) including certain CCIR-developed space science service coordination parameters in Appendix 28 of the Radio Regulations.

8. *High Frequency (HF) Broadcasting.* Since 1959, HF broadcast frequency usage has been coordinated worldwide by use of voluntary consultation procedures contained in Article 17 of the international Radio Regulations. In 1987, a HF Broadcasting Conference (HFBC–87) was held to consider a computer-based planning system to replace the notification and coordination procedures of Article 17. Difficulties arose in developing a computer-based planning system that could address the scope and flexibility of all administrations' requirements. The current notification and coordination procedures remain in force. At WARC–92, additional frequencies were allocated to the HF broadcast service. However, use of these frequencies is subject to planning procedures to be developed at a future conference. WARC–92 also instructed the IFRB to report on the continued development of a computer-based planning system to the next competent WARC. The U.S. will have to assess the urgency of considering a computer-based HF broadcasting planning system. Affecting a U.S. position on this issue is the fact that the current Article 17 procedures generally satisfy U.S. HF broadcasting needs.

9. *Resolutions and Recommendations from Previous Conferences.* As discussed previously, there are many unresolved resolutions and recommendations (RES/RECs) from previous telecommunication conferences. An example of this category is Res. 113 (WARC–92). Res. 113 deals with adjustments to the fixed service that have become necessary

because of recent changes in frequency allocations within the 1–3 GHz range. Such adjustments could bear directly on domestic proceedings, such as PCS. These RES/RECs will ultimately need to be brought to the agendas of competent WRCs. The primary issue is timing for consideration of a specific RES/REC in a way that best serves U.S. interests.

Procedural Information

10. Authority for this Notice of Inquiry is contained in sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(r), and 403. Pursuant to § 1.1204(a)(4) of the Commission's Rules, 47 CFR 1.1204(a)(4), no *ex parte* restrictions apply to this proceeding.

11. U.S. government conference preparations have begun and are being conducted by the Interdepartment Radio Advisory Committee (IRAC) and its Ad Hoc 208 interagency group. Ad Hoc 208 will be responsible for coordinating the preparatory activities of affected government agencies that use frequencies allocated for the government's telecommunications needs. The IRAC will make its conference recommendations to NTIA, which is responsible for developing Executive Branch telecommunications policies. NTIA's recommendations for U.S. policy and proposals will then be forwarded to the Department of State for coordination with the Commission's recommendations. Because the Commission participates in IRAC through a liaison representative, we expect the Commission's and NTIA's recommendations for U.S. proposals to be generally consistent.

12. The Commission's recommendations will be forwarded to the Department of State for coordination with NTIA's recommendations as discussed above. WRC–93 is scheduled for November 11–15, 1993. Therefore, the Department of State would normally submit U.S. proposals by September 10, 1993. In view of the short period available for preparation and submission of U.S. proposals, the Commission is requesting comments within 21 days of the release of this Notice of Inquiry at the Commission's headquarters, and reply comments within 10 days thereafter. The dates are given below.

13. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415 and 1.149, interested parties may file comments on or before July 19, 1993, and reply comments on or before July 29, 1993. All relevant and timely comments will be considered by the Commission before taking further action in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Center (room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

14. For further information concerning this Notice of Inquiry, contact Damon C. Ladson, Office of Engineering and Technology, (202) 653–8106, or Thomas M. Walsh, Office of International Communications, (202) 632–0935 Federal Communications Commission, Washington, DC 20554.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–16035 Filed 7–7–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Public Hearing

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

ACTION: Notice of a public hearing.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a public hearing to receive public testimony on proposed catch distribution of commercial king mackerel off Florida for the 1993–1994 season.

DATES: The hearing will be held on Monday, July 12, 1993, from 7 p.m. to 10 p.m.

ADDRESSES: The hearing will take place at the Ft. Pierce Civic Center, Room 101, 2300 Virginia Avenue, Ft. Pierce, Florida (telephone: 407–468–1415).

FOR FURTHER INFORMATION CONTACT: Terrance R. Leary, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331 Tampa, Florida (813–228–2815).

Dated: July 2, 1993.

David S. Crestin,

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

[FR Doc. 93–16215 Filed 7–2–93; 4:59 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 129
Thursday, July 8, 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

Forms Under Review by Office of Management and Budget

July 2, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

- Animal and Plant Health Inspection Service

User Fees
Recordkeeping; On occasion; Quarterly
Individuals or households; state or local governments; businesses or other for profit-profit; Federal agencies or employees; Small businesses or organizations; 216,168 responses; 7,517 hours
Helen C. Schmitt, (301) 436–8119

Extension

- Food and Nutrition Service

Report of the Child and Adult Care Food Program
FNS–44
Monthly; Quarterly; Semi-annually
State or local governments; 1,584 responses; 4,752 hours
Alan Rich, (703) 305–2113

- Animal and Plant Health Inspection Service

Animal Welfare
APHIS 7001, 7002, 7003, 7006, 7006A, 7009, 7011, 7019, 7020, 7023, VS 18–1A, 18–5
Recordkeeping; On occasion; Weekly; Semi-annually; Annually State or local governments; Businesses or other for-profit; Nonprofit institutions; Small businesses or organizations; 73,988 responses; 242,184 hours
Jerry De Poyster (301) 436–7833

Reinstatement

- Food Safety and Inspection Service

Meat and Poultry Inspection (Application for Inspection, Sanitation, and Equipment Requirements, and Exemptions)
FSIS Form 5200–2; FSIS Form 5200–5
Recordkeeping; On occasion
Businesses or other for-profit; 59,790 responses; 7,396 hours.
Lee Puricelli, (202) 720–7163

Larry K. Roberson,
Deputy Department Clearance Officer.

[FR Doc. 93–16124 Filed 7–7–93; 8:45 am]
BILLING CODE 3410–01–M

Agricultural Stabilization and Conservation Service

RIN 0560–AC97

1993–1994 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination.

SUMMARY: This notice sets forth the determination of the 1993–1994 marketing year penalty rate for excess tobacco for all kinds of tobacco subject to marketing quotas. In accordance with section 314 of the Agricultural Adjustment Act of 1938, as amended, marketing quota penalties for a kind of tobacco are assessed at the rate of seventy-five (75) percent of the average market price for that kind of tobacco for the immediately preceding marketing year.

EFFECTIVE DATE: July 8, 1993.

FOR FURTHER INFORMATION CONTACT: Rebecca Fial, Agricultural Program Specialist, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013–2415, phone 202–690–0012.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Departmental Regulation 1512–1

This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Department Regulation 1512–1 and has been classified as "nonmajor." It has been determined that this notice will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the catalog of Federal Domestic Assistance, to which this notice applies are: Commodity Loan and Purchases—10.051.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12778

Executive Order 12778 is not applicable to this notice.

Discussion

Section 314 of the Agricultural Adjustment Act of 1938, as amended, provides that the rate of penalty per pound for a kind of tobacco that is subject to marketing quotas shall be seventy-five (75) percent of the average market price for such tobacco for the immediately preceding marketing year.

For all kinds of tobacco subject to marketing quotas, except Puerto Rico (type 46) tobacco, The Agricultural Statistics Board, National Agricultural Statistical Service, U.S. Department of Agriculture determines and announces annually the average market prices for each type of tobacco. The penalty rates are determined on the basis of this information.

The national marketing quota for Puerto Rico (type 46) tobacco for the immediately preceding marketing year was "0" pounds. There is no record of any such tobacco being marketed. Consequently, the penalty rate for the 1993–1994 marketing year cannot be determined based on seventy-five (75) percent of the average market price for the immediately preceding year. Therefore, the penalty rate for Puerto Rico (type 46) tobacco for the 1993–1994 marketing year shall be the same as the penalty rate determined for the 1989–1990 marketing year, the last year in which marketing information is available.

Since the determination of the 1993–1994 marketing year rates of penalty reflect only mathematical computations which are required to be made in accordance with a statutory formula, it has been determined that no further public rulemaking is required.

Determination

Accordingly, it has been determined the 1993–1994 marketing year rates of penalty for kinds of tobacco subject to marketing quotas are as follows:

RATE OF PENALTY

[1993–1994 Marketing Year]

Kinds of tobacco	Cents per pound
Flue-Cured	129
Burley	136
Fire-Cured (Type 21)	121
Fire-Cured (Types 22 and 23)	163
Dark Air-Cured (Types 35 and 36)	127
Virginia Sun-Cured (Type 37)	104
Cigar-Filler and Binder (Types 42, 43, 44, 54, and 55)	112
Puerto Rico Cigar-Filler (Type 46)	57

Signed at Washington, DC, on July 1, 1993.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 93–16125 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–05–P

Animal and Plant Health Inspection Service

[Docket No. 93–079–1]

Receipt of Permit Applications for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that three applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect an application are encouraged to call ahead on (202) 690–2817 to facilitate entry into the reading room. You may obtain copies of the documents by writing to the person listed under "**FOR FURTHER INFORMATION CONTACT.**"

FOR FURTHER INFORMATION CONTACT:

Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, BBEP, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application no.	Applicant	Date received	Organisms	Field test location
93–165–01	Upjohn Company	06–14–93	Squash plants genetically engineered to express resistance to zucchini yellow mosaic virus and watermelon mosaic virus 2.	Maryland.
93–165–02	Upjohn Company	06–14–93	Squash plants genetically engineered to express resistance to zucchini yellow mosaic virus and watermelon mosaic virus 2.	North Carolina.
93–165–03	Betaseed, Incorporated	06–14–93	Sugar beet plants genetically engineered to express resistance to rhizomania virus and tolerance to the phosphinothricin class of herbicides.	California.

Done in Washington, DC, this 1st day of July 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–16136 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

[Docket No. 93–074–1]

Procedures for Importing Animals Through the Harry S Truman Animal Import Center (HSTAIC)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are giving notice of the date and location of the lottery for authorization of the use of the Harry S Truman Animal Import Center (HSTAIC) in calendar year 1994. We are also giving notice of the period during which applications must reach the Animal and Plant Health Inspection Service, Import-Export Animals Staff, Veterinary Services, in order to be included in the lottery.

DATES: To be included in the lottery for authorization to use HSTAIC in calendar year 1994, applications and accompanying deposits must be received no earlier than September 1, 1993, and no later than September 15, 1993. The lottery for authorization to use HSTAIC during 1994 will be held on October 5, 1993.

ADDRESSES: Completed applications and accompanying deposits must be sent to the Administrator, c/o Import-Export Animals Staff, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Application forms may be obtained by writing to the same address, or by calling the telephone number provided under the heading "**FOR FURTHER INFORMATION CONTACT.**" The lottery will be held in the EPIC Room, 7th Floor, Federal Building, 6505 Belcrest Road, Hyattsville, MD.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Montgomery, Staff Specialist, Import-Export Animals Staff, VS, APHIS, USDA, room 765B, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8172.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92, §§ 92.430, 92.431, 92.522, and 92.523 (referred to below as the regulations), set forth the conditions under which importers may qualify animals to enter the United States through the Harry S Truman Animal Import Center (HSTAIC) in Fleming Key, FL.

Because the demand for quarantine space at HSTAIC has traditionally exceeded the space available, the regulations provide that a lottery will be held each year during the first 7 days of October, to determine the priority of applications for the following calendar year. To be included in the October lottery, applications must reach the Import-Export Animals Staff no earlier than September 1, and no later than September 15 of the year of the lottery. Additionally, certain applications must include a deposit in the form of an irrevocable letter of credit, in the name of the applicant, and in the amount of $50,000, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service. Those applications which must include this deposit are identified in the regulations.

The regulations provide that applications received will be placed in one of four categories, depending on the type of animal to be imported and the location from which the animal is exported. The categories are ranked in priority order, with applications placed in each category taking precedence over those in subsequent categories. In the event that the Import-Export Animals Staff does not receive more than one application between September 1, 1993, and September 15, 1993, the lottery will not be held, and the Animal and Plant Health Inspection Service will grant exclusive right to use HSTAIC during calendar year 1994 in the order applications are received.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 37.2(d).

Done in Washington, DC, this 1st day of July 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–16135 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–34–P

Food and Nutrition Service

Food Distribution Program; Value of Donated Foods From July 1, 1993 to June 30, 1994

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the value of donated foods or, where applicable, cash in lieu thereof to be provided in the 1994 school year for each lunch served by schools participating in the National School Lunch Program (NSLP) or by commodity schools and for each lunch and supper served by institutions participating in the Child and Adult Care Food Program.

This notice also announces that the value of agricultural commodities and other foods provided to States during the past school year met the level of assistance authorized under the National School Lunch Act. Thus, there will be no shortfall cash payments to States for the NSLP for the 1993 school year. The annually programmed level of assistance was met in food donations by June 30, 1993.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Philip K. Cohen, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302–1594 or telephone (703) 305–2660.

SUPPLEMENTARY INFORMATION:

Classification

These programs are listed in the Catalog of Federal Domestic Assistance under Nos. 10.550, 10.555, and 10.558 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

National Average Minimum Value of Donated Foods for the Period July 1, 1993 through June 30, 1994

This notice implements mandatory provisions of sections 6(e), 14(f) and 17(h)(1) of the National School Lunch Act (the Act) (42 U.S.C. 1755(e), 1762a(f), and 1766(h)(1)). Section 6(e)(1)(A) of the Act establishes the national average value of donated food assistance to be given to States for each lunch served in NSLP at 11.00 cents per meal. Pursuant to section 6(e)(1)(B), this amount is subject to annual adjustments as of July 1 of each year to reflect changes in the Price Index for Food Used in Schools and Institutions. Section 17(h)(1) of the Act provides that the same value of assistance in donated foods for school lunches shall also be established for lunches and suppers

served in the Child and Adult Care Food Program. Notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under NSLP (7 CFR part 210) and per lunch and supper under the Child and Adult Care Food Program (7 CFR part 226) shall be 14.00 cents for the period July 1, 1993 through June 30, 1994.

The Price Index for Food Used in Schools and Institutions is computed on the basis of five major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products; meats, poultry and fish; dairy products; processed fruits and vegetables; and fats and oil). Each component is assigned a proportional value using the appropriate relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month simple average value of this Price Index for March, April and May. The three-month average of the Price Index increased by 1.55 percent from 121.34 for March, April and May of 1992 to 123.29 for the same three months in 1993. When computed on the basis of unrounded data and rounded to the nearest one-quarter cent, the resulting national average for the period July 1, 1993 through June 30, 1994 will be 14.00 cents per meal. This is the same as the rate in effect for the past school year.

Section 14(f) of the Act provides that commodity schools shall be eligible to receive donated foods equal in value to the sum of the national average value of donated foods established under section 6(e) of the Act and the national average payment established under section 4 of the Act (42 U.S.C. 1753). Such schools are eligible to receive up to 5 cents of this value in cash for processing and handling expenses related to the use of such foods.

Commodity schools are defined in section 12(d)(7) of the Act (42 U.S.C. 1760(d)(7)) as "schools that do not participate in the school lunch program under this Act, but which receive commodities made available by the Secretary for use by such schools in nonprofit lunch programs."

For the 1994 school year, commodity schools shall be eligible to receive donated food assistance valued at 30.50 cents for each lunch served. This amount is based on the sum of the section 6(e) level of assistance announced in this notice and the adjusted section 4 minimum national average payment factor for school year 1994. The section 4 factor for commodity schools does not include the two cents per lunch increase for schools where 60 percent of the lunches were served in the second preceding year free or at reduced prices, since that increase is applicable only to schools participating in the National School Lunch Program.

Cash in Lieu Payments—Value of Donated Commodities for School Year 1993

Section 6(b) of the Act (42 U.S.C. 1755(b)) and the regulations governing cash in lieu of donated foods (7 CFR part 240) require the Secretary of Agriculture by June 1 of each school year to estimate the value of agricultural commodities and other foods that will be delivered to States during that school year. Under the food distribution regulations (7 CFR part 250), these foods are used by schools participating in NSLP. If the estimated value is less than the total level of commodity assistance authorized under section 6(e) of the Act, the Secretary is required by July 1 of that school year to pay to each State educational agency funds equal to the difference between the value of programmed deliveries and the total level of authorized assistance for each State.

During the past school year the adjusted minimum national average value of donated foods or payments of cash in lieu thereof per lunch was 14.00 cents. In accordance with section 6(e) of the Act, the mandated level of commodity assistance was $566,282,209 for school year 1993. The Secretary has determined that at least that amount was available for delivery nationally by June 30, 1993 to meet the mandated level of assistance.

Notice is hereby given, therefore, that no shortfall cash payments will be made for the school year ending June 30, 1993.

Authority: Sections 6(e)(1) (A) and (B), 14(f) and 17(h)(1) of the National School Lunch Act, as amended (42 U.S.C. 1755(e)(1) (A) and (B), 1762a(f), and 1766(h)(1)).

Dated: July 1, 1993.

Christopher J. Martin,

Acting Administrator.

[FR Doc. 93–16090 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–30–U

Child And Adult Care Food Program; National Average Payment Rates, Day Care Home Food Service Payment Rates and Administrative Reimbursement Rates for Sponsors of Day Care Homes for the Period July 1, 1993–June 30, 1994

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustments to the national average payment rates for meals served in child care, outside-school-hours care and adult day care centers, the food service payment rates for meals served in day care homes, and the administrative reimbursement rates for sponsors of day care homes to reflect changes in the Consumer Price Index. Further adjustments are made to these rates to reflect the higher costs of providing meals in the States of Alaska and Hawaii. The adjustments contained in this notice are required by the statutes and regulations governing the Child and Adult Care Food Program (CACFP).

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Branch Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 305–2620.

SUPPLEMENTARY INFORMATION: This program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1993.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3587).

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the CACFP (7 CFR part 226).

Background

Pursuant to sections 4, 11 and 17 of the National School Lunch Act (NSL) (42 U.S.C. 1753, 1759a and 1766), section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1753) and §§ 226.4, 226.12 and 226.13 of the regulations governing the CACFP (7 CFR part 226), notice is hereby given of the new payment rates for participating institutions. These rates shall be in effect during the period July 1, 1993–June 30, 1994.

As provided for under the NSLA and the Child Nutrition Act of 1966, all rates

in the CACFP must be prescribed annually on July 1 to reflect changes in the Consumer Price Index for the most recent 12-month period. In accordance with this mandate, the Department list published the adjusted national average payment rates for centers, the food service payment rates for day care homes and the administrative reimbursement rates for sponsors of day care homes on June 26, 1992 (for the period July 1, 1992–June 30, 1994).

ALL STATES EXCEPT ALASKA AND HAWAII

Meals Served in Centers—Per Meal Rates in Dollars or Fractions thereof	
Breakfasts:	
Paid	$.1900
Free	.9600
Reduced	.6600
Lunches and Suppers: [1]	
Paid	$.1650
Free	1.7250
Reduced	1.3250
Supplements:	
Paid	$.0425
Free	.4750
Reduced	.2375
Meals Served in Day Care Homes—Per Meal Rates in Dollars or Fractions thereof	
Breakfasts	$.8150
Lunches and Suppers	1.4800
Supplements	.4400
Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars	
Initial 50 day care homes	$67
Next 150 day care homes	51
Next 800 day care homes	40
Additional day care homes	35

[1] These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. Notices announcing the value of commodities and cash-in-lieu of commodities are published separately in the **Federal Register.**

Pursuant to section 12(f) of the NSLA (42 U.S.C. 1760(f)), the Department adjusts the payment rates for participating institutions in the States of Alaska and Hawaii. The new payment rates for Alaska are as follows:

ALASKA

Alaska—Meals Served in Centers—Per Meal Rates in Dollars or Fractions thereof	
Breakfasts:	
Paid	$.2725
Free	1.5200
Reduced	1.2200
Lunches and Suppers: [1]	
Paid	$.2700
Free	2.8000
Reduced	2.4000
Supplements:	
Paid	$.0700
Free	.7675
Reduced	.3850
Alaska—Meals Served in Day Care Homes—Per Meal Rates in Dollars or Fractions thereof	
Breakfasts	$1.2825
Lunches and Suppers	2.3975
Supplements	.7150
Alaska—Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars	
Initial 50 day care homes	$109
Next 150 day care homes	83
Next 800 day care homes	65
Additional day care homes	57

[1] These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. Notices announcing the value of commodities and cash-in-lieu of commodities are published separately in the **Federal Register.**

The new payment rates for Hawaii are as follows:

HAWAII

Hawaii—Meals Served in Centers—Per Meal Rates in Dollars or Fractions thereof	
Breakfasts:	
Paid	$.2125
Free	1.1150
Reduced	.8150
Lunches and Suppers: [1]	
Paid	.1950
Free	2.0225
Reduced	1.6225
Supplements:	
Paid	.0500
Free	.5550
Reduced	.2775
Hawaii—Meals Served in Day Care Homes—Per Meal Rates in Dollars or Fractions thereof	
Breakfasts	.9425
Lunches and Suppers	1.7300
Supplements	.5150
Hawaii—Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars	
Initial 50 day care homes	79
Next 150 day care homes	60
Next 800 day care homes	47
Additional day care homes	41

[1] These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. Notices announcing the value of commodities and cash-in-lieu of commodities are published separately in the **Federal Register.**

The changes in the national average payment rates and the food service payment rates for day care homes reflect a 1.8 percent increase during the 12-month period May 1992 to May 1993 (from 140.4 in May 1992 to 142.9 in May 1993) in the Food Away From Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor. The changes in the administrative reimbursement rates for sponsoring organizations of day care homes reflect a 3.2 percent increase during the 12-month period May 1992 to May 1993 (from 139.7 in May 1992 to 144.2 in May 1993) in the series for all items of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

The total amount of payments available to each State agency for distribution to institutions participating in the program is based on the rates contained in this notice.

Authority: Sections 4(b)(2), 11(a), 17(c) and 17(f)(3)(B) of the National School Lunch Act, as amended, (42 U.S.C. 1753(b)(2), 1759a(a), 1766(f)(3)(B)) and section 4(b)(1)(B) of the Child Nutrition Act of 1966 as amended, (42 U.S.C. 1773(b)(1)(B).

Dated: July 1, 1993.

Christopher J. Martin,

Acting Administrator.

[FR Doc. 93–16089 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–30–M

Food And Nutrition Service

National School Lunch, Special Milk, and School Breakfast Programs; National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the annual adjustments to: (1) The "national average payments," the amount of money the Federal Government provides States for lunches and breakfasts served to children participating in the National School Lunch and School Breakfast Programs; (2) the "maximum reimbursement rates," the maximum per lunch rate from Federal funds that a State can provide a school food authority for lunches served to children participating in the National School Lunch Program; and (3) the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program

for Children. The payments and rates are prescribed on an annual basis each July. The annual payments and rates adjustments for the National School Lunch and School Breakfast Programs reflect changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers. The annual rate adjustment for the Special Milk Program reflects changes in the Producer Price Index for Fluid Milk Products. These payments and rates are in effect from July 1, 1993 through June 30, 1994.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, (703) 305–2620.

SUPPLEMENTARY INFORMATION: These programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555 and No. 10.556 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This Notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

Background

Special Milk Program for Children

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fluid Milk Products (Code 0231), published by the Bureau of Labor Statistics of the Department of Labor.

For the period July 1, 1993 to June 30, 1994, the rate of reimbursement for a half-pint of milk served to a nonneedy child in a school or institution which participates in the Special Milk Program is 11.00 cents. This reflects no change over the current reimbursement rate because the Producer Price Index for Fluid Milk Products (Code 0231) from May 1992 to May 1993 (from a level of 120.5 in May 1992 to 120.6 in May 1993) did not change significantly enough to trigger a change in the reimbursement rate.

As a reminder, schools or institutions with pricing programs which elect to serve milk free to eligible children continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs

Pursuant to section 11 of the National School Lunch Act, (42 U.S.C. 1759a), and section 4 of the Child Nutrition Act of 1966, (42 U.S.C. 1773), the Department annually announces the adjustments to the National Average Payment Factors and to the maximum Federal reimbursement rates for meals served to children participating in the National School Lunch Program. Adjustments are prescribed each July 1, based on changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor. The changes in the national average payment rates for schools and residential child care institutions for the period July 1, 1993 through June 30, 1994 reflect a 1.8 percent increase in the Price Index during the 12-month period May 1992 to May 1993 (from a level of 140.4 in May 1992 to 142.9 in May 1993).

Lunch Payment Factors

Section 4 of the National School Lunch Act (42 U.S.C. 1753) provides general cash for food assistance payments to States to assist schools in purchasing food. There are two section 4 National Average Payment Factors for lunches served under the National School Lunch Program. The lower payment factor applies to lunches served by school food authorities in which less than 60 percent of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment factor applies to lunches served by school food authorities in which 60 percent or more of the lunches served during the second preceding school year were served free or at a reduced price. To supplement these section 4 payments, section 11 of the National School Lunch Act provides special cash assistance payments to aid schools in providing free and reduced price lunches. The section 11 National Average Payment Factor for each reduced price lunch served is set at 40 cents less than the factor for each free lunch.

As authorized under sections 8 and 11 of the National School Lunch Act (42 U.S.C. 1757, 1759a), maximum reimbursement rates for each type of lunch are prescribed by the Department in this Notice. These maximum rates ensure equitable disbursement of Federal funds to school food authorities.

Breakfast Payment Factors

Section 4 of the Child Nutrition Act of 1966 establishes National Average Payment Factors for free, reduced price and paid breakfasts served under the School Breakfast Program and additional payments for schools determined to be in "severe need" because they serve a high percentage of needy children.

Revised Payments

The following specific section 4 and section 11 National Average Payment Factors and maximum reimbursement rates are in effect through June 30, 1994. Due to a higher cost of living, the average payments and maximum reimbursements for Alaska and Hawaii are higher than those for all other States. The District of Columbia, Virgin Islands, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Federated State of Micronesia, the Republic of the Marshalls, and the Republic of Palau use the figures specified for the contiguous States.

National School Lunch Program Payments

Section 4 National Average Payment Factors

In school food authorities which served less than 60 percent free and reduced price lunches in School Year 1991–92, the payments are: *Contiguous States*—16.50 cents, maximum rate 24.50 cents; *Alaska*—27.00 cents, maximum rate 38.50 cents; *Hawaii*—19.50 cents, maximum rate 28.25 cents.

In school food authorities which served 60 percent or more free and reduced price lunches in School Year 1991–92, payments are: *Contiguous States*—18.50 cents, maximum rate 24.50 cents; *Alaska*—29.00 cents, maximum rate 38.50 cents; *Hawaii*—21.50 cents, maximum rate 28.25 cents.

Section 11 National Average Payment Factors

Contiguous States—free lunch—156.00 cents, reduced price lunch 116.00 cents; *Alaska*—free lunch 253.00 cents, reduced price lunch 213.00 cents;

Hawaii—free lunch 182.75 cents, reduced price lunch 142.75 cents.

School Breakfast Program Payments

For schools "not in severe need" the payments are:

Contiguous States—free breakfast 96.00 cents, reduced price breakfast 66.00 cents, paid breakfast 19.00 cents; *Alaska*—free breakfast 152.00 cents, reduced price breakfast 122.00 cents, paid breakfast 27.25 cents; *Hawaii*—free breakfast 111.50 cents, reduced price breakfast 81.50 cents, paid breakfast 21.25 cents.

For schools in "severe need" the payments are:

Contiguous States—free breakfast 114.25 cents, reduced price breakfast 84.25 cents, paid breakfast 19.00 cents; *Alaska*—free breakfast 181.50 cents, reduced price breakfast 151.50 cents, paid breakfast 27.25 cents; *Hawaii*—free breakfast 132.75 cents, reduced price breakfast 102.75 cents, paid breakfast 21.25 cents.

Payment Chart

The following chart illustrates: The lunch National Average Payment Factors with the sections 4 and 11 already combined to indicate the per meal amount; the maximum lunch reimbursement rates; the breakfast National Average Payment Factors including "severe need" schools; and the milk reimbursement rate. All amounts are expressed in dollars or fractions thereof. The payment factors and reimbursement rates used for the District of Columbia, Virgin Islands, Puerto Rico and the Pacific Territories are those specified for the contiguous States.

SCHOOL PROGRAMS—MEAL AND MILK PAYMENTS TO STATES AND SCHOOL FOOD AUTHORITIES

[Expressed in dollars or fractions thereof—effective from July 1, 1993–June 30, 1994]

National School Lunch Program [1]	Less than 60 percent	60 percent or more	Maximum rate
Contiguous States:			
Paid	.1650	.1850	.2450
Reduced price	1.3250	1.3450	1.4950
Free	1.7250	1.7450	1.8950
Alaska:			
Paid	.2700	.2900	.3850
Reduced price	2.4000	2.4200	2.6575
Free	2.8000	2.8200	3.0575
Hawaii:			
Paid	.1950	.2150	.2825
Reduced price	1.6225	1.6425	1.8150
Free	2.0225	2.0425	2.2150

School Breakfast Program	Non-severe need	Severe need
Contiguous States:		
Paid	.1900	.1900
Reduced price	.6600	.8425
Free	.9600	1.1425
Alaska:		
Paid	.2725	.2725
Reduced price	1.2200	1.5150
Free	1.5200	1.8150
Hawaii:		
Paid	.2125	.2125
Reduced price	.8150	1.0275
Free	1.1150	1.3275

Special Milk Program	All milk	Paid milk	Free milk
Pricing programs without free option.	$.11	N/A	N/A.
Pricing programs with free option.	N/A	$.11	Average cost–½pint milk.
Nonpricing programs.	$.11	N/A	N/A.

[1] Payments listed for free and reduced price lunches include both sections 4 and 11 funds.

Authority: Sections 4, 8, and 11 of the National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759a) and sections 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773(b)).

Dated: July 1, 1993.

Christopher J. Martin,

Acting Administrator.

[FR Doc. 93–16091 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–30–M

Forest Service

Exemption of the Wren Timber Salvage Sale, Idaho City Ranger District, Boise National Forest, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal.

SUMMARY: This is notification that timber salvage harvest and reforestation activities to recover and rehabilitate natural resources from recent insect epidemics on the Wren project area, Idaho City Ranger District, Boise National Forest, are exempt from appeal in accordance with 36 CFR 217.4(a)(11).

DATES: Effective July 8, 1993.

FOR FURTHER INFORMATION CONTACT: Terry Padilla, Idaho City Ranger District, Boise National Forest, P.O. Box 129, Idaho City ID 83631. Telephone: 208–392–6681.

SUPPLEMENTARY INFORMATION: Several years of drought in southwest Idaho have reduced soil moisture and weakened conifer trees. Consequently, Douglas-fir bark beetle populations have dramatically increased and reached epidemic levels on the Boise National Forest. It is estimated that more than 400,000 trees larger than 12 inches in diameter have died on the Forest as a result of insect damage since 1986.

As part of the effort to recover and rehabilitate natural resources damaged by the insect epidemic, Idaho City Ranger District personnel have developed a proposal to harvest dead and dying timber, and reforest damaged areas. The Forest Service has completed the Wren Environmental Assessment. Issues have been identified, alternatives have been developed, and an analysis of the effects of implementing timber salvage and other recovery activities is complete.

The analysis area for the Wren Salvage is located in the Wren and Beaver Creek drainages of the North Fork Boise River, and Browns Creek drainage of the Middle Fork Boise River. The Forest will salvage trees dead or dying from the bark beetles epidemic on 500 acres and recover approximately 2.0 million board feet, using helicopter yarding (80 percent) and tractor/jammer yarding (20 percent).

The Douglas-fir beetle infestation has created several open areas of dead and dying trees. Salvage of these stands could result in "salvage openings," resembling clearcuts, in the project area. A total of 100 acres of salvage openings would be created. These openings would range up to 5 to 10 acres in size. These acres would be rehabilitated by planting with ponderosa pine and Douglas-fir, to increase the site's timber productivity, resilience and diversity of forest stands. Natural regeneration will be used to reforest small areas (less than 5 acres in size).

No new road construction would occur. Fourteen helicopter landings would be used; 5 are existing and 9 new landings would be built.

Management direction for the Middle Fork Boise River, Rabbit Creek/North Fork Boise River, and Crooked-Bear Management Areas is established in the Boise National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan provides for the removal of salvage timber from lands within the project area. In addition, the Forest Plan prescribes standards to protect soil, water, wildlife, visual, and other on-site resources. The proposed action for the Wren Salvage project is consistent with standards and guidelines, objectives, and direction contained in the Forest Plan. The project is not within areas considered for wilderness in the Forest Plan, nor within areas recommended for

wilderness in the recent legislative proposal entitled "Idaho Wilderness, Sustainable Forests and Communities Act of 1993".

Forest Pest Management Specialists and District Foresters have analyzed the insect situation and have found no economical or practical means to control the current insect epidemic. Although salvage harvesting and reforestation will not control the epidemic, these activities would: (1) Recover valuable timber that would otherwise deteriorate, and (2) reforest those areas that have been left without tree cover as a result of the insect-caused mortality. Through the timber salvage operations, breeding insects can be removed in the logs and Knutson-Vandenburg (K–V) funds can be generated for use to restore forest resources that have been damaged by the insect epidemic.

The Forest Supervisor has determined through preliminary scoping and environmental analysis that there is justification to expedite this project.

The decision for the Wren project may be implemented after publication of this notice in the **Federal Register** and after the decision document has been signed by the responsible official. If the project is delayed because of an appeal (delays of up to 150 days are possible), it is likely that much of the salvage harvest could not be implemented during the 1993 normal operating season. This would result in a loss of volume and value of the timber due to deterioration. The total estimated value of the merchantable dead, dying and unhealthy timber, based on current bid premiums (6/93) is $850,000. Of this, approximately $215,000 would be returned to counties from 25 percent fund receipts. Delays resulting from appeals could cause the loss of this value and potentially make the salvage sale unattractive to timber purchasers. This would jeopardize the objectives of the recovery and rehabilitation project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt the Wren Salvage Project, Idaho City Ranger District, Boise National Forest, from appeal. The environmental assessment discloses the effects of the proposed action on the environment and addresses issues resulting from the proposal.

Dated: June 30, 1993.

Robert C. Joslin,

Deputy Regional Forester, Intermountain Region, USDA Forest Service.

[FR Doc. 93–16070 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Tenmile Creek Watershed, Whatcom County, WA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

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

FOR FURTHER INFORMATION CONTACT: Lynn A. Brown, State Conservationist, Soil Conservation Service, Rock Pointe Tower West 316 Boone Avenue, suite 450, Spokane, Washington 99201, telephone (509) 353–2337.

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

The project purposes are control and prevention of nonpoint pollution problems and improving salmon spawning and rearing habitat in the Tenmile Creek Watershed. The planned works of improvement include the construction of 36 animal waste storage facilities and appurtenances, 11.5 miles of stream corridor rehabilitation, and accelerated technical assistance for land treatment.

The Notice of a Finding or No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Frank R. Easter, Assistant State Conservationist (Programs).

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

(This activity is listed in the Catalog of Federal Domestic Assistance under NO. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials)

Dated: June 25, 1993.

Lynn A. Brown,

State Conservationist.

[FR Doc. 93–16020 Filed 7–7–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–802, A–842–802]

Final Determination of Sales at Less Than Fair Value: Uranium From Ukraine and Tajikistan

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

EFFECTIVE DATE: July 8, 1993.

FOR FURTHER INFORMATION CONTACT: Lawrence P. Sullivan or Carole A. Showers, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0114 or 482–3217, respectively.

FINAL DETERMINATIONS: The Department determines that imports of uranium from Ukraine and Tajikistan are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). Because respondents failed to provide adequate information in a timely manner, we have based our LTFV calculations on the best information otherwise available (BIA). The estimated margin is shown in the *Suspension of Liquidation* section of this notice.

Case History

Since the publication of our preliminary determinations in the **Federal Register** on June 3, 1992, (57 FR 23380), the following events have occurred.

Pursuant to a request made by V/O Techsnabexport (Tenex), Nuexco Trading Corporation (Nuexco), Global Nuclear Services and Supply (GNSS), and Energy Fuels Nuclear (EFN) (collectively referred to herein as Tenex), the Department postponed the final determinations for these investigations until October 16, 1992 (57 FR 30946, July 13, 1992).

On July 15, 1992, the Department received an untimely response from Ukraine to our questionnaire. This

response stated that no uranium has been shipped from Ukraine to the United States since December 1, 1991, and before that date Ukraine was not an independent country. Therefore, it did not have responsibility for its exports.

On September 16, 1992, the Department initialed a proposed suspension agreement with the Governments of Ukraine and Tajikistan. On October 7, 1992, we received comments regarding the proposed suspension agreement from Ukraine and Tajikistan, petitioners, and the U.S. Department of Energy. On October 15, 1992, we received a letter from petitioners in which they conditionally waived their right to comment on a proposed agreement which might be initialed by Tajikistan.

On September 21, 1992, we received case briefs from petitioners, Tenex, the Yankee Group, Ukraine, and Tajikistan. We received rebuttal briefs from these parties on September 28, 1992.

On September 25, 1992, the United States Court of International Trade (CIT) sustained the Department's decision to continue these investigations against Ukraine and Tajikistan, formerly constituent republics of the former Union of Soviet Socialist Republics (USSR). See, *Techsnabexport, Ltd. et al.* v. *United States*, 802 F. Supp. 469 (CIT 1992).

On October 13, 1992, Homestake Mining Company withdrew as a petitioner in these investigations.

On October 16, 1992, the Governments of the United States and the Governments of Ukraine and Tajikistan signed agreements suspending these investigations. On April 19, 1993, pursuant to a request by the Government of Ukraine (GOU), the Department published a notice in the **Federal Register** terminating the suspension agreement and resuming the investigation with respect to Ukraine effective April 12, 1993 (58 FR 21144). On May 19, 1993, pursuant to a request by the Government of Tajikistan (GOT), the Department published a notice in the **Federal Register** terminating the suspension agreement and resuming the investigation with respect to Tajikistan effective April 26, 1993 (58 FR 29197). We stated in both of those notices that we would only use information already submitted in the investigations.

On May 25, 1993, the GOU and GOT submitted letters requesting that the Department postpone the final determinations in their respective investigations by 60 days, in accordance with section 353.20(b) of the Department's regulations (19 CFR § 353.20(b)). On May 26, 1993, petitioners objected to these requests on the grounds that the Department had compelling reasons to deny them. On June 4, 1993, the Department determined that no additional time was needed for any parties to review the preliminary determinations nor was any additional time needed for the Department to reach its final determinations and, therefore, found compelling reasons to deny the requests for postponement.

Scope of the Investigation

We have determined that the merchandise covered by these investigations constitutes one class or kind of merchandise (*see DOC Position to Comment 3*, below). We have further determined that highly enriched uranium (HEU) is included in the scope of these investigations. For the Department's rationale regarding this issue, see Memorandum to Alan M. Dunn from Francis J. Sailer dated October 16, 1992, and *DOC Position to Comment 4*, below. The above-referenced memorandum and all other memoranda cited in this notice can be found in the public file in the Central Records Unit, Room B099 of the Main Commerce Building.

Since the preliminary determinations, the Department has clarified the scope of these investigations for the U.S. Customs Service. "Milling" or "conversion" performed in a third country does not confer origin for purposes of these investigations. Milling consists of processing uranium ore into uranium concentrate. Conversion consists of transforming uranium concentrate into natural uranium hexafluoride (UF_6). Since milling or conversion does not confer origin, uranium ore or concentrate of Ukrainian or Tajik origin that is subsequently milled and/or converted in a third country will be considered of Ukrainian or Tajik origin, respectively. The Department continues to regard enrichment of uranium as conferring origin.

The merchandise covered by these investigations includes natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in U^{235} and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in U^{235} or compounds of uranium enriched in U^{235}. Both low enriched uranium (LEU) and HEU are included within the scope of these investigations. LEU is uranium enriched in U^{235} to a level of up to 20 percent, while HEU is uranium enriched in U^{235} to a level of 20 percent or more. The uranium subject to these investigations is provided for under subheadings 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50.00, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, and 2844.20.00.50, of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

Period of Investigation

The period of investigation (POI) is June 1 through November 30, 1991.

Best Information Available

We have determined, in accordance with section 776(c) of the Act, that the use of BIA is appropriate in these investigations. In deciding whether to use BIA, section 776(c) provides that the Department may take into account whether the respondent provided the information requested in a timely manner and in the form required.

As stated in our preliminary determinations, Tenex, the sole exporter of the subject merchandise during the POI, submitted certain information with respect to U.S. price. However, the Department did not receive adequate and timely factors of production information, despite extensive efforts by the Department to obtain such information. We eventually received a partial response from Tenex with regard to factors of production information that was unusable for many reasons. First, the information provided in the response was severely deficient on its face in that it did not provide the data requested by the Department in its questionnaire. The data provided was primarily cost data, not factors of production data. Second, Tenex is not a producer of the subject merchandise. It is merely an exporter and, as such, does not have first-hand knowledge of the production enterprises. Verification of second-hand knowledge would be a futile endeavor. Third, at the time of our preliminary determinations, the response was not certified by officials at the production enterprises. Although the Department did receive an untimely certification (two months after the information was filed), it was from an official of only one of several production enterprises in question.

Since the preliminary determinations, the Department received a response from Ukraine. This response did not provide the information sought by the

Department and was submitted well after the Department's deadline.

The incomplete and untimely nature of these responses requires the Department to use BIA. BIA is based on information submitted in the petition and detailed in our initiation notice. Limited modifications to this information were made, as appropriate, in response to the comments submitted by interested parties and two other parties from which the Department solicited information (see *United States Price, Foreign Market Value,* and *Interested Parties Comments* sections, below, and Memorandum from Linda K. Eads and Lawrence P. Sullivan to Marie Parker and Susan H. Kuhbach dated May 27, 1992).

Tenex has argued that it should not be held responsible for the lack of response from the production enterprises and, therefore, it should not be penalized for the inaction of those entities. However, in a nonmarket economy (NME) case, the Department presumes central control of all production and exporting facilities (see, *e.g., Final Determination of Sales at Less Than Fair Value: Tungsten Ore Concentrates from the People's Republic of China* (*Tungsten*), 56 FR 47738 (September 20, 1991)). Thus, the Department holds each country's central government responsible for providing an adequate response to all sections of the Department's questionnaire. With respect to Ukraine and Tajikistan, the Department requires a response which provides complete and accurate data on U.S. sales and factors of production in order to consider any response for a determination. Tenex's response represents only a small part of the information required by the Department to perform an LTFV analysis, and is, therefore, materially deficient.

Fair Value Comparisons

To determine whether sales of uranium from Ukraine and Tjikistan to the United States were made at less than fair value, we compared the United States prices (USP) to the foreign market value (FMV), as specified in the *United States Price* and *Foreign Market Value* sections of this notice. As stated above, the margin is based entirely on BIA.

The Department's practice is to base BIA on a simple average of the margins based on petition data, as opposed to the highest margin based on petition data, when we determine that respondents have attempted to cooperate with the Department's investigations (see, *e.g., Preliminary Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From Taiwan,* 57 FR 17892 (April 28, 1992)). We continue to believe that Tenex attempted to cooperate in these proceedings because it supplied the Department with USP data and attempted to provide FMV data. Therefore, we are basing the final margin on an average of the margins for uranium concentrate and enriched uranium derived from the petition.

United States Price

Petitioners' calculation of USP is based on an estimated weighted average f.o.b. import price taken from U.S. Bureau of Census statistics on imports of natural and enriched uranium from the former USSR during the period January 1990 through August 1991.

Foreign Market Value

Petitioners alleged, and the Department determined, that the former USSR was an NME country during the POI within the meaning of section 773(c) of the Act (*see* Memorandum from David Mueller to Carole Showers dated March 24, 1992). In accordance with section 771(18)(C) of the Act, any determination that a foreign country is an NME shall remain in effect until revoked. This determination covers a geographic area, each part of which assumes the previous NME character in the event of dissolution. *cf. Techsnabexport,* 802 F. Supp. at 472 ("[I]n order to fully effectuate the antidumping laws, imports from successor countries may bear the duties calculated based on the imports from the predecessor nations.") Therefore, Ukraine and Tajikistan will be treated as NMEs until the Department reverses its determination. In these investigations, no information has been presented which would permit the Department to reconsider the NME status of Ukraine or Tajikistan.

Accordingly, petitioners calculated FMV on the basis of constructed value (CV), using the factors of production methodology specified in section 773(c) of the Act. Petitioners calculated separate CVs for mined and enriched uranium.

We have followed the methodology used in the initiation of these investigations (56 FR 63711, 63712, December 5, 1991), as modified in the preliminary determinations, except in the following instances: (1) For mined uranium, we adjusted the Namibian labor value for a holiday bonus which was incorrectly excluded, and (2) for enriched uranium, we calculated the CV based on the British Nuclear Fuels Ltd. (BNFL) 1991 financial statement because the 1991 statement covers a period nearly concurrent with calendar year 1990. In the preliminary determinations, the Department stated its intention to express, where possible, all factors and values in 1990 terms, as BIA, in order to ensure consistency.

Interested Party Comments

All written comments submitted by the interested parties in these investigations which have not been previously addressed in this notice are addressed below. The comments by petitioners, Tenex, and the Yankee Group were submitted in the context of all 12 investigations involving uranium from the newly independent states of the former USSR (NIS). Hence, while reference is made to the NIS or to certain states of the NIS, we are only concerned here with Ukraine and Tajikistan.

Comment 1

Tenex asserts that the Department has improperly transformed its single investigation of uranium imports from the USSR into separate investigations of such imports from each of the NIS. Specifically, Tenex asserts the following: (1) The International Trade Commission's (ITC) preliminary injury determination with respect to uranium imports from the USSR does not support the Department's preliminary determinations or its order to suspend liquidation of entries of such imports from the NIS; (2) the Department issued its preliminary determinations without properly initiating investigations with respect to uranium imports from the NIS; (3) the record contains no factual information sustaining investigations of or supporting determinations of LTFV sales of uranium imports from any of the six uranium-producing NIS; and (4) the Department has failed to make a separate fair value comparison for each NIS. Each of these, according to Tenex, results in a violation of the antidumping law and is legally invalid.

Ukraine and Tajikistan argue that these investigations are unlawful and should be terminated. Additionally, they argue that 19 U.S.C. § 1677b(c) provides that NME determinations must be made on a country-specific basis. Nowhere in the statute are "geographic area" or "geopolitical boundaries" discussed.

Petitioners claim to have demonstrated in various submissions to the Department and the CIT that antidumping investigations processed against unfairly traded merchandise, not the "countries" in which the merchandise is produced or from which it is exported. They argue that the statutory mandate that imports of unfairly traded merchandise be investigated and, if appropriate,

antidumping duties imposed, does not disappear because of political changes in the territory in which the merchandise is produced or exported. The Department's determination not to terminate its investigations, and the CIT's affirmation of that determination in *Techsnabexport*, were proper.

DOC Position

On September 25, 1992, the CIT confirmed that the Department had the legal authority to continue these investigations against the NIS of the former USSR, including Ukraine and Tajikistan. The basis for the Department's decision is described below.

First, there is no requirement in the antidumping law that an ongoing investigation be rescinded when the country named in the petition ceases to exist. This is not to say that there are no geographical aspects to an antidumping order. Indeed, Commerce and the ITC make determinations regarding LTFV sales and injury concerning merchandise produced within certain geopolitical boundaries. When an order is issued, merchandise produced within such boundaries is subject to the order unless expressly excluded from it. However, Congress did not consider the possibility of the dissolution of a country during an antidumping duty investigation. Therefore, it was the Department's task to determine what Congress would have intended had it considered such a situation. The effect of terminating a case, based on the dissolution of the country named in the petition, would be to create a gap in the coverage of the antidumping law. The newly emerging states would be able to dump with impunity until sufficient information developed for the petitioners to file new petitions. Because the purpose of the antidumping duty law is to provide the U.S. domestic industry relief from injuriously dumped merchandise, the Congress could not have intended for the law to be interpreted to allow the dissolution of a certain country to create a gap in the law's coverage which would effectively prevent the U.S. domestic industry from obtaining relief for a certain period of time.

Comment 2

Ukraine and Tajikistan assert that the Department has ignored the procedural requirements of the statute for conducting an investigation (see, *e.g.*, 19 U.S.C. 1673b(a), (b), and (c)), because the ITC's preliminary determination only addressed imports from the USSR. The individual countries were not provided the opportunity to present evidence or argue to the ITC that: (1) Their data should not be cumulated with the data from the other republics; (2) their imports were nonexistent or negligible; or, (3) there was no evidence of injury to the domestic industry by reason of imports from that particular country. Lacking a valid preliminary injury determination by the ITC, the Department may not suspend liquidation.

Petitioners argue that the ITC's preliminary injury determination is sufficient to permit the Department to issue preliminary and final affirmative determinations as to LTFV sales of uranium from the NIS of the former USSR. Petitioners assert that the respondents' arguments were rejected by the ITC and raised unsuccessfully before the CIT. They state that political changes in an exporting territory do not render the ITC's preliminary determination null and void.

DOC Position

Respondents' challenge to the preliminary determination is premature and without legal merit. The ITC's preliminary injury determination was issued on December 23, 1991, prior to recognition by the United States of the independent republics. The ITC specifically stated in its preliminary determination that for "[p]urposes of the investigation, the USSR includes each and every Republic that was a member of the USSR on November 8, 1991." Respondents do not dispute that uranium was produced within their borders both prior to and after November 8, 1991, nor do they contend that there was any deficiency in the injury determination at the time it was issued. Accordingly, it is clear that imports of uranium coming from the geographic area now comprised of the NIS were considered in the ITC's preliminary determination.

However, like the Department's antidumping duty investigation, the ITC's injury determination focuses upon imported merchandise, not upon the country from which the merchandise is exported. Accordingly, for the same reasons discussed above with regard to the validity of the Department's antidumping duty determination, the ITC's preliminary injury determination remains valid.

The continuing validity of the preliminary determination is evidenced by the ITC's recent preliminary determination in *Ferrosilicon from Argentina, Kazakhstan, the People's Republic of China, Russia, Ukraine and Venezuela*, Inv. Nos. 303–TA–23, 731–TA–565–570, (Prelim.) USITC Pub. 2535 (July 1992). In *Ferrosilicon*, Russia, Ukraine and Kazakhstan argued that imports to the United States from those regions prior to the dissolution of the USSR could not be considered by the ITC in reaching its injury determination. In rejecting this argument, the ITC stated that "[i]f the Commission were to accept respondents' argument that it cannot even consider imports from these regions prior to the time they became countries, that might prevent an industry otherwise entitled to relief from receiving any protection from unfairly traded imports from the same factories that are allegedly continuing to export dumped ferrosilicon to the United States simply because the political status of these areas had changed. The occurrence of other events changing the legal status of a foreign producer during the period of investigation, such as a change in ownership of the facility or the imposition of an export quota by the country in question, would not preclude the Commission from considering the consequences of the product that had been exported to the United States prior to such an event."

Finally, respondents' perceived error in the Department's preliminary determinations does not require the termination of the investigation. Any error in the preliminary determinations can be fully addressed in the final determinations. See *NTN Bearing Corp. v. United States*, _____CIT _____, 757 F. Supp. 1425 (1991).

Comment 3

Tenex and the Yankee Group contend that the Department should find three separate classes or kinds of merchandise. Tenex bases its statement on Department precedent and the 1983 CIT decision in *Diversified Products Corp. v. United States*, 6 CIT 155, 572 F. Supp. 883 (Ct. Int'l Trade 1983) (*Diversified*) which establishes certain criteria. Tenex alleges that the Department misapplied the *Diversified* criteria in the preliminary determinations when it found that there was only one class or kind of merchandise.

In support of their arguments, both Tenex and the Yankee Group cite *Final Determination of Sales at Less Than Fair Value: Cyanuric Acid and its Chlorinated Derivatives From Japan Used in the Swimming Pool Trade* (*Cyanuric Acid*) 49 FR 7424, (February 29, 1984), where the Department found three separate classes or kinds of merchandise. The Yankee Group posits that each of the three products subject to the *Cyanuric Acid* investigation had different end uses even though two of the products were derivatives of the

third. The situation in uranium is analogous in that concentrates are the raw material used to produce uranium hexafluoride (UF_6) and LEU. They also argue that the ultimate consumers and the ultimate use for all three products in *Cyanuric Acid* were the same. In this case, utilities are the ultimate customers and the ultimate use is fuel for their nuclear reactors. Similarly, the raw materials in both cases cannot perform the end uses that the derivatives are able to perform. Therefore, the logic in *Cyanuric Acid* can be extended to this case.

With respect to physical characteristics, the Yankee Group argues that the Department's reasoning is flawed. Despite the fact that all three forms of uranium share a common fundamental attribute, the U^{235} isotope, they can still be determined to constitute separate classes or kinds of merchandise. The concentration levels of the U^{235} isotope vary greatly between uranium concentrates and UF_6, on the one hand, and LEU, on the other hand. In *Cyanuric Acid*, all of the products shared the fundamental attribute of chlorine. The differences in the chlorine levels of the derivative products in *Cyanuric Acid* were less than the different concentration levels of U^{235}.

Further, the Yankee Group contends that petitioners' analysis concerning physical differences is inaccurate and misleading and should be rejected. The physical differences between the various forms of uranium are significant. Petitioners' emphasis on the common presence of the U^{235} isotope ignores the different chemical structures and physical properties between concentrate, UF_6, and LEU. The Department found three classes or kinds of merchandise in *Cyanuric Acid* based on the fact "that the chemical compositions of these products are distinct." Considering the different chemical compositions between the three forms of uranium, the Department should make a finding of three separate classes or kinds.

With respect to the different uses for these products, the Yankee Group argues that the Department may only find a single class or kind of merchandise when the raw material has "no other use than for" producing the derivative product (see, *e.g., 3.5" Microdisks and Coated Media Thereof from Japan*, 54 FR 6,433, 6,434 (February 10, 1989). In this case, concentrates and UF_6 are the raw materials used in producing LEU which is used as a feedstock for light-water nuclear reactors. Concentrates are also used in the glass industry, specialty metals industry, the manufacture of fuel for heavy-water reactors, plutonium production for nuclear weapons, and in producing uranium tetrafluoride. The Department should reconsider its decision and assign greater weight to the different uses for concentrates and UF_6.

With respect to end users, the Yankee Group asserts that uranium purchasers and their expectations differ greatly. Purchasers of uranium range from utility companies to brokers and traders to converters to enrichers to governmental entities. Purchaser expectations vary with the end use and costs associated with conversion and enrichment.

Finally, with respect to channels of trade, the Yankee Group states that concentrates, UF_6, and LEU are distributed, stored, and shipped differently. Therefore, they are sold in distinct channels of trade.

Petitioners assert that the Department correctly determined in its preliminary determinations that all forms of uranium constitute one class or kind of merchandise. This decision, they contend, is supported by the application of the criteria set forth in *Diversified* and *Kyowa Gas Chemical Industry Co., Ltd.* v. *United States*, 582 F. Supp. 887 (CIT 1984). The ultimate use, expectations of the ultimate purchasers, essential physical characteristics, and channels of trade are the same for all forms of uranium. Moreover, the similarity of the relative costs of the different forms requires a finding of one class or kind of merchandise. The ultimate use for all forms of uranium is as commercial nuclear fuel. This includes HEU previously committed to weapons programs whose only application today is as feed material to produce LEU and then commercial nuclear fuel. All forms of uranium are purchased with the expectation of its use as commercial fuel. Limited processing is required to produce LEU from HEU. All forms of uranium share the same essential physical attribute—the U^{235} isotope. Lastly, the channels of trade are the same for each form of uranium. Therefore, all forms of uranium are one class or kind of merchandise.

DOC Position

The Department disagrees with the Yankee Group and Tenex. *Cyanuric Acid* differs from the present situation in that the different chemical compositions of the three products in *Cyanuric Acid* resulted in three distinct end uses. While these uses were all related to the swimming pool trade, each of the derivatives of cyanuric acid could be used independently. Despite the different physical characteristics of uranium concentrates, UF_6, and LEU, concentrates and UF_6 have virtually no other use than as inputs in the production of LEU which in turn is used as feedstock in nuclear reactor fuel assemblies. The only physical characteristic of consequence is the concentration level of the U^{235} isotope. Consumers of concentrates and UF_6 purchase these products only with a view to increasing the concentration level of the U^{235} isotope to obtain LEU. The ITC preliminarily determined that the subject merchandise constitutes one like product based on the ITC's semi-finished product analysis. Consistent with that concept, we find there to be a direct line of production from concentrates through the fuel assemblies, *i.e.*, the concentrates and UF_6 can be treated as semi-finished products, whereas the two derivatives of cyanuric acid are produced independent of one another. This is the critical difference between *Cyanuric Acid* and this case.

The Yankee Group's analysis regarding the marginal uses of concentrates is misplaced. Every product has alternative uses or the potential for alternative uses. For purposes of a class or kind analysis, it is the Department's responsibility to determine not the number of alternative uses but rather the significance of any or all of those alternatives. According to the ITC preliminary determination, less than one percent of uranium concentrate consumption is used other than for the production of nuclear fuel. Therefore, while the Yankee Group may provide a list of several alternative uses of concentrates, the significance of these uses is minimal. It is proper, then, for the Department to analogize these cases with the Final Determination of Sales at Less Than Fair Value: Certain Forged Steel Crankshafts from the Federal Republic of Germany, 52 FR 28170 (July 28, 1987), in which the Department found there to be one class or kind of merchandise based, *inter alia*, on the fact that unmachined crankshafts have no other use than for machining into finished crankshafts.

In addition, as petitioners point out, the expectations of the ultimate purchaser (the electric utilities) are the same for all forms of uranium, *i.e.*, for eventual production into nuclear fuel assemblies for use in nuclear reactors. Contrary to the assertions of the Yankee group, the channels of trade for all uranium products are the same. While traders and brokers participate in the market in addition to utilities, all uranium is mined and milled, then shipped to a conversion facility for conversion into UF_6, then to an enrichment facility, then to a fuel

fabricator, then to the ultimate customer—utilities. (For a more detailed discussion of this issue, see Memorandum to Francis J. Sailer from Team, dated May 27, 1992.) For the Department's position with respect to HEU, see *DOC Position* to *Comment 4*, below.

Comment 4

Petitioners argue that contrary to the Department's preliminary scope determination, HEU is within the scope of the investigations and is the same class or kind of merchandise as the other forms of uranium subject to these investigations. The petition unequivocally covers uranium in all of its forms and the Department's notice of initiation included all "uranium enriched in U^{235} and its compounds." According to petitioners, any exclusion of HEU from these investigations will severely compromise the relief to which they are entitled under the statute.

Petitioners hold that arguments proffered by Tenex on this issue are not persuasive and should be rejected. Specifically, unlike the case cited by Tenex, *Smith Corona Corp.* v. *United States*, 796 F. Supp. 1532 (CIT 1992), the petition included all forms of uranium, the Department initiated on all forms of uranium, and a respondent expressly stated that it understood that all forms of uranium were included in the scope. Even *Smith Corona*, however, would not preclude the Department from amending the scope of these investigations. The court did not state that the Department may not redefine the scope of an investigation after a preliminary determination.

Petitioners also state that the comments of the Department of Energy (DOE) on this issue are factually and legally insupportable. Moreover, DOE's comments illustrate that HEU and other forms of uranium are physically similar and commercially interchangeable. Petitioners allege that the DOE failed to explain that it was engaged in negotiations to import HEU from the Russian Federation to be blended down for use in commercial reactors and that the DOE misled the Department by implying that military applications constituted the only significant use for HEU.

Tenex agrees with the Department's preliminary determination that HEU is not within the scope of these investigations. Tenex disagrees with petitioners' claim that the Department included HEU in its initiation merely because HEU was not specifically excluded. Petitioners' subsequent efforts to include HEU within the scope of these investigations not only are untimely, but reflect their determination to make the results of this determination as devastating as possible to the NIS, regardless how illegal, illogical, and unfair such results would be. Tenex insists that petitioners not be allowed to amend the petition to include HEU within these investigations.

Tenex also agrees with DOE's May 19, 1992, letter identifying natural uranium and LEU as a single class or kind of merchandise and HEU as a separate class or kind of merchandise. The radically different physical characteristics, end uses, expectations of the ultimate purchasers, channels of trade, and notably higher production costs make these products distinct from one another. While HEU is capable of sustaining a nuclear reaction of a magnitude that renders it uniquely capable of being used in nuclear weapons, a distinctly military application, LEU can only sustain reactions in light-water commercial nuclear reactors.

Tenex argues that HEU has uses that are unique to that product. HEU is typically used as a weapons grade nuclear fuel, a use which is not shared by any of the other uranium products. Although HEU can be blended down to produce LEU, its primary use is almost exclusively as a weapons-grade nuclear fuel. HEU and LEU have radically different physical characteristics, *i.e.*, differing concentrations of the U^{235} isotope. HEU and LEU differ radically in cost as well. HEU costs nearly eight times as much. These differences, in addition to their different ultimate uses, compel a finding that HEU and LEU are separate classes or kinds of merchandise.

The Yankee Group argues that LEU and HEU are the same class or kind of merchandise, and should be excluded from these investigations. As confirmed by the recent agreement between the United States and the Russian Federation to import HEU and blend it down to LEU for use in nuclear reactors, the end use, expectations, and distribution channels of both LEU and HEU are the same. Since the Department has treated HEU and LEU interchangeably and excluded HEU from its investigation, LEU should also be excluded.

DOC Position

The Department agrees with petitioners. Because the uses of HEU have changed only recently and because HEU was not expressly excluded from the petition, neither the petition nor the ITC and Department determinations previously rendered provide a definitive answer as to whether HEU is within the scope of these investigations. Therefore, application of the *Diversified* criteria is necessary. As explained in greater detail in Memorandum to Alan M. Dunn from Francis J. Sailer dated October 16, 1992, the general physical characteristics, ultimate use and expectations of the ultimate purchaser indicate that HEU should be considered as part of the same class or kind of merchandise as LEU, UF_6, and concentrate.

Comment 5

Tenex argues that imports of uranium have not been massive and that the Department has no basis to ignore the data submitted by Tenex in making its critical circumstances determinations. Moreover, in considering this issue, the Department has not analyzed imports on a country-by-country basis nor has it provided a sufficient basis to depart from its normal comparison months. The Department also has no basis for finding "knowledge of dumping" because a margin based on imports of uranium from the USSR bears no legal relationship to the imports of uranium from the NIS. Therefore, the Department cannot reasonably conclude either that imports have been massive or that knowledge of dumping exists.

Petitioners reject as meritless Tenex's arguments regarding critical circumstances. Petitioners assert that the Department properly used official U.S. Government import statistics rather than the information proffered by Tenex. It would have been inconsistent and inequitable for the Department to accept unverified critical circumstances data from the same respondent that refused to submit a United States price database in proper form. Additionally, petitioners support the Department's application of the knowledge "test" that it uses in other NME cases. Margins of the magnitude in these proceedings are sufficient to constitute notice of dumping to an importer even under the most restricted knowledge test. Therefore, the Department's critical circumstances findings should be affirmed in the final determinations.

DOC Position

As explained above, we determined that we could not use Tenex's response for purposes of these investigations, including for critical circumstances purposes. In light of the absence of timely and adequate responses regarding exports to the United States, we used the margin from the petition and public import statistics maintained by the Department concerning imports from the USSR as BIA. (No pubic information regarding NIS state-specific imports to the United States during the

relevant time periods is available.) This analysis resulted in the finding of massive imports and a knowledge of dumping, based on the Department's regulations and established practice.

Additionally, the Department was justified in the comparison periods used to determine whether imports have been massive. The subject merchandise is transported by ship from the NIS to the United States, a journey of 17 days to over one month according to data submitted by petitioners. Therefore, any subject merchandise shipped on or after the filing date of the petition (November 8, 1991) would almost certainly enter the United States after December 1. Likewise, any shipments leaving the NIS before that date would enter the United States before December 1. Therefore, we determined it appropriate to use for comparison the periods December 1991 through March 1992 and August through November 1991.

Comment 6

Tenex, citing Final Determination of Sales at Less Than Fair Value: Certain Fresh Cut Flowers from Colombia, 52 FR 6842, 6844 (March 5, 1987), states that the period of investigation is not representative of, and is irrelevant to, prospective imports of uranium from the NIS because the USSR was in existence during the POI.

DOC Position

The POI in these investigations was selected according to section 353.42(b) of our regulations. While a different period may be chosen to reflect special circumstances, it would be neither correct nor possible to move the POI to post-date the initiation. First, to do so would allow respondents to change their behavior to avoid a finding of dumping. Second, as an administrative matter, it is necessary to pick a historic period so that all terms of the sales being investigated can be reported and analyzed.

Comment 7

Tenex states that even assuming the NIS are NMEs, the Department should have calculated FMVs using the export price exception set forth in section 773(c)(2) of the Act. Tenex stresses that since factors of production information is unavailable, the Department must therefore calculate FMV using the export prices.

Petitioners reject Tenex's argument that the statute suggests that the lack of respondents' factors data alone warrants use of third-country prices. Such an interpretation, petitioners state, would effectively allow respondents, self-servingly, to choose the method the Department would use to calculate FMVs by deciding whether to submit a factors response to the Department's questionnaire.

DOC Position

We disagree with Tenex. As stated above, we received no timely and complete factors information from Ukraine or Tajikistan. This type of data is necessary in order to calculate FMV using the factors of production methodology, which is preferred under the statute. The export price exception generally should be used only when the Department lacks information to value the NME producer's factors of production in a comparable market economy which is a significant producer of the subject merchandise (*see Tungsten* at 47739). Thus, the alternative FMV methodology provided by section 773(c)(2) of the Act is for the Department to use only when we are unable to obtain valuation information, not factors information which is solely within the power of respondents to provide and which, in these investigations, respondents did not provide. If we were to accept Tenex's interpretation, we would effectively be allowing respondents to choose the method for calculating FMV simply by their decision of whether or not to submit a factors response. We do not believe that this is the purpose of the alternative provided by section 773(c)(2).

Comment 8

Petitioners state that the Department was incorrect in computing the preliminary margin as a simple average of the margins for two "such or similar" categories of merchandise. In petitioners' view, Tenex has been absolutely uncooperative in the investigations. If, however, the Department continues to base its final determination on an average of the margins, rather than take the highest margin calculated, it must calculate a single weighted-average margin based on imports of the subject merchandise during the POI.

Tenex asserts that the Department has correctly recognized that respondents have tried in good faith to cooperate with the Department's efforts to obtain factual information and, thus, should find respondents to be cooperative and apply a non-prejudicial BIA. Additionally, petitioners' suggestion to weight-average the margins calculated for natural uranium and for enriched uranium is inappropriate because it relies upon the selective use of Tenex's data.

The Yankee Group asserts that the Department's calculation methodology is flawed and results in an overstated margin. The Department failed to calculate a potential uncollected dumping duty, as is usual in a dumping case, and instead calculated a simple average of the percentage dumping margins for each product. The Yankee Group asserts that, at the very least, the Department should sum the FMVs for each product, subtract the sum of the U.S. prices, and divide the result by the U.S. prices.

DOC Position

Petitioners and the Yankee Group argue explicitly or implicitly for weighting two BIA margins, rather than taking a simple average. While there are numerous ways in which these two numbers could be combined, the Department has stated that it will not fine-tune its BIA methodology (see *DOC Position* to *Comment 9*, below). In this case, we have simply followed Department precedent which directs the Department to use a simple average for BIA when the respondent has attempted to cooperate. Therefore, we have continued to take a simple average.

Comment 9

Tenex states that, as determined in *N.A.R., S.P.A.* v. *U.S.*, 741 F. Supp. 936, 942 (CIT 1990) and reaffirmed in *Midland Export Ltd.* v. *U.S.A.*, Slip Op. 92–53 (CIT 1992), the Department's choice of BIA must be supported by "substantial evidence on the record." Tenex asserts that, although the Department did not obtain complete and verifiable questionnaire responses from any of the NIS governments, the Department should not rely solely upon petitioners' data. Such exclusivity, argues Tenex, defies the inherent principle of substantial evidence on the record. Tenex, citing from the Department's Final Determination of Sales at Less Than Fair Value: Silicon Metal from the PRC, 56 FR 18570 (April 23, 1991) (*Silicon Metal*), asserts that the public information it submitted should be included within the realm of what is considered substantial evidence because there is no basis to ignore publicly available data in the record. Tenex also argues that, just as in the CIT decision, *Holmes Products Corp., and Esteem Industries, Ltd.* v. *U.S.*, Slip Op. 92–118 (CIT 1992), it, like Esteem, should be considered a complying party. Therefore, the information it submitted on May 8, 1992, should be considered in the calculation of FMV based on BIA.

Petitioners state that the Department should continue to refuse to consider Tenex's submissions on the appropriate

basis for BIA, as well as that portion of Tenex's case brief which again presents the information Tenex deems "best." They contend that the Department's selection of BIA in past determinations reflects an unwillingness to entertain substantive comments and information on BIA from non-complying respondents.

In response to Tenex's citing of *Silicon Metal*, petitioners state that the Department entertained a very limited comment from importers concerning the accuracy of one surrogate cost used as BIA. The importers did not submit wholesale factual information to be used as BIA. Here, Tenex seeks improperly to provide comprehensive factual information for use as BIA.

Petitioners argue that neither the statute, *Silicon Metal*, nor any administrative or judicial precedent permits use of Tenex's information. Specifically, they assert, citing *Pistachio Group of the Assn. of Food Industries, Inc.* v. *United States*, 671 F. Supp. 31, 40 (1987), that the courts have emphasized that the BIA rule should be applied in such a way that respondents not be allowed to "control the results of the investigation by providing partial information or by delaying or otherwise hindering the investigation." They also cite the following from *The Timken Company* v. *United States*, 788 F. Supp. 1216 (CIT 1992), *quoting Rhone Poulenc, Inc.* v. *United States*, 710 F. Supp. 341, 346 (1989), *aff'd* 899 F.2d 1185 (1990): " 'Once Commerce has exercised its discretion to use the BIA rule against a respondent, it is for Commerce, not the respondent to determine what is the best information.' " Therefore, Tenex should not be allowed to select what will constitute BIA.

The Yankee Group contends that the Department imposed an unreasonably high barrier to the acceptance of outside information concerning BIA. By only considering proposals which demonstrated an inaccuracy or aberration on the part of the Department's initiation calculations, the Department excluded relevant information. The Department has an obligation to exercise its BIA discretion reasonably (see *Timken Co.* v. *United States*, 673 F. Supp. 495, 501 (1987)). The Yankee Group contends that the information it submitted should be given greater weight than afforded to it by the Department at the preliminary determinations.

DOC Position

The central purpose of the BIA rule is to induce respondents, in the absence of any subpoena power vested in the agency, to provide Commerce with timely, complete, and accurate factual information, so that the Agency can determine current margins as accurately as possible within the time limits established by the Act. (See *Rhone Poulenc* v. *United States*, 899 F.2d 1185, 1191 (Fed. Cir. 1990.) Accordingly, in selecting a BIA rate, the Department must draw an inference that is adverse to the noncomplying respondent. Otherwise, respondents "would be able to control the amount of antidumping duties by selectively providing the Department with information." See *Olympic Adhesives* v. *United States*, 899 F.2d 1565, 1572 (Fed. Cir. 1990).

Accepting comments from non-complying respondents that lower the BIA rate conflicts with the purpose of the BIA rule by reducing their incentive to respond to the questionnaire. Thus, the Department accepts only very limited comments to correct gross errors in the petition which it would plainly be inequitable to allow to escape scrutiny. A reasonable degree of inaccuracy in the resulting number is acceptable (in fact, virtually unavoidable) because the Department only employs BIA where the respondents have frustrated the Department's efforts to calculate accurate margins by failing to furnish the necessary information. In this circumstance, the BIA rule gives the requirement of an adverse inference priority over the preference for accuracy.

BIA margins are supported by substantial evidence because the statutory requirement that they be based on substantial evidence must be balanced with the requirements of the BIA rule itself, as explained above. Requiring BIA margins to withstand the same level of scrutiny for accuracy as margins based on information in complying questionnaire responses effectively would read the BIA provision out of the statute. Thus, the Department's approach correctly reconciles the competing objectives of the BIA rule and the substantial evidence standard of review.

Consistent with these principles, for purposes of this final determination, we have examined all of the comments submitted by interested parties and others with respect to the selection of BIA. We have accepted from Tenex only comments on clerical errors and other gross errors clearly derivable from public information. Conversely, we have rejected all comments from Tenex based on information within its control, which should have been included in a questionnaire response, and all comments constituting attempts to modify the BIA rate in Tenex's favor.

In examining the adjustments suggested by the non-respondent parties, we applied a similar standard as that used in the preliminary determinations. That is, we did not attempt to "fine-tune" the BIA. We only considered adopting a proposed change to the methodology in instances where our initiation methodology was shown to be plainly inaccurate or where a particular figure used in our calculations was demonstrated to be an aberration.

Comment 10

Petitioners argue that the Department should use certain respondent-provided data as BIA for United States price so as to achieve an LTFV analysis which is as accurate as possible. There is no basis in the statute, the Department's regulations, or past practice to conclude that the Department is precluded from using any respondent-provided data as BIA. Citing *Timken Co.* v. *United States*, 11 CIT 786, 673 F. Supp. 495 (Ct. Int'l Trade 1987), petitioners claim that the CIT has recognized the propriety of using certain respondent data as BIA. In addition, petitioners contend the Department should use the actual product and tails assay values that respondents provided as BIA to calculate more accurate factors of production for the imported merchandise.

Tenex asserts that the Department should deny petitioners' request that it use Tenex's U.S. price data and enriched uranium product (EUP) product and tails assay information as BIA in the final determination. Petitioners have constantly argued that the Department should reject Tenex's questionnaire response and their proposed adjustments to petitioners' FMV estimates (which would improve the Department's LTFV margin calculations).

DOC Position

We disagree with petitioners that the accuracy of the LTFV analysis would be enhanced through selective use of Tenex's response data. The Department did not verify any of the information therein because the Department considers Tenex's response as inadequate and deficient. Accordingly, the Department has not selectively employed data submitted by Tenex.

Comment 11

Tenex states that the Department's factors of production analysis is fundamentally flawed since the Department failed to properly determine

appropriate surrogate countries for each of the NIS under investigation. Tenex states that the surrogate countries chosen during the initiation were chosen specifically for the USSR and not for the separate NIS under investigation. Moreover, since all of the NIS are not at the same level of economic development, a single catch-all surrogate is not appropriate. Tenex also comments that a separate FMV and U.S. price for each uranium-producing NIS should be calculated rather than a single margin for all countries.

Tenex also states that Namibia was incorrectly used to value labor for mining and milling. Tenex accuses the Department of "shopping around" for the highest-cost surrogate because the value was not taken from the petition or the supplement and defied the Department's standard practice of using as few surrogates as possible. Tenex also argues that Namibia is an inappropriate surrogate for the former USSR in that the USSR is far more technically advanced than Namibia. Tenex asserts that while the Gross National Product (GNP) per capita is similar, the purchasing power parity (PPP) is not. Agricultural labor is extensive in Namibia and not in the former USSR. Namibia is sparsely populated while the former USSR is not. Tenex, therefore, concludes that Portugal is more comparable to the former USSR than Namibia for valuing labor mining and milling.

Petitioners assert that because the POI encompasses a period in which the USSR existed, the Department's determination to use surrogates at a "comparable level of economic development" was proper. The group of surrogates selected by the Department satisfies the economic comparability criteria and, therefore, is appropriate. Furthermore, no information has been presented which warrants reconsideration of the surrogate selection because the surrogates proposed by various respondents and other parties do not satisfy the statutory criteria governing surrogate selection.

Petitioners also contend that they attempted to obtain Namibian data for *all* factors. However, because of the limitation on reliable public data for mining factors costs, it was unavoidable that multiple surrogates would be used. They allege that the Namibian data is preferable to Portuguese labor data because the Portuguese data is outdated, and is not uranium-specific. The Namibian data, which is recent and uranium-specific, is the best information available.

DOC Position

We disagree with respondents. When the Department determined it proper to continue this case against Ukraine and Tajikistan, it deemed it appropriate to continue to apply the surrogates chosen for the USSR to Ukraine and Tajikistan (*see* Memorandum to Carole Showers from David Mueller dated March 24, 1992).

With respect to choosing Namibia as the preferred surrogate for mining factors of production, consistent with 19 CFR 353.52(b), the Department followed its traditional analysis by considering the macroeconomic criteria of per capita GNP, the distribution of labor within the economy, and the rate of economic growth of significant producers of comparable merchandise (see, e.g., Final Determination of Sales at Less Than Fair Value: Refined Antimony Trioxide from the People's Republic of China, 57 FR 6801, (February 28, 1992)). The PPP data provided by Tenex does not persuade the Department to deviate from its established practice. Based on the criteria considered by the Department, and on the fact that Namibia is a significant producer of comparable merchandise, we have determined that this country is the proper surrogate.

In those instances where values were unavailable from Namibia, we have employed Portuguese values. Portugal was included in the list of comparable countries and, hence, use of Portuguese data is appropriate where data from the preferred surrogate was not available.

Comment 12

Tenex argues that the mines used by petitioners to calculate Canadian U_3O_8 factors of production were incorrect because they were not the mines in operation during the POI. This, Tenex argues, necessarily affected various calculated factors. In addition, Tenex states that operating cost estimates are incorrect and unsupported.

Tenex further asserts that Canadian mining labor was incorrectly adjusted in order to account for differences in labor productivity. Petitioners' use of East German and Czechoslovak experience to adjust for conditions in the USSR cannot be supported because the geological peculiarities of those countries' mines make them more labor-intensive than Canadian or Soviet mines.

Petitioners state that Tenex fails to acknowledge that the Department's responsibility is to identify the best information available for establishing what respondents' factors for producing U_3O_8 were during the POI given the producers' refusal to provide timely responses. Petitioners suggest that respondents would have provided actual factors data were the actual data more favorable.

Petitioners reject the contention of Tenex that the Department should use 1991 Canadian mine data. Petitioners selected 1990 Canadian data because, in addition to being the more complete and accurate data available, it included eastern Canadian mines which are more representative of uranium mines in the NIS republics.

Finally, petitioners state that, lacking usable data on the relative use of each mining method and "geological peculiarities" in the former USSR, the Department's adjustment of Canadian labor usage is well-supported by substantial information on the record of these investigations. Because Tenex has failed to provide this data to the Department, the Department must seek the best information available which is the East European mine data, in conjunction with the Canadian data. Ignoring this data because Tenex contends it differs in some way from what would have been demonstrated if actual data had been provided would be improper and would reward noncompliance.

DOC Position

Respondents failed to provide the data concerning labor productivity requested in the Department's questionnaire and have also failed to prove that the information provided in the petition regarding labor productivity is a clerical error or a gross error clearly derivable from public information. Therefore, consistent with the Department's BIA policy stated in *DOC Position* to *Comment 9*, above, the Department rejects Tenex's proposed adjustment. Furthermore, as stated above in the *Foreign Market Value* section, the Department determined it appropriate to express all figures in 1990 terms, where possible, and the petitioners provided information regarding the mines in operation during 1990. Therefore, Tenex's argument to use data from the mines in operation during the POI is without merit.

Comment 13

Petitioners argue that certain modifications need to be made to the quantification and valuation of the factors or production for uranium mining. The Department should triple the adjustment for the Canadian energy factor because mining facilities in the NIS consume significantly more energy than their Western counterparts. Although such information was

requested of and not provided by respondents, it can be derived indirectly from respondents' data and public information.

Petitioners also claim that the Department's rejection of the adjustment to the Canadian energy factor in the preliminary determinations was erroneous because all activities at the Priargunsky mine are related to, and for the support of, uranium production. Petitioners also provide additional public information from a May 29, 1992, article in The Energy Daily, not available at the time of the Department's preliminary determinations, which substantiates that the unadjusted Canadian factor understates energy consumption in uranium mining facilities in the former USSR.

Tenex states that the Department was correct in rejecting the energy adjustment. Petitioner's attempt to justify the energy adjustment based on electricity use at the Priargrunsky facility is uncertified, uncorroborated, and not specific to the mining industry, let alone the uranium mining industry.

DOC Position

We disagree with petitioners' proposed adjustment to the former Soviet mining energy factor. The Department rejects this adjustment on the grounds that the supporting evidence provided was selectively taken from Tenex's response. See *DOC Position* to *Comment 10*, above. In addition, petitioners' publicly-available evidence pertaining to energy consumption in the former USSR is general and fails to demonstrate that the Department's methodology is inaccurate or aberrant.

Comment 14

Petitioners argue that in its preliminary determinations, the Department failed to include the annual bonus paid to the Rossing mine employees in the cost per man year for uranium mining in Namibia. The 1990 Rossing report clearly states that the bonus is "in addition to" the stated monthly wage rate. Petitioners also argue that the Department should index the 1988 Namibian wage rate to 1990 using information specific to the Namibian uranium sector. Petitioners request that the Department calculate an index specific to the Namibian uranium sector by comparing Rossing's 1990 wage rates to 1988 wage rates for certain wage categories.

DOC Position

The Department agrees with petitioners regarding the holiday bonus pay in Namibia. After review of the information provided, it is clear that the holiday bonus check is provided over and above monthly pay. Therefore, we have adjusted the calculations accordingly. However, the Department disagrees with petitioners' argument concerning indexing of the Namibian labor wages. The methodology proposed by petitioners is based only on increases with respect to four out of thirteen wage categories and, in fact, yields a result very similar to the Department's. As stated above, the Department has made adjustments to the BIA methodology only in those instances where that methodology is shown to be plainly inaccurate or aberrant. We determine that the Department's reliance on the "Home Prices Index" is neither plainly inaccurate nor aberrant.

Comment 15

Tenex states that for mining and milling, and for enrichment, Portugal was inappropriately used as the energy valuation surrogate. Portugal is not an appropriate choice because 1) Portugal seeks self-sufficiency in electricity and, therefore, does not seek the cheapest possible sources, and 2) Portugal has the second highest dependence in imported oil in the Organization for Economic Cooperation and Development. With respect to mining and milling, Canada should have been the surrogate for energy since Canada is more comparable to the former USSR than Portugal in terms of energy supply conditions. For enrichment, Tenex argues that the United Kingdom is the appropriate surrogate because it was the surrogate in the petitioner's factors of production estimates.

Petitioners rebut Tenex's contention that Portugal is an inappropriate surrogate because it is not a "significant energy producer" by stating that there is no requirement in the statute or regulations that the selected surrogate country be a significant producer of the inputs required to produce comparable merchandise. Furthermore, despite the Department's willingness to disregard a surrogate's costs if those costs are aberrant for that surrogate country, there is no indication that Portugal's energy costs are distorted for the period or that these costs are not an appropriate indicator or energy costs in a country which is at a comparable level of economic development to the former USSR.

DOC Position

We disagree with Tenex. As stated above in *DOC Position* to *Comment 11*, the Department selects surrogate countries based on macroeconomics criteria. Different surrogate countries are not chosen to value each separate factor.

Comment 16

Tenex states that BNFL's financial statements cover other operations in addition to commercial enrichment. In addition, only one of the three commercial plants identified actually operated during the POI: E22. However, the petitioners included costs from 1990 and plants E21 and E23 in calculating the EUP constructed value. Therefore, the public data provided by Tenex, pertaining to the E22 plant, is the only appropriate basis for the Department's FMV calculation for enrichment.

Petitioners reject Tenex's arguments regarding the information used as BIA for enriched uranium. First, although the data includes the E21 plant which is now closed, the E21 plant was operational during the entire period covered by the fiscal year 1990 and fiscal year 1991 reports. With respect to E23, Tenex has provided no information to show that the financial statements reflect construction costs. Therefore, the data is not distorted. Moreover, there is no requirement that the BIA factors data be specifically from the POI, nor that the BIA factors be for facilities that were operational during the POI.

Additionally, petitioners state that Tenex offers no information to substantiate its allegation that the Urenco annual report includes military production. According to petitioners, the Treaty of Almelo precludes Urenco from performing uranium enrichment services for military purposes. They also state that the annual report itself demonstrates that only Urenco (UK) commercial production, and not BNFL military production, is encompassed by the report.

DOC Position

Again, as discussed in the *Foreign Market Value* section, above, we have used, as BIA, 1990 information to the extent possible. Plant E21 operated in 1990 and, therefore, is properly included in the Department's calculations. The Department agrees with petitioners in rejecting Tenex's argument regarding the E23 plant. It is unclear whether and to what extent the financial reports reflect the costs of construction of E23. Therefore, we conclude no basis exists to adjust for Tenex's allegations. Finally, the Department thoroughly examined BNFL's financial statements and it is unclear whether they contain data relating to the submarine fuels facilities. Even Tenex recognizes this when stating that data pertaining to this facility is "apparently" consolidated in the BNFL

annual reports. Therefore, Tenex has not shown that the methodology used in the preliminary determinations is inaccurate or aberrant.

Comment 17

Tenex argues that if the Department does not use POI data, it should use the BNFL 1991 annual report data rather than the BNFL 1990 annual report. The 1991 annual report better coresponds to the 1990 data used for other factors than does data from the fiscal year 1990 BNFL annual report. Petitioners agree that the 1991 annual report should be used.

DOC Position

We agree that the fiscal year 1991 BNFL report better suits the Department's objective of using consistent 1990 data for BIA and have adjusted our calculations accordingly.

Comment 18

Depreciation

The Yankee Group argues that the Department should correct BNFL's depreciation and related financing costs to reflect the actual periods listed in BNFL's financial statement. They assert that the Department failed to account for disparities between the depreciation terms of 13–30 years for the buildings and ancillary plant, and 10–15 years for the centrifuge equipment listed in BNFL's 1991 financial statement. The Yankee Group asserts that the Department should correct these adjustments for its final determinations.

Financing

Tenex states that the actual interest expense for former Soviet enrichment plants is minimal or zero since these plant's sunken costs were incurred for military enrichment. However, should the Department decide to use the BNFL annual report to calculate Soviet finance charges, it should not base finance charges on BNFL's gross interest payable, but should use BNFL's net interest payable, which nets out interest revenue.

Petitioners assert that actual finance charges of Urenco (UK) are based on the gross interest payable and, using the net interest payable, would understate the actual financing costs associated with these plants.

DOC Position

The Department disagrees with Tenex concerning its argument about the zero financing charges in the USSR. This is an issue more properly resolved through responding to the Department's questionnaire and subjecting that response to verification rather than through a submission concerning the most appropriate BIA to apply. We do, however, agree with Tenex regarding the use of net interest payable rather than gross interest payable. BNFL's balance sheet contains only short-term interest-revenue-generating assets. Therefore, net interest payable reflects BNFL's financing costs related to production. Tenex has demonstrated that petitioners' use of gross interest payable is a gross error clearly derivable from public data. Hence, we have adjusted the calculations accordingly.

Comment 19

Tenex states that petitioners' cost of capital for enrichment inappropriately reflects high interest costs in Portugal. Although Tenex argues that finance changes should equal zero in the FMV calculation, it would agree to use the DOE's cost of capital, since the former USSR operated more similarly to the United States than to Portugal in this respect, given the government funding in the United States and the USSR.

Moreover, Tenex argues that petitioners' Portuguese interest rate adjustment in no way resembles the cost of capital in the former USSR. Costs of capital are related to a country's state of technological development and inflation, both of which suggest that Portugal has a higher cost of capital than the former USSR. Therefore, the Department should alternatively value interest costs in a country with enrichment capability such as the UK. Finally, if the Department uses the UK data (adjusted to reflect Portuguese costs or not), it should use more current data applicable to the POI.

Petitioners state that Tenex has not argued that Portugal is an unsuitable surrogate but rather, that Portugal's interest rates are too high. Tenex's attempt to pick and choose among surrogates and values to find the most favorable valuations is without support and is impermissible. Moreover, as demonstrated in a May 7, 1992, letter, no support can be found on the record to support the contention that all former Soviet facilities have been fully amortized and, hence, that interest costs should be zero.

DOC Position

We disagree with Tenex. Similar to our position on energy costs, we do not select surrogate countries based on their similarity to the NME respect to individual inputs. They are selected on the basis of macroeconomic criteria. Moreover, we have not updated the information to 1991. In initiating these investigations, we determined that 1990 data were sufficiently current. (See *DOC Position* to *Comment 9*, above.)

Comment 20

Tenex states that petitioners' enrichment labor usage is overstated due to labor used in non-commercial enrichment activities. For example, petitioners' estimated usage of 450 employees to produce 900,000 separative work units (SWU) inflates the reality of the situation since the number of workers typically required to produce 1.25 million SWU in the Netherlands is 208 while only between 180 and 200 are required in the United States to produce 1.5 million SWU.

Petitioners contend that Tenex's comparisons of the UK labor factor with that of a different plant in the Netherlands and with projections for an unbuilt plant in the U.S. are irrelevant. Such comparisons neither suggest that the UK factors are unrepresentative of former Soviet factors, nor that the UK factors are inaccurate.

DOC Position

We agree with petitioners. Tenex's arguments rely on projections and speculation concerning a not-yet-complete enrichment facility in the United States and an enrichment facility outside of the Department's preferred surrogate for factors. Therefore, Tenex has failed to show that the enrichment labor factor used in the petition is a clerical or gross error.

Comment 21

Tenex argues that there is no indication that overfeed costs reported in Urenco's financial statements were all related to commercial production. Tenex contends that it has proven that overfeed is uneconomical given the conditions assumed by the Department. In addition, Urenco's 1991 annual report indicates that the overfeed costs were negative.

Petitioners note that their factors of production analysis, based on fiscal year 1991 data, incorporates the negative feed cost reported by Urenco. Just as the cost of the producer-supplied feed must be incorporated in a cost of production calculation when overfeeding occurs, so must "negative" feed cost be included.

DOC Position

We agree with petitioners. As we have used the 1991 annual report, feed costs are negative. Hence, Tenex's concerns regarding the uneconomical nature of overfeeding are irrelevant.

Comment 22

Tenex states that the Department's EUP factors of production fail to

account for the advanced centrifuge technology employed at enrichment plants in the former USSR. Although petitioners argue that the supposedly advanced Urenco centrifuge technology makes the Urenco plants more productive than Soviet plants, which in turn leads to higher depreciation and finance charges for Soviet enrichment, their claims are unsupported, absurd, and have been rejected by the Department in its preliminary FMV calculation. Actually, the Soviet technology enjoys technological and productivity advantages over Urenco centrifuges, suggesting that depreciation and finance charges should be reduced, not increased, from those estimated for the Urenco plant.

The Yankee Group argues that the Department should reject petitioners' claim that capital and depreciation costs are 3.5 times higher than Urenco's because the smaller former Soviet centrifuges produce less SWU per machine. Petitioners failed to consider that the former USSR's smaller, lower-tech centrifuges cost considerably less per unit than Urenco's larger centrifuges.

Petitioners continue to argue that the Department should adjust UK production factors to reflect known technology differences with facilities producing EUP in the former USSR.

Moreover, petitioners reject Tenex's adjustment as speculative. Further, Tenex should not be given the benefit of certain critical assumptions given the failure of respondents to provide the actual data.

DOC Position

The Department continues to reject petitioners' upward adjustment to enrichment costs as speculation. We also reject Tenex's proposed adjustment. Potential economies of scale experienced by or technology differences at former Soviet enrichment facilities are not an appropriate adjustment for the Department to consider in a BIA situation; rather, it is more properly addressed by responding to the Department's questionnaire and allowing verification to occur.

Comment 23

The Yankee Group asserts that the Department should give greater weight to the visit of its knowledgeable representatives to the former Soviet enrichment plant. The information concerning the former Soviet enrichment plant is directly relevant given that this plant is the only one that produced LEU which was exported to the United States.

Petitioners argue that the information provided by the Yankee Group is inadequate and cannot be construed as BIA because it relies on an impermissible level of speculation and concerns only one former Soviet facility.

DOC Position

We disagree with the Yankee Group and reject the data contained in its affidavit. The information gleaned by Yankee Group representatives during their visit to the Ekaterinburg enrichment facility is more appropriately submitted by the respondents to the Department in the form of a questionnaire response, not through an affidavit of a third party.

Comment 24

The Yankee Group argues, based on public information on the record, that petitioners have overstated the SWU cost at Urenco's UK facilities with their estimate of $166.37 per SWU. BNFL's financial statements indicate that the company had a nine percent profit on sales in 1990. Based on this figure and the fact that BNFL's primary activity is uranium enrichment, the Yankee Group argues that BNFL sold enriched uranium at prices which yielded a profit.

The Yankee Group cites a 1984 statement by an official at Urenco's UK facility that Urenco could offer long-term SWU contracts at prices "around $100 SWU." Prices have not changed significantly since that time. Petitioners estimated Urenco's cost to be $167 per SWU, thus implying that if Urenco were selling enrichment at $100 per SWU, it must have incurred huge losses. The Yankee Group states that BNFL's financial statements demonstrate that the company's costs are less than $100 per SWU, since it is making a profit at that price. Thus, the Yankee Group asserts that the Department should reject petitioners' constructed cost as it is inconsistent with other information on the record of these investigations.

DOC Position

We disagree with the Yankee Group. Their conclusion rests on information dating back to 1984, while petitioners' CV is derived from the 1991 fiscal year. Therefore, we are not convinced that the petition calculations are aberrant.

Comment 25

Tenex states that its failure to provide complete and verifiable responses was due, in large part, to legitimate national security concerns. Tenex insists that there is no basis in law or logic for the Department to require producers or exporters in one country to supply highly sensitive data, critical to the national security of the NIS, relating to production in another country. To do so would violate all notions of sovereignty. Likewise, Tenex states that it cannot be held responsible for the failure to provide data on the production facilities in Ukraine and Tajikistan. It did not, nor does it now, have access to complete and verifiable data concerning factors of production in the former USSR uranium industry. Tenex cites GATT Article XXI as the national prerogative to refuse disclosure of such information which they consider contrary to their essential security interests. In Final Determination of Sales at less Than Fair Value: Industrial Nitrocellulose from France (Industrial Nitrocellulose from France), 48 FR 11971 (March 22, 1983), and Final Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose from Yugoslavia (Industrial Nitrocellulose From Yugoslavia), 55 FR 34946 (August 27, 1990), the Department identified GATT Article XXI as grounds for declining disclosure. Tenex also states that in *Chevron Standard Ltd.* v. *U.S.* 563 F. Supp. 1381 (1983), the CIT ruled that the Department cannot penalize one respondent for failing to compel another respondent, over which it has no control, to provide information requested by the Department.

Further, Tenex, states that given the dramatic changes in recent months, its failure to file timely responses to the Department's requests is understandable and excusable. In fact, only one NIS has responded to the Department's questionnaire, illustrating the difficulty the NIS have had, and continue to have, in complying with the Department's numerous requests for information. Based on the above, it would be inconsistent with the antidumping law and precedent to use BIA to calculate punitive margins in this case.

Petitioners state that the Department should continue to reject all respondents' comments and information concerning use of BIA in the final determination. Specifically, petitioners request that the Department reject as BIA publicly available information submitted by Tenex because no legitimate national security concerns have been raised in these proceedings and because the NIS refused to submit information within their possession or control. They argue that none of the NIS explained in a timely manner that national security concerns led to their failure to submit questionnaire responses and that these republics, not Tenex, were the appropriate party to raise such concerns. Petitioners claim that the cases cited by Tenex (*i.e.*,

Industrial Nitrocellulose from France and *Industrial Nitrocellulose From Yugoslavia*) make clear that a secondary respondent such as Tenex may not interpose, in the broadest possible manner, national security concerns.

Petitioners also object to Tenex's statements that it should not be penalized for the failure of the republics to respond to the Department's questionnaire because such information is beyond its control. Tenex's arguments would reward recalcitrant republics by permitting it to supply BIA in lieu of information that properly should have been submitted by the republics.

DOC Position

We disagree with Tenex. In *Industrial Nitrocellulose from Yugoslavia*, the respondent submitted timely and complete responses to the Department's requests for information. The issue of national security involved the verification of data, not the submission of data. In these proceedings, however, we did not receive timely and complete data from Ukraine and Tajikistan. Therefore, *Industrial Nitrocellulose from Yugoslavia* is not relevant to these investigations.

This case can also be distinguished from *Industrial Nitrocellulose from France* in that the French Ministry of Economics and Finance responded to the Department's requests for information with claims of national security. Tenex is not the appropriate entity to be making claims of national security. Any claims involving national security in these investigations must be properly submitted by the GOU and the GOT. In this instance, Tenex's representations of national security concerns are not sufficient, especially since the production information it failed to submit is not within its domain. Rather, the production enterprises, through their overseeing ministries in Ukraine and Tajikistan, are the only parties that can appropriately claim concerns of national security.

Finally, Ukraine and Tajikistan are not signatories to the GATT. Therefore, the United States has no obligations under GATT with respect to Ukraine and Tajikistan.

Critical Circumstances

Petitioners allege that "critical circumstances" exist with respect to imports of uranium from the former USSR. Section 735(a)(3) of the Act provides that critical circumstances exist when we determine that there is a reasonable basis to believe or suspect the following:

(1) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is subject to investigation, or that the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise at less than its fair value; and

(2) There have been massive imports of the subject merchandise over a relatively short period.

To determine whether imports have been massive over a relatively short period, we based our analysis on official statistics of the Department, as BIA, for equal periods immediately preceding and following the filing of the petition. The time period we used for comparison purposes begins in December 1991, the first complete month after the petition was filed (November 8, 1991). Based on available statistics, and in accordance with our regulations (19 CFR 353.16(g)), we determine it appropriate to use for comparison the period December 1991 through March 1992. (*See, DOC Position* to *Comment 5* above.)

We compared the quantity of imports during the comparison period to the imports during the immediately preceding period (the "base period") of comparable duration (*i.e.*, August through November 1991).

Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports "massive." Our analysis indicates that shipments from the former USSR have increased by considerably more than 15 percent.

Since this shows evidence of massive imports over a relatively short period of time, we need to consider whether there is a history of dumping or whether there is reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value. We examined recent antidumping cases and found that there are currently no findings of dumping in the United States or elsewhere on the subject merchandise by Ukraine or Tajikistan.

We then examined the magnitude of the dumping margins in these investigations. It is our standard practice to impute knowledge of dumping under section 735(a)(3)(A)(ii) of the Act, when the estimated margins are of such a magnitude that the importer should have realized that dumping existed with regard to the subject merchandise. Normally, in purchase price sales, we consider estimated margins of 25 percent or greater to be sufficient, and in exporter's sales price sales, margins of 15 percent or greater to be sufficient to impute knowledge of dumping. See, *e.g.* Final Determination of Sales at Less than Fair Value: High-Tenacity Rayon Filament Yarn from Germany (57 FR 21770, May 22, 1992). Using these criteria, we have found that the final margins in these investigations are sufficient to impute knowledge of dumping. Therefore, we find that the requirements of section 735(a)(3) are met and we determine that critical circumstances exist with respect to imports of uranium from Ukraine and Tajikistan.

Suspension of Liquidation

In accordance with section 735(d) of the Act, we are directing the U.S. Customs Service to continue suspending liquidation of all unliquidated entries of uranium from Ukraine and Tajikistan, as defined in the *Scope of Investigations* section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after March 5, 1992 (90 days prior to the date of publication of our preliminary determinations) through October 16, 1992 (the signing of the suspension agreement) and on or after April 12, 1993 (for Ukraine) and April 26, 1993 (for Tajikistan). The U.S. Customs Service shall require a cash deposit or bond equal to 129.29 percent *ad valorem*, the estimated weighted-average amount by which the foreign market value of the subject merchandise exceeds the United States price, for all manufacturers, producers and exporters in Ukraine and Tajikistan of uranium.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. The ITC will now determine within 45 days whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist with respect to uranium, these proceedings will be terminated and all securities will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of uranium from Ukraine and Tajikistan for the periods discussed above in the *Suspension of Liquidation* section of this notice.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.35(d). Failure to comply is a violation of the APO.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)) and (19 CFR 353.20(a)(4)).

Dated: June 28, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–16017 Filed 7–7–93; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

Add Meeting Agenda Item

An agenda for a public meeting of the Gulf of Mexico Fishery Management Council (Council) and its Committees which are scheduled to meet on July 12–15, 1993, was published in the **Federal Register** at 58 FR 34783 on June 29, 1993. A new agenda item has been added to the agenda for July 14, 1993; the agenda item to be added is listed below. All other information originally published at 58 FR 34783, remains unchanged.

Add Agenda Item

From 8:45 a.m. to 12 noon: Receive public testimony on proposed catch distribution of commercial king mackerel off Florida for the 1993–1994 season, and also on Draft Amendment #7 to the Reef Fish Fishery Management Plan.

(Note: Testimony cards must be turned in to staff before the start of the public testimony)

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331, Tampa, FL; telephone: (813) 228–2815.

Dated: July 1, 1993.

David S. Crestin,

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

[FR Doc. 93–16066 Filed 7–7–93; 8:45 am]

BILLING CODE 3510–22–M

Endangered Species; Permits

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

ACTION: Notice of an application for Modification to Scientific Research Permit No. 818 (P211C).

Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has applied in due form for a Modification to Scientific Research Permit No. 818 to take listed species as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR Part 217–222).

Permit No. 818 was issued on April 22, 1993 (58 FR 25811) as authorized by the ESA. It authorizes ODFW to take listed adult and juvenile Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) for scientific research purposes through December 31, 1996.

ODFW is requesting authorization to capture and handle an additional 11,800 listed juvenile Snake River spring/summer chinook salmon, and tag with Passive Integrated Transponder (PIT) tags an additional 1,500 listed juvenile Snake River spring/summer chinook salmon, resulting in the indirect mortality of 103 of these fish. ODFW requests this take annually for the duration of the permit, through December 31, 1996.

Written data or views, or requests for a public hearing on this modification application should be submitted to the Director, Office of Protected Resources, NMFS, 1335 East-West Highway, room 8268, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this Modification application summary are those of the applicant and do not necessarily reflect the views of NMFS.

Documents submitted in connection with the above modification application are available for review by interested persons in the following offices:

Office of Protected Resources, NOAA, NMFS, 1335 East-West Highway, room 8268, Silver Spring, Maryland 20910, (301/713–2289); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

Dated: July 1, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources.

[FR Doc. 93–16165 Filed 7–7–93; 8:45 am]

BILLING CODE 3510–22–M

Endangered Species; Permits

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

ACTIONS: Issuance of Permit 859 (P521) to James R. Spotila, Department of Bioscience and Biotechnology, Drexel University; Issuance of a Second Modification to Permit 790 (P509) for Robert van Dam, Physiological Research Laboratory, University of California, San Diego; Issuance of an Extension to Permit 691 (P77#36) for the National Marine Fisheries Service (NMFS), Southwest Fisheries Center; Issuance of an Emergency Modification to Permit 817 (P45K) for the U.S. Fish and Wildlife Service; Issuance of an Amendment to Permit No. 826 (P770#64) for the National Marine Fisheries Service (NMFS), Northwest Fisheries Science Center.

On February 5, 1993, notice was published (58 FR 7213) that an application had been filed by James R. Spotila, to take listed leatherback turtles (*Dermochelys coriacea*), as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing listed fish and wildlife (50 CFR parts 217–222), for the purposes of scientific research. Notice is hereby given that on June 24, 1993 as authorized by the provisions of the ESA (16 U.S.C. 1531–1543), NMFS issued Permit Number 859 for the above taking, subject to certain conditions set forth therein.

On September 2, 1992 (57 FR 41477), Robert van Dam, Physiological Research Laboratory, Scripps Institution of Oceanography, was issued Permit No. 790 under the authority of the ESA and the NMFS regulations governing listed fish and wildlife (50 CFR Parts 217–227), authorizing the Physiological Research Laboratory to take listed Hawksbill sea turtles (*Eretmochelys imbricata*) for the purposes of scientific research. On May 13, 1993, (58 FR 29392) as authorized by the ESA, NMFS issued a Modification to Permit No. 790, extending the effective date of the Permit through December 31, 1993. On June 1, 1993, (58 FR 31188) notice was given that the applicant applied for a second Modification to Permit 790. Notice is hereby given that on July 2, 1993, the Physiological Research Laboratory was issued a second Modification, authorizing an increase in the number of listed Hawksbill sea turtles (*Eretmochelys imbricata*) to be captured, measured, tagged and photographed. The modification authorizes an increase in take from 40 to 80 turtles. However, at most, only 40 of those turtles may be sampled for stomach contents.

On October 31, 1989 (54 FR 47105), Southwest Fisheries Science Center, National Marine Fisheries Service, was issued Permit No. 691 under the authority of the ESA and the NMFS regulations governing listed fish and wildlife permits (50 CFR Parts 217–227), authorizing the Southwest Fisheries Center to take listed olive ridley turtles (*Lepidochelys olivacea*) for the purposes of scientific research. Notice is hereby given that on June 29, 1993, the Southwest Fisheries Center was granted an extension to continue their research through December 31, 1994.

On April 1, 1993 (58 FR 18205), the U.S. Fish and Wildlife Service (FWS) was issued Permit No. 817 under the authority of the ESA and the NMFS regulations governing listed fish and wildlife (50 CFR Parts 217–227), authorizing the FWS to take juvenile listed Snake River fall and spring/summer chinook salmon (*Oncorhynchus tshawytscha*) for the purposes of scientific research. Notice is hereby given that on June 24, 1993 the FWS was issued an emergency Modification to increase the number of listed Snake River fall chinook salmon authorized to be tagged with Passive Integrated Transponder (PIT) tags, for the following reasons: (1) This year is a unique flow year, resulting in a great number of fish moving downstream in a given time period, and FWS should take advantage of the opportunity; (2) a new PIT tag detector has been installed at Lower Monumental Dam, making it possible to study longer migration patterns; (3) the consensus of the salmon research community is that more Snake River fall chinook salmon should be tagged to further study their migration. The modification increases the number of listed Snake River fall chinook authorized to be PIT tagged from 1,365 to 2,350, and increases the mortalities authorized as a result of this activity from 41 to 71. The modification is valid through December 31, 1993, or until superseded by changes made as a result of comments.

On December 3, 1992, notice was published (57 FR 57157) that an application had been filed by the NMFS Northwest Fisheries Science Center (P770#64), to take listed Snake River sockeye salmon (*O. nerka*) and listed Snake River fall and spring/summer chinook salmon (*O. tshawytscha*) for the purposes of scientific research. On March 23, 1993 (58 FR 17383), NMFS was issued Permit No. 826 for the above taking subject to certain conditions set forth therein, and on April 6, 1993 (58 FR 19654), NMFS was issued a modification to Permit No. 826, as authorized under the ESA and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–227). Notice is hereby given that on July 1, 1993 NMFS was issued an amendment to Permit No. 826, subject to the conditions set forth therein, to be valid for the duration of the permit. The amendment increases the number of juvenile sockeye salmon authorized to be collected during field research, of which a lower percent than originally estimated would be juvenile listed Snake River sockeye salmon. The permit authorizes the take of up to 68 juvenile sockeye salmon, of which 0.8 were estimated to be listed Snake River sockeye salmon. The take of 0.8 Snake River juvenile sockeye salmon was based on an estimated 1.25% of the outmigrant sockeye salmon at McNary Dam being of Snake River origin. However, current data indicates that, to date, only 0.16% of the sockeye salmon collected at McNary Dam are of Snake River origin, and some of these may be kokanee from Dworshak Reservoir. To cover additional planned sampling to obtain necessary data for recovery purposes, an additional 100 juvenile sockeye salmon need to be captured and handled. The potential impact on listed Snake River sockeye salmon of this additional collection will be below that previously authorized in Permit 826.

Issuance of the above actions was based on a finding that such documentation: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the listed species which are the subject of the permits; (3) is consistent with the purposes and policies set forth in section 2 of the ESA. The Permit, Modification, Extension, emergency Modification, and Amendment were also issued in accordance with and are subject to parts 217–227 of title 50 CFR, the NMFS regulations governing listed species permits, modifications, extensions and amendments.

Written data or views, or requests for a public hearing on these actions should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Highway, room 8268, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on these requests would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and options contained in this summary are those of the applicants and do not necessarily reflect the views of NMFS.

All Permits and related documents are available for review by interested persons in the following offices (by appointment):

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Highway, suite 8268, Silver Spring, MD 20910 (301/713–2232); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400). [for salmon]

National Marine Fisheries Service, Northeast Region, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9250). [for sea turtles]

Dated: July 2, 1993.

William W. Fox, Jr.

Director, Office of Protected Resources.

[FR Doc. 93–16166 Filed 7–7–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Import Permit (P542)

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

SUMMARY: On May 13, 1993, notice was published in the **Federal Register** (58 FR 28395) that Drs. John R. Kucklick, Joel E. Baker and H. Rodger Harvey, Chesapeake Biological Laboratory, P.O. Box 38, Solomons, MD 20688, applied for a permit to import from the Lake Baikal Limnological Institute, Irkutsk, Russia, blubber samples collected from Lake Baikal seals (*Phoca siberica*). Samples will be used to conduct research which consists of the extraction and analysis of organochlorine contaminants such as DDTs, PCBs, chlordanes, hexachlorocyclohexanes, and toxaphene.

Notice is hereby given that on June 29, 1993, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), the National Marine Fisheries Service (NMFS) issued a Permit for the above import subject to certain conditions set forth therein.

ADDRESSES: The Permit is available for review by writing to or by appointment in the Permits Division, Office of Protected Resources, NMFS, NOAA, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713–2289); and Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508/281–6150).

Dated: June 29, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–16071 Filed 7–7–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Application for Public Display Permit, Birds & Animals Unlimited (P530)

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

SUMMARY: Notice is hereby given that an applicant has applied in due form for a permit to obtain the care and custody of marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Birds & Animals Unlimited, Universal Studios Florida, 1000 Universal Plaza, Orlando, Florida 32819
2. *Type of Permit:* Public display
3. *Number and Name of Marine Mammals:* Two California sea lions (*Zalophus californianus*) from captive stock.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, NMFS, U.S. Department of Commerce, Silver Spring, Maryland, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the NMFS.

Documents submitted in connection with the above application are available for review by appointment in the following offices:

Office of Protected Resources, NMFS, NOAA, 1335 East-West Highway, room 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508/281–9300);

Director, Southeast Region, NMFS, NOAA, 9450 Koger Boulevard, St. Petersburg, FL 33702 (813/893–3141);

Director, Southwest Region, NMFS, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802 (310/980–4016); and

Director, Northwest Region, NMFS, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150).

Dated: June 1, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–16072 Filed 7–7–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Thailand

July 2, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing limits.

EFFECTIVE DATE: July 12, 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 these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6717. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being reduced for carryforward used.

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 53475, published on November 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

July 2, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 4, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on July 12, 1993, you are directed to amend the November 4, 1992 directive to reduce the limits for the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and the Thailand:

Category	Twelve-month limit [1]
Levels in Group I	
200	822,140 kilograms.
313/314/315	70,786,800 square meters of which not more than 15,730,400 square meters shall be in Category 313, not more than 34,980,656 square meters shall be in Category 314, and not more than 22,472,000 dozen shall be in Category 315.

Category	Twelve-month limit [1]
613/614/615	30,225,603 square meters of which not more than 17,977,600 square meters shall be in Category 614 and not more than 17,977,600 square meters shall be in Categories 613/615.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–16167 Filed 7–7–93; 8:45 am]

BILLING CODE 3510–DR–F

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 92–1–90 CD]

Establishment of Procedural Schedule

AGENCY: Copyright Royalty Tribunal.

ACTION: Order establishing procedural schedule.

SUMMARY: The Copyright Royalty Tribunal is establishing a procedural schedule for the 1990 cable royalty distribution proceeding.

EFFECTIVE DATE: July 8, 1993.

FOR FURTHER INFORMATION CONTACT: Linda R. Bocchi, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue NW., Suite 918, Washington, DC 20009. (202) 606–4400.

SUPPLEMENTARY INFORMATION: On June 18, 1993, Major League Baseball, the National Basketball Association, the National Hockey League and the National Collegiate Athletic Association (hereinafter collectively referred to as "JSC",) filed with the Copyright Royalty Tribunal a Motion to Compel the Production of the 1991 Nielsen diaries and a Motion to Establish the Procedural Schedule for the 1990 Cable Royalty Distribution Proceeding.

By *Notice*, issued June 23, 1993, the Copyright Royalty Tribunal invited the parties to file comments on the two Motions. Friday, June 25, 1993, was established as the due date for filing comments on the Motion to Establish a Procedural Schedule.[1] Tuesday, July 6, 1993, was established as the due date for filing comments on the Motion to Compel the Production of the 1991 Nielsen diaries.

Comments on JSC's procedural schedule Motion were received from Program Suppliers, National Association of Broadcasters, Public Broadcasting Service, American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc. With the exception of Program Suppliers, all the other commenting parties either supported JSC's proposed schedule or offered an alternative schedule.

Program Suppliers maintained that JSC's motion was premature. They noted that at the outset of the proceeding it had been determined that the proceeding should be bifurcated, with stage one involving the Nielsen access issue. Program Suppliers further explained that the decision to bifurcate was based on the parties desire to avoid "wasteful duplication and confusion." Program Suppliers also opposed JSC's proposed dates on the basis that the schedule would deprive the parties of sufficient time to conduct an adequate hearing.

The Tribunal understands the need to resolve stage one of the proceeding before commencing the distribution stage. However, the Tribunal is also committed to ensuring that the proceeding is completed in an efficient manner. Therefore, although the Tribunal will establish a procedural schedule prior to determination of stage one, the schedule assumes that stage one will be completed prior to the date for filing direct cases. The parties are expected to cooperate with each other to assure that stage one is completed in the designated time period.

Accordingly, the Tribunal adopts the following procedural schedule:

End of stage one deposition period, including filing of any motions based on depositions—July 12, 1993

Comments on any motions based on depositions—July 15, 1993 [2]

Exchange of Direct Cases—August 16, 1993

Discovery Period—August 17–September 7

Phase I Evidentiary Hearing—September 8–27 [3] (10 hearing days)

Exchange of Phase I Rebuttal Cases—October 1, 1993

Phase I Rebuttal Hearing—October 8, 1993

Dated: July 1, 1993.

Cindy Daub,

Chairman.

[FR Doc. 93–16119 Filed 7–7–93; 8:45 am]

BILLING CODE 1410–09–M

[1] By letter of June 24, 1993, the Tribunal granted Program Suppliers' request for a one day extension to file their comments on Monday, June 28 rather than Friday June 25. The one day extension also applied to all other parties wishing to file comments on the Motion.

[2] The Tribunal's decision on the stage one access issue will follow shortly after the comments are filed.

[3] The Tribunal will advise the parties shortly of the specific dates reserved for evidentiary hearings.

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 and OMB Control Number: Communications and Enlistment Decisions/Youth Attitude Tracking Study III (CED/YATS III), OMB Control No. 0704–0210.

Type of Request: Extension.

Number of Respondents: 11,100.

Responses per Respondent: 1.5.

Annual Responses: 17,100.

Average Burden per Response: 22 minutes.

Annual Burden Hours: 6,375.

Needs and Uses: This survey collects data on the knowledge of and attitudes toward, military service from Americans 16–24 years of age. It provides annual cross-sectional data on propensity to serve and other key issues for trend analyses. Brief follow-up interviews provide additional measures of change, using a mix of previously interviewed individuals and first time respondents. Data are used by DOD Components to develop recruiting strategies, incentive programs, advertising strategies, and Congressional testimony, and to allocate resources, and to conduct special studies.

Affected Public: Individual or households.

Frequency: Annually.

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: July 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–16027 Filed 7–7–93; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Defense Science Board Task Force on Readiness; Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Readiness will meet in closed session on July 14, and August 10, 1993 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense (Acquisition) on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will provide advice, recommendations, and supporting rationale on the components of a Readiness Early Warning System to insure that our forces do not become "hollow," and, where deficiencies may begin to emerge, to suggest corrective actions.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly these meetings will be closed to the public.

Dated: July 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–16029 Filed 7–7–93; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Tactical Air Warfare; Meeting Cancellation

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on Tactical Air Warfare scheduled for June 21, 1993 as published in the **Federal Register** (Vol. 58, No. 104, Page 31371, Wednesday, June 2, 1993, FR Doc 93–12860) has been cancelled. In all other respects the original notice remains unchanged.

Dated: July 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–16030 Filed 7–7–93; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Defense Acquisition Reform; Meeting Cancellation

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on Defense Acquisition Reform scheduled for June 29, 1993 as published in the **Federal Register** (Vol. 58, No. 86, Page 26963, Thursday, May 6, 1993, FR Doc 93–10677) has been cancelled. In all other respects the original notice remains unchanged.

Dated: July 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–16031 Filed 7–7–93; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on C–17 Review; Change in Location of Meeting

ACTION: Change in location of Advisory Committee meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on C–17 Review scheduled for July 1–2, 1993 in the Pentagon, Arlington, Virginia, as published in the **Federal Register** (Vol. 58, No. 99, Page 30028, Tuesday, May 25, 1993, FR Doc. 93–12325) will be held at The Aerospace Corporation, Los Angeles, California. In all other respects the original notice remains unchanged.

Dated: July 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–16032 Filed 7–7–93; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on C–17 Review

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on C–17 Review will meet in closed session on July 28, 1993 at The Aerospace Corporation, Los Angeles, California.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense (Acquisition) on research, scientific, technical, and manufacturing matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will access the current status of the C–17 program.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(4) (1988), and that accordingly this meeting will be closed to the public.

Dated: July 1, 1993.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–16028 Filed 7–7–93; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

National Education Goals Panel; Meeting

AGENCY: National Education Goals Panel, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date and location of a forthcoming meeting of the National Education Goals Panel. This notice also describes the functions of the Panel. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES: July 27, 1993 at 12:30 p.m.

ADDRESSES: Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Ruth Whitman Chacon at the National Education Goals Panel, 1850 M Street, NW., Suite 270, Washington, DC 20036. Telephone: (202) 632–0952.

SUPPLEMENTARY INFORMATION: The National Education Goals Panel was created to monitor and report annually to the President, Governors and Congress on the progress of the nation toward meeting the six National Education Goals adopted by the President and Governors in 1989.

The meeting of the Panel is open to the public. The agenda includes discussion of education technology, disciplined environments conducive to learning, criteria for content standards and action on collegiate assessment and the use of NAEP/NAGB data.

Records are kept of all Panel proceedings, and are available for public inspection at the Office of the Goals Panel at 1850 M Street, NW., Suite 270, Washington, DC 20036, from the hours of 10 a.m. to 5 p.m.

Dated: July 2, 1993.

Ann V. Bailey,

Committee Management Officer, Department of Education.

[FR Doc. 93–16179 Filed 7–7–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Proposed Finding of No Significant Impact Consolidation of the Nonnuclear Component Within the Nuclear Weapons Complex

AGENCY: Department of Energy.

ACTION: Proposed Finding of No Significant Impact.

SUMMARY: The Department of Energy (DOE) issues this proposed Finding of No Significant Impact (FONSI) on its proposal to consolidate certain nonnuclear component manufacturing, surveillance, and storage functions of the Nation's Nuclear Weapons Complex (Complex). This proposed finding is based on the DOE "Nonnuclear Consolidation Environmental Assessment" (EA), DOE/EA–0792, June 1993, which analyzes the proposed consolidation of these nonnuclear functions that DOE performs in the Complex. The DOE sites involved in the nonnuclear consolidation proposal are the Kansas City Plant (KCP) in Kansas City, Missouri; Los Alamos National Laboratory (LANL) in Los Alamos, New Mexico; the Mound Plant (Mound) in Miamisburg, Ohio; the Y–12 Plant in Oak Ridge, Tennessee; the Pinellas Plant (Pinellas) in Largo, Florida; the Rocky Flats Plant (RFP) in Golden, Colorado; Sandia National Laboratories, New Mexico (SNL/NM) in Albuquerque, New Mexico; and the Savannah River Site (SRS) near Aiken, South Carolina. DOE's proposed action is to consolidate certain nonnuclear manufacturing activities at KCP, relocate others to SRS, LANL, and SNL/NM, and close out the Complex missions at Mound and Pinellas, and Complex nonnuclear missions at RFP. The proposed action responds to Presidential initiatives, including the START II Treaty, to reduce the nations nuclear weapons stockpile, and is expected to achieve more efficient and effective management of nonnuclear functions within the Complex, while also decreasing the long-term operating costs of this aspect of the Complex. The proposed action is part of DOE's larger proposal to reconfigure the entire Complex. The remainder of this reconfiguration proposal is being analyzed in the Nuclear Weapons Complex Reconfiguration Programmatic Environmental Impact Statement (PEIS).

Based on the analyses in the EA, DOE believes that the proposed action is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 et seq. Therefore, DOE proposes to issue a Proposed FONSI pursuant to the Council on Environmental Quality regulations implementing NEPA (40 CFR parts 1500–1508) and the DOE NEPA implementing regulations (10 CFR part 1021). This Proposed FONSI and the supporting EA are being made available for public review and comment for a period of 30 days following the date of this notice. DOE will consider comments received in making a final determination on whether to issue a FONSI or to incorporate the analysis of proposed consolidation of the nonnuclear component of the Complex into the Reconfiguration PEIS.

INVITATION TO COMMENT: DOE invites the public, including states which host these DOE facilities and Indian tribes that might be affected by the proposed action, to comment on this proposed FONSI. Please direct any comments to Mr. Howard R. Canter at the address presented in the following section.

In accordance with 40 CFR 1501.4(a)(2)(i) and 10 CFR 1021.322(d), DOE is making this proposed FONSI available for public review for 30 days.

DOE has made the EA and related documents available to the public. Copies of the EA are available upon request at the address given below. DOE will also make public comments received on this proposed FONSI available to the public. The EA, Nonnuclear Consolidation Plan (DOE, September 1991), and other material pertaining to this proposal are available for public review at the DOE public reading rooms listed below.

California

U.S. Department of Energy, San Francisco Operations Office, 1301 Clay Street, Room 700N, Oakland, California 94612, (510) 637–1762

Colorado

U.S. Department of Energy, Rocky Flats Public Reading Room, Front Range Community College, Library, 3645 West 12th Avenue, Westminster, Colorado 80030, (303) 469–4435

Florida

U.S. Department of Energy, Public Reading Room, Largo Public Library, 351 East Bay Drive, Largo, Florida 34640, (813) 587–6715

Idaho

U.S. Department of Energy, Idaho Operations Office, Public Reading Room, 1776 Science Center Drive, Idaho Falls, Idaho 83402, (208) 526–9162

Nevada

U.S. Department of Energy, Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada 89193, (702) 295–1274

Ohio

U.S. Department of Energy, Miamisburg Library, DOE Public Reading Room, 35 South Fifth Street, Miamisburg, Ohio 45342, (513) 866–1071

South Carolina

U.S. Department of Energy Reading Rm, University of South Carolina, Aiken Campus, 171 University Parkway, Aiken, South Carolina 29801, (803) 641–3320

Tennessee

U.S. Department of Energy, Oak Ridge Operations Office, Freedom of Information Officer, 200 Administration Road, Room G–209, Oak Ridge, Tennessee 37831, (615) 576–5765

Illinois

U.S. Department of Energy, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439, (708) 972–2010

Missouri

U.S. Department of Energy, Public Reading Room, Red Bridge Branch, Mid-Continent, Public Library, 11140 Locust Street, Kansas City, Missouri 64137, (816) 942–1780

New Mexico-Albuquerque

U.S. Department of Energy, Public Reading Room, National Atomic Museum, 20358 Wyoming SE, Albuquerque, New Mexico 87185, (505) 845–6670/4378

New Mexico-Los Alamos

Los Alamos National Laboratory, Community Reading Room, 1450 Central Avenue, Suite 101, Los Alamos, New Mexico 87545, (505) 665–2127

Texas

U.S. Department of Energy, Lynn Library/Learning Center, Amarillo College, 2201 South Washington Street, Amarillo, Texas 79109, (806) 371–5400

Washington

U.S. Department of Energy, Richland Operations Office, 100 Sprout Road, Richland, Washington 99352, (509) 376–8583

District of Columbia

U.S. Department of Energy, Freedom of Information Reading Room, Forrestal Building, Room 1E–90, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–6020

For information on the availability of specific documents and hours of operation, please contact reading rooms at the telephone numbers provided.

DATES: Comments on the proposed FONSI should be postmarked by August 9, 1993 to ensure consideration. Comments postmarked after that date will be considered to the extent practicable.

ADDRESSES: Written comments on the proposed FONSI and requests for copies of the Nonnuclear Consolidation EA or the EA Executive Summary should be directed to: Howard R. Canter, U. S. Department of Energy, Weapons Complex Reconfiguration Office, P.O. Box 3417, Alexandria, VA 22302. FAX: (202) 586–2180.

FOR FURTHER INFORMATION CONTACT: Requests for further information on the proposed project or the Nuclear Weapons Complex Reconfiguration Program should be sent to: Howard R. Canter, U.S. Department of Energy, Weapons Complex Reconfiguration Office, DP–40, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586–2700. For general information on the DOE NEPA review process, contact: Carol M. Borgstrom, U.S. Department of Energy, Office of NEPA Oversight (EH–25), 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: On December 16, 1991, the then Secretary of Energy announced his decision to prepare an EA for the consolidation of nonnuclear functions of the Complex. The public notice regarding the Secretary's decision was published on January 27, 1992 (57 FR 3046). The nonnuclear consolidation proposal is based upon the DOE Nonnuclear Consolidation Plan (NCP), September 1991, as amended. The NCP also provided the basis for determining the consolidation alternatives analyzed in the EA. DOE determined that the proposal to consolidate nonnuclear facilities could be analyzed in an EA prior to completion of the Reconfiguration PEIS (see 40 CFR 1506.1(c)) because (1) there are significant benefits for the nation from nonnuclear consolidation, i.e., cost savings and preservation of technical competence, whether the rest of the Complex is reconfigured or not, and (2) decisions regarding nonnuclear consolidation will neither affect nor be affected by decisions to be made following the completion of the Reconfiguration PEIS.

A preapproval review copy of the EA was sent to affected states and Indian Tribes for comment in December 1992. Comments received during the review period were taken into account in preparing the final EA. Appendix G of the EA contains all comments received and DOE responses.

As required by the Energy and Water Development Appropriations Act, 1993 and the National Defense Authorization Act for Fiscal Year 1993, DOE also prepared and submitted to Congress the Nonnuclear Reconfiguration Cost Effectiveness Report (CER) on January 15, 1993. Each of three independent consultants, appointed by Energy Secretary Hazel R. O'Leary to review the CER and accompanying certifications, confirmed on May 25, 1993, that the proposed consolidation is cost effective and would not increase the technological, environmental, safety, or health risks associated with Departmental activities. Their review and conclusions did not result in any changes to the proposed nonnuclear consolidation proposal, and the Secretary made the decision to proceed with the Nonnuclear Consolidation process. If supported by the EA, a FONSI would allow DOE to accelerate the proposed consolidation of nonnuclear facilities in response to Presidential initiatives to reduce the Nation's nuclear weapons stockpile.

Proposed Action

DOE proposes to terminate the Complex missions at Mound and Pinellas, and Complex nonnuclear missions at RFP. The nonnuclear electrical and mechanical manufacturing functions would be consolidated at KCP. Existing research, development, and testing (RD&T) and prototype fabrication capabilities at LANL and SNL/NM would be augmented to provide a limited fabricating capability for future neutron generator work, high power detonators, beryllium technology, pit support functions, and other nonnuclear components now located at Mound, Pinellas, and RFP. These enhanced capabilities would be used to satisfy future weapons stockpile needs, if and when identified. Tritium-handling functions now performed at Mound and Pinellas would be consolidated with tritium functions now located at the Savannah River Site (SRS) and LANL, respectively. The capabilities transferred to KCP, SRS, LANL and SNL/NM would, for the most part, be integrated into the existing plant facilities with appropriate plant modifications and renovations. The nonnuclear manufacturing workload would be downsized at all sites in response to Presidential initiatives, including START II, to reduce the nuclear weapons stockpile. The following specific actions are proposed:

- Mission Closeouts—Complex missions at Mound and Pinellas and the Complex nonnuclear missions at RFP would be terminated, and associated nonnuclear facilities turned over to the DOE Office of Environmental Restoration and Waste Management (EM) for cleanup and restoration.
- Electrical and Mechanical—The nonnuclear electrical and mechanical capabilities now at Mound, Pinellas, and RFP would be consolidated at KCP within existing facilities.
- Tritium-Handling—All tritium-handling capabilities now performed at Mound would be relocated to be with the tritium functions now performed at SRS. The neutron tube target loading for the current design of neutron generators, now performed at Pinellas, would be completed. Capability for future neutron tube target loading requirements would be provided within existing facilities at LANL.
- Detonators—The existing RD&T and prototyping capability at LANL would be enhanced to provide a limited manufacturing capability for high power detonators, now done at Mound. (The existing RD&T technology base for low-power explosives components would be maintained at SNL/NM; the existing capabilities at Mound to manufacture these components would no longer be needed.)
- Beryllium Technology and Pit Support—The existing technology base and prototyping capability at LANL would be enhanced to provide limited manufacturing capability for beryllium technology and pit support work now done at RFP.
- Neutron Generators, Cap Assemblies, and Batteries—Manufacture of the current design of neutron generators at Pinellas would be completed. The existing technology base for neutron generators would be maintained at SNL/NM. Existing RD&T and prototyping capability at SNL/NM would be augmented to provide a limited manufacturing capability for future advanced design neutron

generators. Manufacturing capability for cap assemblies would be relocated from Pinellas to existing facilities at SNL/NM. The technology base now at Pinellas for the manufacture of thermal batteries would be transferred to existing facilities at SNL/NM; manufacture of the batteries would continue to be performed by the private sector. The assembly of lithium ambient batteries from commercially acquired lithium cells would be transferred to KCP.

- Special Products—The nuclear grade steels procurement and storage capability, safe secure trailer manufacturing capability, weapons trainer shop, and metrology services would be transferred from RFP to KCP. The calorimeter manufacturing capability would be relocated from Mound to existing facilities at LANL. The milliwatt heat source surveillance activities would be relocated from Mound to SNL/NM.

Purpose and Need

DOE has proposed to reconfigure the Complex to be smaller, less diverse, and less expensive to operate. The Complex must safely and reliably support whatever nuclear deterrent stockpile objectives are established in the future by the President and funded by Congress. The Nation's nuclear weapons manufacturing requirements are not as great as they were in the past, and maintaining a large manufacturing infrastructure is not a productive use of national resources.

The purpose of nonnuclear consolidation is to manage better nonnuclear manufacturing activities within the Complex, and to decrease the long-term operating costs of the Complex. In addition, consolidation of the nonnuclear manufacturing activities would provide a means to maintain the specialized skill base needed to produce and test these components, as workload requirements decrease significantly.

The nonnuclear products and services of the Complex are needed to design and manufacture nuclear weapons and test individual components. DOE needs to maintain a nonnuclear capability in order to be able to manufacture, test, and monitor nuclear weapons.

Alternatives

In addition to the proposed action, the EA analyzed three alternatives in which electrical and mechanical manufacturing activities would be consolidated at sites other than KCP. The three alternative consolidation sites for electrical and mechanical manufacturing activities were Mound, Pinellas, and RFP. For each of these alternatives, the consolidation site for electrical and mechanical activities would retain all of its other nonnuclear manufacturing activities and receive additional electrical and mechanical activities from KCP and the other two mission closeout sites. The current nonnuclear manufacturing activities at KCP and the other two mission closeout sites would be terminated and remaining nonnuclear activities at these sites would be relocated to either SRS, LANL, or SNL/NM.

The EA analyzed the option of locating beryllium technology and pit support work, now done at RFP, at the Y–12 Plant in Oak Ridge, Tennessee instead of at LANL. Under the Y–12 option, the existing capability at Y–12 would be enhanced to accomplish this work. The proposed action does not include the Y–12 option.

No Action Alternative

The EA compared the impacts of the proposed action to those expected to occur if DOE did not consolidate these functions. Under this alternative, all sites included in the proposed action would retain their current weapons missions. Planned upgrades, renovations, repairs, and maintenance activities necessary to improve Complex compliance with all environment, safety, and health and environmental restoration standards would continue irrespective of future Complex configuration. DOE expects that under No Action many current facilities would be placed in an essentially standby mode due to a major reduction in nuclear weapons manufacturing requirements, with correspondingly reduced environmental impacts.

Considerations Common to All Alternatives

All alternatives were based on the same projected workload, which is substantially lower than requirements of the recent past. Planned upgrades, renovations, repairs, and maintenance activities necessary to enable DOE compliance with all environment, safety, and health and environmental restoration standards would continue at Complex facilities irrespective of the configuration of the Complex.

The nonnuclear consolidation proposal does not include components currently purchased from the private sector. Many nonnuclear weapons components are now manufactured and supplied by private companies. Private manufacture of certain components would continue under all alternatives. Where practical and cost effective, DOE may transfer manufacture of additional products to the private sector under existing procurement procedures. However, with recent reductions in the stockpile level, component manufacturing activities may be returned to the government from the private sector because the workload does not make it cost effective for these private suppliers to continue manufacturing such small quantities.

Environmental Impacts of the Proposed Action

Based on the analysis of environmental impacts in the Nonnuclear Consolidation EA, DOE believes that the proposed action would not result in any significant environmental impacts.

Implementing the proposed action would involve changes and/or modifications to existing buildings at KCP, SRS, LANL, and SNL/NM. Relocated activities would be compatible with existing land use plans and policies. The peak construction workforce of fewer than 100 workers at each site would have negligible effects on area land use, housing, and social services. No significant impacts on ecological resources, geological resources, or soil are expected. Air quality and noise impacts from construction activities are expected to be negligible since most activities would occur within existing buildings. No new construction or activities associated with the proposed action would occur within identified base floodplains or wetlands that would require a floodplain/wetland assessment under 10 CFR 1022.12 (a). (The base floodplain is defined as the 100-year (1.0 percent) floodplain.) Currently, KCP is the only site potentially vulnerable to floods in the proposed consolidated nonnuclear complex. However, KCP will be protected from a 500-year flood event upon completion in December 1993 of a new levee. Construction of the levee is covered by an EA and FONSI prepared by the U.S. Army Corps of Engineers, Environmental Assessment: Completion of Flood Protection Works, Bannister Road Federal Complex, Kansas City, Missouri (September 1990) The Department adopted this EA (DOE/EA–0509) and issued a FONSI on September 18, 1991. No impacts are expected on archeological or historic sites on any of the sites proposed to receive relocated nonnuclear activities. Based on comments received from the EA pre-approval review process, there is no indication that the proposed action would have any adverse effects on any historic or archaeological resources at KCP, SRS, LANL, or SNL/NM.

During operation, minor increases in air emissions and noise are expected,

but would not exceed applicable emissions standards and/or guidelines. Therefore, air quality and noise impacts would not be significant. Terminating the nonnuclear missions at Mound, Pinellas, and RFP would improve the local air quality near these sites, but not significantly. Increases in water usage would be less than 1 percent of current usage at KCP, SRS, and LANL, and less than 3 percent at SNL/NM. Adequate water supplies are available to accommodate the increase; therefore, no significant impacts on water resources are expected.

Socioeconomic and community service impacts at KCP, SRS, LANL, and SNL/NM are not expected to be significant. The proposed action would create approximately 1,095 jobs (425 direct and 670 indirect) at KCP at peak operations. Total in-migration would be approximately 558 persons. At SRS, approximately 103 jobs (45 direct and 58 indirect) would be created. Total in-migration would be approximately 60 persons. At LANL, approximately 294 jobs (115 direct and 179 indirect) would be created. Total in-migration would be about 154 persons. At SNL/NM, approximately 940 jobs (385 direct and 555 indirect) would be created at peak operation. Total in-migration would be about 515 persons. The change in population during the time of peak operation would be less than 1 percent at all sites and the need for additional housing units would be negligible. Therefore, socioeconomic impacts are not significant.

These in-migration estimates do not take into account such factors as rehiring preference for displaced workers that may result from the workforce restructuring plan developed for the site, as required by section 3161 of the National Defense Authorization Act for Fiscal Year 1993. Accordingly, these in-migration estimates represent the maximum expected at each site.

Adverse economic consequences will occur at Mound, Pinellas, and RFP due to the termination of nonnuclear missions at these sites. At Mound, approximately 2,846 jobs (1,070 direct and 1,776 indirect) would be lost. This reduction in jobs would not increase the unemployment rate in the year 2000 beyond the projected baseline level of 5.6 percent. Earnings in the Mound region-of-influence (those areas in which approximately 90 percent of current DOE and contractor employees reside) would be reduced by about $93.1 million, with related decrease in the total personal income of $119.3 million. The City of Miamisburg would lose an estimated $0.8 million in income tax revenue in the year 2000 as a result of the loss of direct employment at Mound. This loss represents a 10 percent loss in total income tax revenue, a 9 percent loss in General Fund revenue, and a loss of less than 4 percent in total actual revenues. The less than 1 percent change in population after weapons mission termination would create an estimated 600 additional vacant housing units. The additional vacant housing units represent less than a 1 percent increase in the Mound region-of-influence.

At Pinellas, approximately 3,038 jobs (1,050 direct and 1,988 indirect) would be lost. This reduction in jobs would not increase the unemployment rate in the year 2000 beyond the projected baseline level of 5.4 percent. Earnings in the Pinellas region-of-influence would be reduced by about $103.1 million, with a related decrease in the total personal income of $148.2 million. The less than 1 percent change in population after weapons mission termination would create an estimated 700 additional vacant housing units. The additional vacant housing units represent less than a 1 percent increase in the Pinellas region-of-influence.

At RFP, approximately 1,917 jobs (750 direct and 1,167 indirect) would be lost. This reduction in jobs would not increase the unemployment rate in the year 2000 beyond the projected baseline level of 5.6 percent. Earnings in the RFP region-of-influence would be reduced by about $68.5 million, with a related decrease in the total personal income of $82.2 million. The less than 1 percent change in population after nonnuclear weapon mission termination would create an estimated 400 additional vacant housing units. The additional vacant housing units represent less than a 1 percent increase in the local RFP area.

As a result of ongoing planning, DOE has revised the workforce estimates presented in the EA. Recently revised workforce figures for direct jobs are slightly different than the workforce number used in the EA analysis and therefore the estimates of indirect jobs would also be slightly different. Additional estimated direct jobs have been revised to 330 at KCP (a decrease of 95), 125 at LANL (an increase of 10), 390 at SNL (an increase of 5), and 50 at SRS (an increase of 5).

The proposed fiscal year 1994 budget projects a reduction in expenditures at most DOE sites resulting in reduced employment. The reduction in workforce associated with the budget reductions is only estimated at this time. The current estimate of direct jobs lost at sites with mission closeouts is 1,020 at Mound (a decrease of 50), 800 at Pinellas (a decrease of 250), and 715 at RFP (a decrease of 15). The estimated direct jobs reduction would also cause the estimated number of indirect jobs lost to be less than those used in the EA analysis. The revised workforce estimates do not affect any impact conclusions presented in the EA.

Nonnuclear manufacturing activities associated with the proposed action would increase hazardous waste volumes by less than 7 percent and would not have significant impacts on waste management at KCP, SRS, LANL, and SNL/NM. Anticipated increases in waste volumes at these sites are well within the existing treatment, storage, and disposal capabilities. Effluents and emissions due to waste management activities attributed to the proposed action would be negligible. Under the proposed action sanitary/industrial wastewater volumes are projected to increase at all sites, but not significantly. At KCP, SRS, and LANL, the increase is less than 1 percent over the current rate at these sites; at SNL/NM, the increase is less than 2 percent over the current rate. All sites have sufficient waste treatment, storage, and disposal capacity to handle the projected increases; therefore, no significant impacts are expected. At Mound, Pinellas, and RFP, nonnuclear production waste streams would be eliminated; however, this would not result in a significant impact.

No significant adverse impacts to the health of the public or workers is expected from implementation or operation activities associated with the proposed action at any of the sites. Hazard Indexes of less than 1.0 were calculated for onsite and at the site boundary at KCP, SRS, LANL, and SNL/NM. (The Hazard Index is a numerical indicator of the threshold between acceptable and unacceptable exposure levels of noncarcinogenic hazardous compounds. A Hazard Index value of 1.0 or less means that no adverse health effects are expected to occur.) The cancer risk to workers at KCP, SRS, LANL, and SNL/NM would be insignificant. The amount and types of chemicals associated with relocated activities would not add significantly to existing health conditions at these sites. Activities relocated to SNL/NM would result in annual cancer risks to workers of 6×10^{-6} due to the introduction of certain chemical solvents. The cancer risk to the public at SNL/NM was less than 10^{-6} annually. EPA accepts a two-level risk for carcinogens that depends upon the compound class and the hazard which it presents, so that risk levels of 10^{-5} and 10^{-6} are considered reasonable (55 FR 60848). Measures

such as substituting less toxic solvents or modifying production procedures would be implemented to minimize the cancer risk to workers at SNL/NM. No significant radiological health effects are expected at LANL, SNL/NM, or SRS as a result of the proposed action. The annual dose increment associated with the increase in tritium emissions at LANL and SNL/NM would be less than 0.1 mrem and 0.022 mrem effective dose equivalent, respectively. At SRS, the annual dose increment would be less than 0.001 mrem effective dose equivalent. These doses would result in an increased risk of less than $4.5x10^{-8}$ and $9.8x10^{-9}$ potential fatal cancers from 1 year of operation at LANL and SNL/NM, respectively, and $4.5x10^{-10}$ at SRS. The annual dose increment to workers at LANL, SNL/NM, and SRS would be less than 0.011 mrem. This dose would result in an incremental and cumulative increased risk of $4.9x10^{-9}$ and $1.3x10^{-7}$ potential fatal cancers, respectively, from 1 year of operation at these sites.

The accident profiles at each site would not change as a result of the proposed action. The probability or consequences of potential accidents would not increase appreciably at any of the sites since relocated functions involve activities and chemicals that are currently being performed at consolidation sites.

The proposed action would have no cumulative effects on the Complex, because the action represents a consolidation of existing activities and functions, rather than an initiation of new activities. In most instances, consolidation would reduce potential cumulative environmental impacts at all sites. Nonnuclear activities now located within aging facilities at donor sites would be transferred to sites with newly refurbished facilities. These facilities would be designed and constructed to incorporate DOE environment, safety, and health requirements on Complex reconfiguration and meet all applicable codes and standards. The facilities to which the nonnuclear activities would be transferred already contain virtually all of these operations, materials, and/or hazardous waste streams. Consolidation would also reduce the number of sites with activities generating these hazardous materials within the Complex.

Environmental Impacts of Alternatives

Environmental consequences discussed above at SRS, LANL, and SNL/NM under the proposed action would be the same or less under the Mound, Pinellas, and RFP alternatives and not significant. At the consolidation sites for each alternative (Mound, Pinellas, and RFP), substantial new construction would be required. If these alternatives were selected, additional site-specific NEPA documentation would be required.

Proposed Determination

Based on the information and analysis in the EA, DOE believes that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, and that incorporation into the Reconfiguration PEIS is not required. DOE will make its final determination on whether to issue a FONSI or to incorporate into the PEIS after the 30-day public review period.

Issued in Washington, DC this 1st day of July, 1993.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

[FR Doc. 93–16157 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–P

Morgantown Energy Technology Center; Financial Assistance Award; (Grant)

AGENCY: Morgantown Energy Technology Center, Department of Energy (DOE).

ACTION: Notice of noncompetitive financial assistance application for a grant.

SUMMARY: Based upon a determination pursuant to 10 CFR 600.7(b)(2)(i)(b), the DOE Morgantown Energy Technology Center gives notice of its plans to award a one year Grant to Pacific Gas and Electric, a California utility company, in the amount of $650,000.

FOR FURTHER INFORMATION CONTACT: Thomas L. Martin, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, WV 26507–0880. Telephone: (304) 291–4087 Grant No.: DE–FG21–93MC30180

SUPPLEMENTARY INFORMATION: The DOE will fund the allowable costs of the Grant. The pending award is based on an unsolicited application for a research project entitled, "Technical Review Committee and Project Team Support" which was submitted by Pacific Gas and Electric. The objective of the research project is the acceleration of the transfer of advanced gas turbine technologies from commercial aircraft engines to electric power generation applications. The research is structured to identify high-efficiency gas turbine engine and cycle combinations that potentially could be developed and demonstrated by 1997–98 and commercialized between the years 200 and 2005.

The justification for acceptance of the unsolicited proposal is based on the activity being conducted by the applicant using its own resources; however, Department of Energy support of that activity will enhance the public benefits to be derived and the department knows of no other entity which is conducting the same research.

Dated: June 30, 1993.

Louie L. Calaway,

Director, Acquisition and Assistance Division Morgantown Energy Technology Center.

[FR Doc. 93–16159 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–M

Morgantown Energy Technology Center; Financial Assistance Award; (Grant Renewal)

AGENCY: Morgantown Energy Technology Center, Department of Energy (DOE).

ACTION: Notice of noncompetitive financial assistance renewal award.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2)(i) Criteria (A), the DOE, Morgantown Energy Technology Center (METC) gives notice of its plans to award a grant renewal to Syracuse University, Department of Chemical Engineering Department, c/o Office of Sponsored Programs, 113 Bowne Hall, Syracuse, NY 13244–1200, in the amount of approximately $150,000 and covers a twelve (12) month project period.

FOR FURTHER INFORMATION CONTACT: Beverly J. Harness, I–07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507–0880. Telephone: (304) 291–4089. Procurement Request No. 21–93MC28072.501

SUPPLEMENTARY INFORMATION: The pending award is based on a renewal application for continuing work necessary to the satisfactory completion of an activity presently being funded by DOE and for which competition for support would have a significant adverse effect on continuity or completion of the activity. The grant is to provide financial assistance to Syracuse University for conducting research focused on the utilization of low-quality natural gas by economically upgrading the gas to pipeline quality via membrane separation.

The objective of this follow-on effort is to evaluate the potential usefulness of membrane separation processes for the removal of acid gases, water vapor, and

nitrogen from low-quality natural gas. By providing financial support, DOE expects to stimulate utilization of U.S. natural gas resources, reduce oil imports, and help stabilize our energy supply.

Issued in Washington, DC, June 30, 1993.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 93–16158 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Notice of Intent To Prepare an Environmental Impact Statement for the Coyote Springs Cogeneration Project

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Intent to prepare an environmental impact statement (EIS) under section 102(2)(c) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321).

SUMMARY: BPA intends to prepare an EIS on the transmission integration of Portland General Electric's (PGE) Coyote Springs Cogeneration Project, an electric power generating plant proposed in Morrow County near the City of Boardman, Oregon. PGE has asked BPA to provide transmission integration services over the Federal transmission grid to one or more points of delivery on PGE's transmission system in Oregon.

The Coyote Springs Project would have two combined-cycle combustion turbines with a total electrical output of 494 megawatts (MW). The plant would also supply approximately 225,000 kilograms (500,000 pounds) of steam per hour to steam customers. A 2.4-kilometer (1.5-mile), 500-kilovolt (kV) transmission line and a new substation would be built to interconnect the plant with a nearby BPA transmission line. About 28 kilometers (18 miles) of natural gas pipeline spur would be built by Pacific Gas Transmission Company (PGT) from a point on their existing pipeline northeast of Ione, Oregon, to the plant site. The proposed cogeneration plant, transmission tap line, substation, and natural gas pipeline are parts of a single project.

BPA has assumed the role of lead agency for the project EIS. The Federal Energy Regulatory Commission (FERC) is a cooperating agency. The FERC will be preparing an EIS for PGT's second northwest expansion project which proposes 140 kilometers (90 miles) of new pipelines and compressor stations within Oregon. The pipeline to Coyote Springs will be evaluated separately by FERC in their EIS. BPA will summarize this information in the Coyote Springs EIS.

A fact sheet that summarizes project specifics, potential benefits, environmental considerations and scheduled events is currently being prepared. Persons who wish to receive the fact sheet or other information on the proposed project should contact one of the information sources listed below.

DATES: BPA has established a 30-day scoping period (beginning July 8, 1993) during which affected landowners, concerned citizens, special interest groups and local governments are invited to comment on the scope of the proposed EIS. Scoping will help BPA ensure that a full range of issues related to this proposal are addressed in the EIS, and also will identify significant or potentially significant impacts that may result from the proposed project. Comments on the proposed scope of the EIS are invited from all interested parties. Written comments should be sent to the address identified below. Comments may be made at an EIS scoping meeting to be held at Riverside High School in Boardman, Oregon, on July 29, 1993, from 7–10 p.m.

The State of Oregon Energy Facility Siting Council (EFSC) is currently evaluating PGE's "Application for a Site Certificate on the Coyote Springs Cogeneration Project." Oregon's site evaluation process, like NEPA, provides opportunity for public participation. BPA will coordinate its processes with those of the State of Oregon. The EIS scoping meeting will be jointly sponsored by BPA and EFSC. The meeting will provide information on the Coyote Springs Plant, the Pacific Gas Transmission Company's (PGT) natural gas pipeline, and BPA electrical facilities.

The draft EIS (DEIS) will be circulated for public review and comment. BPA will provide a public comment period and public comment meetings for the DEIS. BPA will consider and respond to comments received on the DEIS in the final EIS (FEIS).

ADDRESSES: BPA invites comments and suggestions on the proposed scope of the DEIS. Send comment letters, requests to be placed on the project mailing list, and/or requests for more information to the Public Involvement Manager, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION ON THIS PROJECT CONTACT: Mr. Kenneth Barnhart, BPA Project Environmental Coordinator, at (503) 230–3667, fax number (503) 230–3984, or BPA's Public Involvement Office at (503) 230–3478 in Portland; toll-free (800) 622–4519 for outside of Portland for questions and (800) 622–4520 for documents. Information may also be obtained from Mr. Tom Wagenhoffer, Snake River Area Manager, 101 W. Poplar, Walla Walla, Washington 99362, (509) 522–6227.

FOR FURTHER INFORMATION ON GENERAL DOE ENVIRONMENT REVIEW REQUIREMENTS, CONTACT: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH–25, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: As identified in DOE's Regulations for Compliance with NEPA (10 CFR part 1021), Appendix D to subpart D, "Classes of Actions that Normally Require EISs," this proposed project falls within category D6, "Integrating transmission facilities" (i.e., transmission system additions for integrating major new sources of generation into a Power Marketing Administration's main grid).

Proposed Action

BPA proposes to amend its General Transmission Agreement with PGE to establish Coyote Springs as a point of interconnection for wheeling services. A 500-kV substation and 0.8-kilometer (0.5-mile) transmission loop line to the McNary-Slatt 500-kV line will connect the new Coyote Springs Cogeneration Project with BPA's transmission grid. BPA also would install microwave communication facilities to connect Coyote Springs with BPA's existing operations network.

PGE proposes to build the Coyote Springs cogeneration plant on a site within the Port of Morrow Industrial Park. Associated facilities that would also be installed at the plant site include an electrical substation, oil storage tanks, water storage tanks, cooling towers, a workshop, a warehouse, and administrative offices. PGE also plans to build a 1.6-kilometer (1-mile) 500-kV transmission line from the plant to the substation.

When the project is complete, the integration of the Coyote Springs cogeneration plant into the BPA system would occur at the new substation. From this substation, power will be transmitted over the McNary-Slatt 500-kV line to one or more points of delivery. PGE will pay BPA for this service.

All proposed facilities are located within the Port of Morrow Industrial Park near the City of Boardman, Oregon.

Alternatives

Alternatives identified for evaluation in the EIS are: (1) The proposed section; and (2) no action (the consequences of not providing transfer services to PGE).

Identification of Environmental Issues

BPA plans to prepare an EIS addressing both PGE's Coyote Springs cogeneration plant and the associated transmission facilities. This decision is the result of two factors: (1) The Coyote Springs cogeneration plant depends on BPA's transmission grid to deliver electricity to PGE's customers; and (2) no other Federal or state agency is currently preparing an EIS on the Coyote Springs plant. NEPA and associated court rulings direct Federal agencies to consider the environmental impacts of all connected actions even when such actions are proposed by others. In the absence of another EIS, BPA intends to scope its EIS so that the impacts of both transmission elements and the Coyote Springs cogenerations plant are addressed.

Issues presently identified for consideration is the DEIS fall within two categories as follows: *Coyote Springs cogeneration plant*: (1) Air quality impacts; (2) noise impacts from plant operation; (3) aesthetic impacts; (4) socioeconomic impacts created by an influx of construction workers in a sparsely populated area; and (5) impacts to nearby wildlife areas. *Transmission Facilities*: (1) Removal of agricultural land from production at the substation site; (2) disruption of agricultural activities under the transmission line; (3) potential effects of transmission line tower construction in wetlands; (4) concern over possible health effects from exposure to electromagnetic fields, such as those produced by high-voltage transmission lines, and what those effects might be; (5) aesthetic effects of a new transmission line and substation as viewed from Interstate Highway 84; and (6) potential impacts on cultural resources.

These, together with any additional issues identified through the scoping process, will be examined in the EIS.

Issued in Portland, Oregon on June 28, 1993.

Randall W. Hardy,

Administrator.

[FR Doc. 93–16164 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER93–723–000, et al.]

PacifiCorp, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

June 30, 1993.

Take notice that the following filings have been made with the Commission:

1. PacifiCorp

[Docket No. ER93–723–000]

Take notice that PacifiCorp, on June 24, 1993, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Contract No. 93–LAO 714 for the Installation of Facilities at PacifiCorp's Laramie Substation between PacifiCorp and Western Area Power Administration (Western).

The contract provides for the installation of a 13.8 kV bay in PacifiCorp's Laramie Substation to serve Western's Rural Electric Company load.

PacifiCorp requests an effective date of sixty days from the date of the Commission's receipt of its filing.

Copies of this filing were supplied to Western and the Wyoming Public Service Commission.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Niagara Mohawk Power Corporation

[Docket No. ER93–726–000]

Take notice that on June 25, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing an agreement between Niagara Mohawk and Finch, Pruyn and Company, Inc. (Finch) dated January 1, 1988. This agreement provides for transmission service by Niagara Mohawk for Finch's 2 MW purchase from the Feeder Dam hydroelectric facility. The services under this agreement have commenced as of January 1, 1988.

Niagara Mohawk request waiver of the Commission's notice requirements, 18 CFR § 35.3(b), 35.11.

Copies of this filing were served upon Finch and the New York State Public Service Commission.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Commonwealth Edison Company

[Docket No. ER93–503–000]

Take notice that on June 23, 1993, Commonwealth Edison Company (Edison) submitted for filing additional cost data in support of the rates submitted for filing in this docket on March 29, 1993, pursuant to contracts between Edison and the Cities of Batavia, Naperville, and St. Charles, Illinois. Edison renewed its request for a June 1, 1993 effective date.

Copies of this filing were served on Batavia, Naperville and St. Charles and the Illinois Commerce Commission.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Northeast Utilities Service Company

[Docket No. ER93–593–000]

Take notice that on June 23, 1993, Northeast Utilities Service Company (NUSCO) tendered for filing additional information requested by the Commission staff in the above referenced docket.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Entergy Services, Inc.

[Docket No. ER93–720–000]

Take notice that on June 22, 1993, (Entergy Services) as agent for Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively the Entergy Operating Companies) tendered for filing the Third Transmission Service Agreement (Third TSA) between Entergy Services and Entergy Power, Inc. (Entergy Power). The Third TSA sets out the terms and conditions of non-firm transmission service under the Entergy Operating Companies' Transmission Service Tariff, which has been filed in Docket No. ER91–569–000, for the sale of capacity and energy to Associated Electric Cooperative, Inc.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Power, Inc.

[Docket No. ER93–719–000]

Take notice that Entergy Power, Inc. (Entergy Power) on June 22, 1993 tendered for filing Amendment No. 2 to the Interchange Agreement between Entergy Power, Inc. and Associated Electric Cooperative, Inc. Entergy Power states that the purpose of the Second Amendment is to amend Service Schedule LF—Limited Firm Capacity of the Interchange Agreement to specify a rate cap for capacity and associated energy sold by Entergy Power under that schedule.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Union Electric Company

[Docket No. ER93–529–000]

Take notice that on June 25, 1993, Union Electric Company (UE) tendered for filing a request for a change in the effective date of the Facilities Use Agreement (Agreement) between UE and Electric Energy, Incorporated (EEI) which was accepted for filing on March 31, 1993. UE asserts that the purpose of the amended filing is to modify the effective date of the Agreement from May 28, 1993 to January 1, 1992 and to request a waiver of the Commission's notice provision.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Electric Power Company

[Docket No. ER93–697–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on June 21, 1993, tendered for filing a corrected Exhibit B to the Power Sales Agreement and the Conjunctive Transmission Service Agreement between Wisconsin Electric and the Wisconsin Public Power Inc. SYSTEM. The June 7 submittal incorrectly listed the voltage of the North Kaukauna delivery point, which was not the subject of the filing.

Wisconsin Electric renews its request for an effective date coincident with the initial receipt of service through the new delivery point, which is estimated to occur on or about June 10, 1993.

Copies of the filing have been served on the Village of Slinger, the Wisconsin Public Power Inc. SYSTEM, and the Public Service Commission of Wisconsin.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Allegheny Power Service Corporation on Behalf of West Penn Power Company

[Docket No. ER93–728–000]

Take notice that on June 25, 1993, Allegheny Power Service Corporation on behalf of West Penn Power Company filed an application for an order accepting two new delivery points for service to Pennsylvania Power & Light Company's customers under an existing Electric Service Agreement.

Copies of this filing has been provided to the Pennsylvania Public Utility Commission.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Commonwealth Edison Company; Wisconsin Public Service Corporation

[Docket No. ER93–724–000]

Take notice that on June 24, 1993, Commonwealth Edison Company (Edison) tendered for filing a Power Sales Tariff, dated June 4, 1993, and Wisconsin Public Service Corporation, Inc. (Wisconsin) tendered for filing an Interchange Agreement, dated June 8, 1993. The Power Sales Tariff provides for Edison to make Firm Power, Short Term Power, and General Purpose Energy available to a customer whenever mutually agreed upon. Edison also submitted a Service Agreement, dated June 4, 1993, to the Tariff establishing Wisconsin as a customer under the Tariff. The Interchange Agreement provides for the sale of Negotiated Capacity and General Purpose Energy to Edison upon mutual agreement. The Companies also submitted for filing a Letter Agreement, dated June 8, 1993, whereby Edison and Wisconsin agree to cancel two existing Letter Agreements, dated May 5, 1987 and February 1, 1990, and Notices of Cancellation with respect to those Rate Schedules. Service previously provided under the Letter Agreements will now be provided under the Tariff and Interchange Agreement.

Copies of this filing were served upon Wisconsin, the Illinois Commerce Commission and the Wisconsin Public Service Commission.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. The Washington Water Power Company

[Docket No. ER93–722–000]

Take notice that on June 24, 1993, The Washington Water Power Company tendered for filing with the Federal Energy Regulatory Commission, pursuant to 18 CFR part 35, proposed changes to its FERC electric service tariffs, Schedule 61, for the purpose of deleting Modern Electric Water Company and the City of Chewelah as customers. Washington Water Power requests waiver of the Commission's 60-day filing requirement.

A copy of the filing was mailed to Modern Electric Water Company and the City of Chewelah.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Great Bay Power Corporation

[Docket No. ER93–721–000]

Take notice that on June 23, 1993, Great Bay Power Corporation (Great Bay), by and through representatives of its power marketing agent, tendered for filing an Agreement for Short Term Sales between Great Bay Power Corporation and Bangor Hydro-Electric Company, dated as of August 1, 1993.

Great Bay states that a copy of the filing has been sent to Bangor Hydro. Great Bay also requests waiver of the notice provisions of § 35.3 of the Commission's Regulations, so that service under the Agreements can begin on August 1, 1993, for good cause shown.

Comment date: July 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Northeast Utilities Service Company

[Docket No. ER93–219–002]

Take notice that on June 21, 1993, Northeast Utilities Service Company (NUSCO) tendered for filing a response to the Commission's May 21, 1993 order in Docket No. ER93–219–000 regarding Interconnection Agreements between Western Massachusetts Electric Company (WMECO) and MASSPOWER, Inc. (MASSPOWER). NUSCO renews its request for an effective date as originally filed.

NUSCO states that copies of the filing have been mailed to MASSPOWER.

Comment date: July 15, 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. 93–16044 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST93–3638–000 through ST93–3952–000]

TransAmerican Natural Gas Corp., Self-Implementing Transactions

July 1, 1993.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA), section 7 of the NGA and section 5 of the Outer Continental Shelf Lands Act.[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction.

A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and section 311(a)(2) of the NGPA.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–I" indicates transportation by an intrastate pipeline company pursuant to a blanket certificate issued under § 284.227 of the Commission's regulations.

A "G–S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–LT" or "G–LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "G–HT" or "G–HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "K" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K–S" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's regulations.

Lois D. Cashell,

Secretary.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93–3638	Transamerican Natural Gas Corp.	Texas Eastern Transmission Corp.	05–03–93	C	2,000	N	I	02–06–93	Indef.
ST93–3639	Transamerican Natural Gas Corp.	Tennessee Gas Pipeline Co.	05–03–93	C	2,000	N	I	02–28–93	Indef.
ST93–3640	Transamerican Natural Gas Corp.	Tennessee Gas Pipeline Co.	05–03–93	C	10,000	N	I	01–09–93	Indef.
ST93–3641	Transamerican Natural Gas Corp.	Natural Gas Pipeline Co. of America.	05–03–93	C	20,000	N	I	03–18–93	Indef.
ST93–3642	Transamerican Natural Gas Corp.	Trunkline Gas Co.	05–03–93	C	30,000	N	I	04–16–93	Indef.
ST93–3643	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	05–03–93	G–S	10,200,000	N	I	04–14–93	Indef.
ST93–3644	Tennessee Gas Pipeline Co.	Atlas Gas Marketing, Inc.	05–03–93	G–S	20,000	N	I	04–01–93	Indef.
ST93–3645	Tennessee Gas Pipeline Co.	Amoc Energy Trading Corp.	05–03–93	G–S	200,000	N	I	04–01–93	Indef.
ST93–3646	KM Wattenberg Trans. L.L. Co.	Colorado Interstate Gas Co.	05–03–93	G	5,000	N	I	04–01–93	Indef.
ST93–3647	KM Wattenberg Trans. L.L. Co.	KN Gas Marketing, Inc.	05–03–93	G–S	50,000	A	I	04–01–93	04–01–01

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93-3648	KM Wattenberg Trans. L.L. Co.	Amoco Production Co.	05-03-93	G-S	170,000	N	I	04-01-93	4-01-08
ST93-3649	KM Wattenberg Trans. L.L. Co.	Martin Exploration Management Co.	05-03-93	G-S	5,000	N	I	04-01-93	04-01-11
ST93-3650	KM Wattenberg Trans. L.L. Co.	North American Resources Co.	05-03-93	G-S	30,000	N	I	04-01-93	09-01-07
ST93-3651	KM Wattenberg Trans. L.L. Co.	Gerrity Oil & Gas Corp.	05-03-93	G-S	50,000	N	I	04-01-93	04-01-11
ST93-3652	Arkla Energy Resources Co.	Altair Energy Corp.	05-03-93	G-S	500	N	I	04-01-93	Indef.
ST93-3653	Panhandle Eastern Pipe Line Co.	Kokomo Gas & Fuel Co.	05-03-93	G-S	3,722	N	F	04-01-93	Indef.
ST93-3654	Panhandle Eastern Pipe Line Co.	Northern Indiana Public Service Co.	05-03-93	G-S	16,748	N	F	04-01-93	Indef.
ST93-3655	Panhandle Eastern Pipe Line Co.	Anadarko Trading Co.	05-03-93	G-S	300,000	N	I	-1-01-92	Indef.
ST93-3656	Northwest Pipeline Corp.	Grand Valley Gas Co.	05-03-93	G-S	7,2500	N	F	04-01-93	Indef.
ST93-3657	Phillips Gas Pipeline Co.	Phillips Texas Border Pipeline Co.	05-03-93	B	75,000	A	I	02-01-93	Indef.
ST93-3658	Natural Gas P/ L Co of America.	Arco Natural Gas Marketing, Inc.	05-03-93	G-S	200,000	N	I	04-20-93	Indef.
ST93-3659	Natural Gas P/ L Co of America.	United Gas Services Co.	05-03-93	G-S	300,000	N	I	04-17-93	Indef.
ST93-3660	CNG Transmission Corp.	Public Service Electric & Gas Co.	05-03-93	G-S	7,000	N	I	11-01-92	Indef.
ST93-3661	CNG Transmission Corp.	Washington Gas Light.	05-03-93	G-S	30,000	N	I	11-01-92	Indef.
ST93-3662	CNG Transmission Corp.	Public Service Electric & Gas Co.	05-03-93	G-S	5,000	N	I	11-01-92	Indef.
ST93-3663	CNG Transmission Corp.	New Jersey Electric & Gas Co.	05-03-93	G-S	4,749	N	I	11-01-92	Indef.
ST93-3664	CNG Transmission Corp.	Public Service Electric & Gas Co.	05-03-93	G-S	6,150	N	I	11-01-92	Indef.
ST93-3665	CNG Transmission Corp.	Public Service Electric & Gas Co.	05-03-93	G-S	10,000	N	I	11-01-92	Indef.
ST93-3666	CNG Transmission Corp.	Virginia Natural Gas Co.	05-03-93	G-S	6,650	Y	I	11-14-92	Indef.
ST93-3667	Shenandoah Gas Co.	Columbia Gas Transmission Corp.	05-04-93	C	200	N	I	04-01-93	04-30-94
ST93-3668	KN Energy, Inc	Kerr McGee Corp.	05-04-93	G-S	30,000	N	I	03-09-93	Indef.
ST93-3669	Tennessee Gas Pipeline Co.	KCS Energy Marketing, Inc.	05-04-93	G-S	200,000	N	I	04-13-93	Indef.
ST93-3670	Colorado Interstate Gas Co.	Helmerich & Payne, Inc.	05-04-93	G-S	40,000	N	I	04-01-93	Indef.
ST93-3671	ANR Pipeline Co.	Associated Natural Gas, Inc.	05-04-93	G-S	150,000	N	I	04-05-93	Indef.
ST93-3672	Mojave Pipeline Co.	Santa Fe Energy Resources, Inc.	05-04-93	G-S	20,000	N	I	04-28-93	04-27-08

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93–3673	Transok Gas Transmission Co.	ANR Pipeline Co., et al.	05–04–93	C	10,000	N	I	04–15–93	Indef.
ST93–3674	Transok Gas Transmission Co.	ANR Pipeline Co., et al.	05–04–93	C	20,000	N	I	04–20–93	Indef.
ST93–3675	Columbia Gas Transmission Corp.	Columbia Gas of Ohio.	05–04–93	G–S	2,266	Y	I	04–26–93	Indef.
ST93–3676	Columbia Gas Transmission Corp.	Ashland Petroleum Co.	05–04–93	G–S	30,000	N	I	04–22–93	Indef.
ST93–3677	Trunkline Gas Co.	Citizens Gas Supply Corp.	05–04–93	G–S	20,000	N	I	04–14–93	Indef.
ST93–3678	Trunkline Gas Co.	Brookland Interstate Natural Gas.	05–04–93	G–S	75,000	N	I	04–15–93	Indef.
ST93–3679	Trunkline Gas Co.	ANR Pipeline Co.	05–04–93	G	5,000	N	I	04–28–93	Indef.
ST93–3680	Trunkline Gas Co.	Enron Gas Marketing, Inc.	05–04–93	G–S	50,000	N	I	04–13–93	Indef.
ST93–3681	Trunkline Gas Co.	Hadson Gas Systems, Inc.	05–04–93	G–S	100,000	N	I	04–15–93	Indef.
ST93–3682	Trunkline Gas Co.	Yuma Gas Corp.	05–04–93	G–S	150,000	N	I	04–08–93	Indef.
ST93–3683	ANR Pipeline Co.	Wisconsin Gas Co.	05–05–93	G–S	94,738	N	F	04–01–93	03–31–98
ST93–3684	Northwest Pipelinc Corp.	Canadian Hydrocarbons Marketing.	05–05–93	G–S	20,514	N	F	03–09–93	04–28–99
ST93–3685	Natural Gas P/L Co of America.	Enron Gas Marketing, Inc.	05–05–93	G–S	150,000	N	I	04–24–93	INDRF
ST93–3686	Kern River Gas Transmission Co.	Nevada Cogeneration Associates.	05–05–93	G–S	100,000	N	F	04–12–93	Indef.
ST93–3687	Midwestern Gas Transmission Co.	Northern Indiana Public Service Co.	05–05–93	B	131,630	N	F	04–05–93	Indef.
ST93–3688	Florida Gas Transmission Co.	Peoples Gas System, Inc.	05–05–93	G–S	140,943	N	F	04–06–93	Indef.
ST93–3689	Transcontinental Gas P/L Corp.	NGC Transportation, Inc.	05–05–93	G–S	3,040,000	N	I	04–23–93	Indef.
ST93–3690	Transcontinental Gas P/L Corp.	CNG Producing Co.	05–05–93	G–S	400,000	N	I	04–09–93	Indef.
ST93–3691	Valero Transmission, L.P..	Tennessee Gas Pipeline Co.	05–07–93	C	2,620	N	I	04–16–93	Indef.
ST93–3692	Tennessee Gas Pipeline Co.	Pennzoil Products Co.	05–07–93	G–S	1,500	N	F	05–01–93	Indef.
ST93–3693	Tennessee Gas Pipeline Co.	Catex Energy, Inc.	05–07–93	G–S	17,400	N	F	04–23–93	Indef.
ST93–3694	Northern Natural Gas Co.	Northwest Natural Gas Co.	05–07–93	B	158	N	F/I	04–01–93	Indef.
ST93–3695	Northern Natural Gas Co.	Wisconsin Natural Gas Co.	05–07–93	G–S	11,620	N	F/I	03–01–93	Indef.
ST93–3696	Mississippi River Trans. Corp.	Anson Co	05–07–93	G–S	500	N	I	04–01–93	Indef.
ST93–3697	Natural Gas P/L Co. of America.	KCS Energy Marketing, Inc.	05–07–93	G–S	150,000	N	I	04–24–93	Indef.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93-3698	Natural Gas P/ L Co. of America.	Yuma Gas Corp.	05-07-93	G-S	100,000	N	I	04-27-93	Indef.
ST93-3699	Trans-continental Gas P/L Corp.	Gaslantic Corp	05-10-93	G-S	20,000	N	I	04-19-93	Indef.
ST93-3700	Texas Gas Transmission Corp.	NGC Transportation, Inc.	05-10-93	G-S	5,000	N	I	07-11-92	Indef.
ST93-3701	Texas Gas Transmission Corp..	Commonwealth Aluminum Corp.	05-10-93	G-S	15,000	N	I	04-30-93	Indef.
ST93-3702	Texas Gas Transmission Corp..	NGC Transportation, Inc.	05-10-93	G-S	300,000	Y	I	08-01-92	Indef.
ST93-3703	Rocky Mountain Natural Gas Co.	Northwest Pipeline Corp.	05-11-93	C	10,000	N	I	02-02-93	Indef.
ST93-3704	Tennessee Gas Pipeline Co.	Arco Natural Gas Marketing, Inc.	05-10-93	G-S	1,415	N	I	04-08-93	Indef.
ST93-3705	Williams Natural Gas Co.	Vesta Energy Co.	05-11-93	G-S	800	N	F	04-13-93	11-01-93
ST93-3706	Natural Gas P/ L Co. of America.	NGC Transportation, Inc.	05-11-93	G-S	100,000	N	I	01-26-91	Indef.
ST93-3707	Natural Gas P/ L Co. of America.	Valero Gas Marketing, L.P.	05-11-93	G-S	32,097	N	F	05-01-93	05-31-93
ST93-3708	Trunkline Gas Co.	CNG Producing Co.	05-11-93	G-S	30,000	N	I	04-30-93	Indef.
ST93-3709	Panhandle Eastern Pipe Line Co.	Citizens Gas & Coke Utility.	05-11-93	G-S	30,000	N	I	04-30-93	Indef.
ST93-3710	Panhandle Eastern Pipe Line Co.	Colorado Interstate Gas Co.	05-11-93	G	1,000	N	I	04-15-93	Indef.
ST93-3711	Panhandle Eastern Pipe Line Co.	Enron Gas Marketing, Inc.	05-11-93	G-S	30,000	N	I	04-29-93	Indef.
ST93-3712	Panhandle Eastern Pipe Line Co.	Dunn Co	05-11-93	G-S	250	N	I	04-13-93	Indef.
ST93-3713	Panhandle Eastern Pipe Line Co.	Enron Gas Marketing, Inc.	05-11-93	G-S	100,000	N	I	04-16-93	Indef.
ST93-3714	Gulf Energy Pipeline Co.	Trunkline Gas Co.	05-12-93	C	10,000	N	I	12-17-92	Indef.
ST93-3715	Louisiana Resources P/L Co., L.P.	Sabine Pipe Line Co.	05-12-93	C	50,000	N	I	05-01-93	Indef.
ST93-3716	Tennessee Gas Pipeline Co.	Columbia Gas Transmission Corp.	05-12-93	G	505	N	I	04-27-93	Indef.
ST93-3717	Tennessee Gas Pipeline Co.	Yuma Gas Corp.	05-12-93	G-S	125,000	N	I	05-01-93	Indef.
ST93-3719	Texas Eastern Transmission Corp.	Philadelphia Electric Co.	05-12-93	B	200,000	N	I	04-17-93	Indef.
ST93-3720	Texas Eastern Transmission Corp.	Colonial Gas Co.	05-12-93	B	35,000	N	I	04-17-93	Indef.
ST93-3721	Northern Natural Gas Co.	Wiscoonsin Power & Light Co.	05-12-93	G-S	19,889	N	F/I	04-01-93	11-05-02
ST93-3722	Northern Natural Gas Co.	Enermax, a Division of Nukem, Inc.	05-12-93	G-S	10,000	N	F/I	04-01-93	Indef.
ST93-3723	Williston Basin Inter. P/L Co.	Unigas Energy Inc.	05-12-93	G-S	256,000	N	I	04-13-93	12-15-94

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93–3724	Midcon Texas Pipeline Corp.	Natural Gas Pipeline Co. of America.	05–12–93	C	50,000	N	I	03–17–93	Indef.
ST93–3725	Enogex Inc	Panhandle Eastern Pipeline Co.	05–13–93	C	10,000	N	I	04–25–93	Indef.
ST93–3726	Tennessee Gas Pipeline Co.	City of Huntsville, et al.	05–13–93	G–S	10,000	N	F	04–14–93	Indef.
ST93–3727	El Paso Natural Gas Co.	Louis Dreyfus Energy Corp.	05–13–93	G–S	92,700	N	I	05–01–93	Indef.
ST93–3728	El Paso Natural Gas Co.	Phillips Texas Border Pipeline Co.	05–13–93	G–S	123,600	N	I	04–30–93	Indef.
ST93–3729	Midcon Texas Pipeline Corp.	Trunkline Gas Co., et al.	05–13–93	C	100,000	N	I	04–01–93	04–01–95
ST93–3730	Midcon Texas Pipeline Corp.	Natural Gas Pipeline Co. of America.	05–13–93	C	104,000	N	I	04–01–93	04–01–13
ST93–3731	Northwest Pipeline Corp.	PG&E Resources Co.	05–13–93	G–S	10,000	N	I	03–01–93	Indef.
ST93–3732	Williston Basin Inter. P/L Co.	Consolidated Natural Gas Limited.	05–13–93	G–S	256,000	N	I	04–14–93	12–15–94
ST93–3733	Algonquin Gas Transmission Co.	NGC Transportation, Inc.	05–14–93	G–S	625,000	N	I	04–29–93	Indef.
ST93–3734	ANR Pipeline Co.	Texaco Gas Marketing, Inc.	05–14–93	G–S	100,000	N	F	05–01–93	Indef.
ST93–3735	ANR Pipeline Co.	Mobil Natural Gas, Inc.	05–14–93	G–S	50,000	N	I	04–28–93	Indef.
ST93–3736	ANR Pipeline Co.	Williams Gas Marketing Co.	05–14–93	G–S	30,000	N	I	04–27–93	Indef.
ST93–3737	ANR Pipeline Co.	Tenaska Gas Marketing Ventures.	05–14–93	G–S	50,000	N	F	05–01–93	Indef.
ST93–3738	ANR Pipeline Co.	Gas Energy Development Co.	05–14–93	G–S	10,000	N	I	05–01–93	Indef.
ST93–3739	ANR Pipeline Co.	Semco Energy Services Inc.	05–14–93	G–S	20,000	N	I	05–01–93	Indef.
ST93–3740	ANR Pipeline Co.	Columbia Gas of Ohio, Inc.	05–14–93	B	100,000	N	I	05–01–93	Indef.
ST93–3741	ANR Pipeline Co.	Ward Gas Marketing, Inc.	05–14–93	G–S	50,000	N	F	05–01–93	Indef.
ST93–3742	ANR Pipeline Co.	Tenaska Gas Marketing Ventures.	05–14–93	G–S	50,000	N	F	05–01–93	Indef.
ST93–3743	Transwestern Pipeline Co.	Amarillo Natural Gas, Inc.	05–14–93	G–S	900	N	I	05–01–93	Indef.
ST93–3744	Transwestern Pipeline Co.	NGP Pipeline Co.	05–14–93	B	50,000	A	I	05–01–93	Indef.
ST93–3745	Transwestern Pipeline Co.	Snyder Oil Corp.	05–14–93	G–S	50,000	N	I	05–01–93	Indef.
ST93–3746	Transwestern Pipeline Co.	Anthem Energy Co., L.P.	05–14–93	G–S	100,000	N	I	05–01–93	Indef.
ST93–3747	Florida Gas Transmission Co.	West Florida Natural Gas Co.	05–14–93	G–S	12,415	N	F	04–23–93	Indef.
ST93–3748	Gateway Pipeline Co.	Arco Natural Gas Marketing, Inc.	05–14–93	G–S	25,000	N	I	05–01–93	08–29–93
ST93–3749	Gateway Pipeline Co.	Monsanto Co ..	05–14–93	G–S	100,000	N	I	05–10–93	09–07–93
ST93–3750	United Gas Pipe Line Co.	Victoria Gas Corp.	05–14–93	G–S	104,800	N	I	05–04–93	09–01–93
ST93–3751	United Gas Pipe Line Co.	NGC Transportation, Inc.	05–14–93	G–S	157,200	N	I	05–04–93	09–01–93

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93-3752	United Gas Pipe Line Co.	Vesta Energy Co.	05-14-93	G-S	104,800	N	I	05-04-93	09-01-93
ST93-3753	United Gas Pipe Line Co.	Excel Gas Marketing, Inc.	05-14-93	G-S	102,704	N	I	05-04-93	09-01-93
ST93-3754	United Gas Pipe Line Co.	Mid Louisiana Marketing Co.	05-14-93	G-S	26,200	N	I	05-04-93	09-01-93
ST93-3755	Natural Gas P/ L Co. of America.	Enron Gas Marketing, Inc.	05-14-93	G-S	150,000	N	I	05-01-93	Indef.
ST93-3756	Arkla Energy Resources Co.	Aurora Natural Gas & Assoc. Product.	05-14-93	G-S	20	N	I	05-01-93	Indef.
ST93-3757	Southern Natural Gas Co.	Scana Hydrocarbons, Inc.	05-14-93	G-S	50,000	N	I	05-04-93	Indef.
ST93-3758	Southern Natural Gas Co.	Woodward Marketing, Inc.	05-14-93	G-S	10,000	N	I	04-27-93	Indef.
ST93-3759	Southern Natural Gas Co.	Southwire Co ..	05-14-93	G-S	50,000	N	I	04-24-93	Indef.
ST93-3760	Southern Natural Gas Co.	Scana Hydrocarbons, Inc.	05-14-93	G-S	50,000	N	I	05-04-93	Indef.
ST93-3761	Southern Natural Gas Co.	Woodward Marketing, Inc.	05-14-93	G-S	10,000	N	I	04-22-93	Indef.
ST93-3762	Texas Gas Gathering.	Nat. Gas P/L Co. of America, et al.	05-17-93	C	5,000	N	I	05-01-93	Indef.
ST93-3763	Transtexas Pipeline.	Texas Eastern Transmission Corp.	05-17-93	C	5,500	N	I	05-01-93	Indef.
ST93-3764	Valero Transmission, L.P.	Texas Eastern Transmission Corp.	05-17-93	C	9,900	N	I	05-01-93	Indef.
ST93-3765	Valero Transmission, L.P.	Northern Natural Gas Co.	05-17-93	C	30,000	N	I	05-02-93	Indef.
ST93-3766	Valero Transmission, L.P.	Florida Gas Transmission.	05-17-93	C	25,000	N	I	05-01-93	Indef.
ST93-3767	Valero Transmission, L.P.	Texas Eastern Transmission Corp.	05-17-93	C	100,000	N	I	05-01-93	Indef.
ST93-3768	Valero Transmission, L.P.	Valero Interstate Transmission Corp.	05-17-93	C	40,000	N	I	05-01-93	Indef.
ST93-3769	East Tennessee Natural Gas Co.	Direct Gas Supply Corp.	05-17-93	G-S	20,000	N	I	05-11-93	Indef.
ST93-3770	Northern Natural Gas Co.	National Gas Resources, L.P.	05-17-93	G-S	100,000	N	F/I	04-23-93	Indef.
ST93-3771	Trunkline Gas Co.	Polaris Pipeline Corp.	05-17-93	G-S	30,000	N	I	05-02-93	Indef.
ST93-3772	Trunkline Gas Co.	CNG Producing Co.	05-17-93	G-S	25,000	N	I	05-01-93	Indef.
ST93-3773	Trunkline Gas Co.	Northern Illinois Gas Co.	05-17-93	G-S	200,000	N	I	05-01-93	Indef.
ST93-3774	Trunkline Gas Co.	Aquila Energy Marketing Corp.	05-17-93	G-S	100,000	N	I	05-01-93	Indef.
ST93-3775	Natural Gas P/ L Co. of America.	O&R Energy, Inc.	05-17-93	G-S	50,000	N	I	05-01-93	Indef.
ST93-3776	Natural Gas P/ L Co. of America.	Amoco Energy Trading Corp.	05-17-93	G-S	15,000	N	I	05-08-93	Indef.
ST93-3777	Columbia Gas Transmission Corp.	Washington Steel Corp.	05-17-93	G-S	826	Y	F	05-01-93	Indef.
ST93-3778	Columbia Gas Transmission Corp.	M&B Industrial Gas Development Corp.	05-17-93	G-S	10,200	Y	I	05-01-93	Indef.

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ST93–3779	Columbia Gas Transmission Corp.	J.W. Kinzer	05–17–93	G–S	16,330	N	F	05–01–93	Indef.
ST93–3780	Columbia Gas Transmission Corp.	Equitable Gas Co.	05–17–93	G–S	60,000	N	I	05–02–93	Indef.
ST93–3781	Columbia Gas Transmission Corp.	Providence Gas Co.	05–17–93	G–S	50,000	N	I	05–01–93	Indef.
ST93–3782	Enogex Inc	Arkla Energy Resources.	05–18–93	C	50,000	N	I	05–01–93	Indef.
ST93–3783	Enogex Inc	Williams Natural Gas Co.	05–18–93	C	50,000	N	I	05–01–93	Indef.
ST93–3784	Enogex Inc	Arkla Energy Resources.	05–18–93	C	200,000	N	I	05–01–93	Indef.
ST93–3785	Sabine Pipe Line Co.	Tejas Power Corp.	05–18–93	G–S	100,000	N	I	04–21–93	Indef.
ST93–3786	Sabine Pipe Line Co.	CNG Producing Co.	05–18–93	G–S	105,000	N	I	04–30–93	Indef.
ST93–3787	Transok Gas Transmission Co.	Eagle Gas Marketing Co.	05–18–93	C	10,000	N	I	05–01–93	Indef.
ST93–3788	Transok Gas Transmission Co.	Mid-Continent Energy, Inc.	05–18–93	C	10,000	N	I	05–01–93	Indef.
ST93–3789	El Paso Natural Gas Co.	Entrade Corp ..	05–18–93	G–S	50,000	N	I	04–21–93	Indef.
ST93–3790	El Paso Natural Gas Co.	Cimarron Gas Cos., Inc.	05–18–93	G–S	15,000	N	I	05–01–93	Indef.
ST93–3791	El Paso Natural Gas Co.	Valero Gas Marketing, L.P.	05–18–93	G–S	206,000	N	I	05–01–93	Indef.
ST93–3792	Tennessee Gas Pipeline Co.	Tenngasco Corp.	05–19–93	G–S	24,000	A	F	04–19–93	09–18–93
ST93–3793	Tennessee Gas Pipeline Co.	Bay State Gas Co.	05–19–93	G–S	678,700	N	I	04–24–93	Indef.
ST93–3794	Tennessee Gas Pipeline Co.	O & R Energy, Inc.	05–19–93	G–S	2,750,000	N	I	04–24–93	Indef.
ST93–3795	Tennessee Gas Pipeline Co.	Atlanta Gas Light Co.	05–19–93	G–S	18,979	N	F	04–20–93	Indef.
ST93–3796	Equitrans, Inc .	Energy Sales Co.	05–19–93	G–S	31,755	N	I	05–11–93	Indef.
ST93–3797	United Gas Pipe Line Co.	Amax Oil & Gas Inc.	05–19–93	G–S	20,960	N	I	05–13–93	09–10–93
ST93–3798	United Gas Pipe Line Co.	MG Natural Gas Corp.	05–19–93	G–S	115,280	N	I	05–13–93	09–10–93
ST93–3799	United Gas Pipe Line Co.	Prior Intrastate Corp.	05–19–93	G–S	524,000	N	I	05–13–93	09–10–93
ST93–3800	United Gas Pipe Line Co.	Pontchartrain Natural Gas System.	05–19–93	G–S	25,000	N	I	05–10–93	09–07–93
ST93–3801	United Gas Pipe Line Co.	Cytec Industries.	05–19–93	G–S	7,000	N	F	05–01–93	08–29–93
ST93–3802	United Gas Pipe Line Co.	Aquila Energy Marketing Corp.	05–19–93	G–S	50,000	N	I	05–01–93	08–29–93
ST93–3803	United Gas Pipe Line Co.	Chevron U.S.A., Inc.	05–19–93	G–S	50,000	N	I	05–01–93	08–29–93
ST93–3804	Florida Gas Transmission Co.	City of Leesburg.	05–19–93	G–S	2,500	N	F	05–01–93	Indef.
ST93–3805	Florida Gas Transmission Co.	Citrus Industrial Sales Co., Inc.	05–19–93	G–S	1,300	Y	F	05–01–93	04–30–94
ST93–3806	Transcontinental Gas P/L Corp.	Arco Natural Gas Marketing, Inc.	05–19–93	G–S	8,459,000	N	I	05–05–93	Indef.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93-3807	Transcontinental Gas P/L Corp.	United Gas Pipe Line Co.	05-19-93	G	169,500	N	I	05-6-93	Indef.
ST93-3808	ANR Pipeline Co.	MG Natural Gas Corp.	05-19-93	G-S	30,000	N	F	05-01-93	Indef.
ST93-3809	ANR Pipeline Co.	Chevron U.S.A. Production Co.	05-19-93	G-S	100,000	N	F	05-01-93	Indef.
ST93-3810	ANR Pipeline Co.	ANR Production Co.	05-19-93	G-S	100,000	A	I	05-01-93	Indef.
ST93-3811	ANR Pipeline Co.	Pennzoil Gas Marketing Co.	05-19-93	G-S	5,000	N	I	05-01-93	Indef.
ST93-3812	ANR Pipeline Co.	Arco Natural Gas Marketing, Inc.	05-19-93	G-S	100,000	N	F	05-01-93	Indef.
ST93-3813	Valero Transmission, L.P.	Tennessee Gas Pipeline Co.	05-20-93	C	5,000	N	I	05-01-93	Indef.
ST93-3814	Overland Trail Transmission Co.	Kern River Gas Transmission.	05-20-93	C	50,000	Y	I	01-05-93	Indef.
ST93-3815	Tennessee Gas Pipeline Co.	Laser Marketing Co.	05-20-93	G-S	83,325	N	I	05-01-93	Indef.
ST93-3816	Tennessee Gas Pipeline Co.	Centran Corp ..	05-20-93	G-S	20,000	N	I	04-20-93	Indef.
ST93-3817	Pacific Gas Transmission Co.	Brooklyn Interstate Natural Gas.	05-20-93	G-S	103,980	N	I	04-23-93	Indef.
ST93-3818	Natural Gas P/L Co. of America.	Transok Gas Co.	05-20-93	G-S	30,000	N	I	05-01-93	Indef.
ST93-3819	Natural Gas P/L Co. of America.	Northern Indiana Public Service Co.	05-20-93	G-S	100,000	N	I	04-29-93	Indef.
ST93-3820	Natural Gas P/L Co. of America.	Seagull Marketing Services, Inc.	05-20-93	G-S	40,000	N	I	10-01-90	Indef.
ST93-3821	Natural Gas P/L Co. of America.	CMS Gas Marketing.	05-20-93	G-S	50,000	N	I	05-01-93	Indef.
ST93-3822	Florida Gas Transmission Co.	Florida Public Utilities.	05-20-93	G-S	2,877	N	I	05-12-93	Indef.
ST93-3823	Florida Gas Transmission Co.	Natural Gas Services, Inc.	05-20-93	G-S	50,000	N	I	05-01-93	Indef.
ST93-3824	Transcontinental Gas P/L Corp.	Seagull Marketing Services, Inc.	05-20-93	G-S	1,883,000	N	I	05-01-93	Indef.
ST93-3825	Columbia Gulf Transmission Co.	Coastal Gas Marketing Co.	05-20-93	G-S	100,000	N	I	05-01-93	Indef.
ST93-3826	Columbia Gulf Transmission Co.	Enron Gas Marketing, Inc.	05-20-93	G-S	130,000	N	I	05-12-93	Indef.
ST93-3827	Acadian Gas Pipeline System.	Nat. Gas P/L Co. of America, Et Al.	05-21-93	C	20,000	N	I	05-06-93	Indef.
ST93-3828	Tennessee Gas Pipeline Co.	Providence Gas Co.	05-21-93	G-S	60,000	N	I	04-21-93	Indef.
ST93-3829	Tennessee Gas Pipeline Co.	Eastex Hydrocarbons, Inc.	05-21-93	G-S	20,500	N	I	05-02-93	Indef.
ST93-3830	Tennessee Gas Pipeline Co.	Procter & Gamble Paper Products Co.	05-21-93	G-S	7,556	N	F	04-23-93	Indef.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93–3831	Tennessee Gas Pipeline Co.	Torch Gas, L. C.	05–21–93	G–S	100,000	N	I	05–20–93	Indef.
ST93–3832	Delhi Gas Pipeline Corp.	ANR Pipeline Co., Et Al.	05–21–93	C	10,000	N	I	05–04–93	Indef.
ST93–3833	Delhi Gas Pipeline Corp.	ANR Pipeline Co., Et Al.	05–21–93	C	1,000	N	I	05–01–93	Indef.
ST93–3834	Williams Natural Gas Co.	General Atlantic Resources, Inc.	05–21–93	G–S	100	N	I	04–22–93	04–01–94
ST93–3835	Northwest Pipeline Corp.	Southwest Gas Corp.	05–21–93	G–S	15,000	N	F	05–04–93	Indef.
ST93–3836	Northwest Pipeline Corp.	Development Associates, Inc.	05–21–93	G–S	40,784	N	F	05–01–93	Indef.
ST93–3837	El Paso Natural Gas Co.	Natgas Inc	05–21–93	G–S	14,965	N	I	04–10–93	Indef.
ST93–3838	Transtexas Pipeline.	Natural Gas Pipeline Co. of America.	05–24–93	C	5,000	N	I	05–08–93	Indef.
ST93–3839	Valero Transmission, L.P.	Tennessee Gas Pipeline Co.	05–24–93	C	5,500	N	I	05–08–93	Indef.
ST93–3840	Valero Transmission, L.P.	Natural Gas Pipeline Co. of America.	05–24–93	C	22,400	N	I	05–08–93	Indef.
ST93–3841	Valero Transmission, L.P.	El Paso Natural Gas Co.	05–24–93	C	5,000	N	I	05–08–93	Indef.
ST93–3842	Valero Transmission, L.P.	Texas Eastern Transmission Corp.	05–24–93	C	4,500	N	I	05–08–93	Indef.
ST93–3843	Valero Transmission, L.P.	Northern Natural Gas Co.	05–24–93	C	5,000	N	I	05–08–93	Indef.
ST93–3844	Valero Transmission, L.P.	Arkla Energy Resources.	05–24–93	C	10,300	N	I	05–08–93	Indef.
ST93–3845	Webb/DuVal Gaterers.	Texas Eastern Transmission Co.	05–24–93	C	100,000	N	I	03–01–93	Indef.
ST93–3846	Webb/DuVal Gaterers.	Natural Gas Pipeline Co. of Ameria.	05–24–93	C	100,000	N	I	03–01–93	Indef.
ST93–3847	Webb/DuVal Gaterers.	Tennessee Gas Pipeline Co.	05–24–93	C	100,000	N	I	03–01–93	Indef.
ST93–3848	Westar Transmission Co.	El Paso Natural Gas Pipeline Co.	05–24–93	C	25,000	N	I	12–01–92	Indef.
ST93–3849	Westar Transmission Co.	Natural Gas Pipeline Co.	05–24–93	C	10,000	N	I	03–03–93	Indef.
ST93–3850	Tennessee Gas Pipeline Co.	Tinken Col	05–24–93	G–S	300,000	N	I	04–24–93	Indef.
ST93–3851	Tennessee Gas Pipeline Co.	Equitable Petroleum Corp.	05–24–93	G–S	1,700	N	I	04–24–93	Indef.
ST93–3852	Northern Natural Gas Co.	Brooklyn Interstate Nat. Gas Corp.	05–24–93	G–S	100,000	N	F/I	05–01–93	Indef.
ST93–3853	Northern Natural Gas Co.	Snyder Oil Corp.	05–24–93	G–S	10,400	N	F/I	05–01–93	Indef.
ST93–3854	Northern Natural Gas Co.	ANR Pipeline Co.	05–24–93	G	50,137	N	F/I	05–01–93	Indef.
ST93–3855	Enercorp Pipeline, Ltd.	Texas Eastern Transmission Corp.	05–24–93	C	10,000	N	I	01–01–93	Indef.
ST93–3856	Texas Gas Transmission Corp.	Seagull Marketing Services, Inc.	05–24–93	G–S	100,000	N	I	05–01–93	Indef.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93-3857	Texas Gas Transmission Corp.	NGC Transportation, Inc.	05-24-93	G-S	25,000	N	I	04-01-93	Indef.
ST93-3858	Texas Gas Transmission Corp.	Tenngasco Corp.	05-24-93	G-S	20,000	N	I	05-07-93	Indef.
ST93-3859	Natural Gas P/ L Co. of America.	Anadarko Trading Co.	05-25-93	G-S	20,000	N	I	05-01-93	Indef.
ST93-3860	Columbia Gas Transmission Corp.	Northeast Ohio Natural Gas Corp.	05-25-93	B	50	N	F	05-10-93	Indef.
ST93-3861	Columbia Gas Transmission Corp.	Northeast Ohio Natural Gas Corp.	05-25-93	B	100	N	F	05-10-93	Indef.
ST93-3862	Algonquin Gas Transmission Co.	Direct Gas Supply Corp.	05-26-93	G-S	120,000	N	I	05-01-93	Indef.
ST93-3863	Algonquin Gas Transmission Co.	Colonial Gas Co.	05-26-93	G-S	275,000	N	I	05-02-93	Indef.
ST93-3864	Trunkline Gas Co.	Yuma Gas Corp.	05-26-93	G-S	185,000	N	I	05-07-93	Indef.
ST93-3865	Trunkline Gas Co.	Woodward Marketing, Inc.	05-26-93	G-S	42,000	N	I	05-01-93	Indef.
ST93-3866	Trunkline Gas Co.	National Gas Resources Limited.	05-26-93	G-S	50,000	N	I	05-02-93	Indef.
ST93-3867	Trunkline Gas Co.	Cokinos Natural Gas Marketing.	05-26-93	G-S	100,000	N	I	05-04-93	Indef.
ST93-3868	Trunkline Gas Co.	Coastal Gas Marketing Co.	05-26-93	G-S	100,000	N	I	05-08-93	Indef.
ST93-3869	Trunkline Gas Co.	Catex Energy, Inc.	05-26-93	G-S	20,000	N	I	05-08-93	Indef.
ST93-3870	Texas Eastern Transmission Corp.	Union Electric Co.	05-26-93	B	50,000	N	I	05-12-93	Indef.
ST93-3871	Texas Eastern Transmission Corp.	Associated Intrastate Pipeline.	05-26-93	B	400,000	N	I	05-12-93	Indef.
ST93-3872	Texas Eastern Transmission Corp.	Amoco Energy Trading Corp.	05-26-93	G-S	1,000,000	N	I	05-08-93	Indef.
ST93-3873	Texas Eastern Transmission Corp.	Elizabeth Gas Co.	05-26-93	B	30,000	N	I	05-12-93	Indef.
ST93-3874	Texas Eastern Transmission Corp.	Arkla Energy Marketing Co.	05-26-93	G-S	700,000	N	I	05-01-93	Indef.
ST93-3875	Texas Eastern Transmission Corp.	Ledco, Inc	05-26-93	G-S	160,000	N	I	05-01-93	Indef.
ST93-3876	Texas Eastern Transmission Corp.	Highland Energy Co.	05-26-93	G-S	4,000	N	I	05-02-93	Indef.
ST93-3877	Texas Eastern Transmission Corp.	Yuma Gas Corp.	05-26-93	G-S	25,000	N	I	05-11-93	Indef.
ST93-3878	Texas Eastern Transmission Corp.	Amerada Hess Corp.	05-26-93	G-S	100,000	N	I	05-01-93	Indef.
ST93-3879	Texas Eastern Transmission Corp.	International Paper Co.	05-26-93	G-S	400,000	N	I	05-01-93	Indef.
ST93-3880	Texas Eastern Transmission Corp.	Progas U.S.A., Inc.	05-26-93	G-S	29,000	N	F	05-01-93	Indef.
ST93-3881	Texas Eastern Transmission Corp.	Progas U.S.A., Inc.	05-26-93	G-S	29,000	N	F	05-01-93	Indef.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93–3882	Texas Eastern Transmission Corp.	Eastern American Energy Corp.	05–26–93	G–S	25,000	N	I	05–14–93	Indef.
ST93–3883	Texas Eastern Transmission Corp.	Olympic Fuels Co.	05–26–93	G–S	15,000	N	I	05–01–93	Indef.
ST93–3884	Natural Gas P/L Co of America.	Stand Energy Corp.	05–26–93	G–S	250	N	I	02–28–92	Indef.
ST93–3885	Ozark Gas Transmission System.	Rangeline Corp	05–26–93	G–S	50,000	N	I	05–01–93	Indef.
ST93–3886	Ozark Gas Transmission System.	Arkansas-Oklahomer Gas Corp.	05–26–93	B	250	N	I	05–01–93	Indef.
ST93–3887	Enogex Inc	Ozark Gas Transmission System.	05–26–93	C	50,000	N	I	05–01–93	Indef.
ST93–3888	Enogex Inc	Ozark Gas Transmission System.	05–26–93	C	50,000	N	I	05–19–93	Indef.
ST93–3889	Enogex Inc	Enron Industrial Natural Gas Co.	05–26–93	C	20,000	N	I	05–01–93	Indef.
ST93–3890	Superior Offshore Pipeline Co.	Comstock Oil & Gas.	05–26–93	G–S	1,500	N	I	04–01–93	Indef.
ST93–3891	Transcontinental Gas P/L Corp.	Texas-Ohio Gas, Inc.	05–26–93	G–S	112,000	N	I	05–13–93	Indef.
ST93–3892	Transcontinental Gas P/L Corp.	Pennzoil Gas Marketing Co.	05–26–93	G–S	55,000	N	I	05–13–93	Indef.
ST93–3893	ONG Transmission Co.	ANR Pipeline Co.	05–27–93	C	50,000	N	I	04–28–93	Indef.
ST93–3894	Trunkline Gas Co.	Energy Development Corp.	05–27–93	G–S	75,000	N	I	05–13–93	Indef.
ST93–3895	Tennessee Gas Pipeline Co.	ANR Gathering Co.	05–27–93	G–S	300,000	N	I	05–01–93	Indef.
ST93–3896	United Gas Pipe Line Co.	Shell Gas Trading Co.	05–27–93	G–S	209,600	N	I	05–20–93	09–17–93
ST93–3897	United Gas Pipe Line Co.	Exxon Corp	05–27–93	G–S	104,800	N	I	05–20–93	09–17–93
ST93–3898	United Gas Pipe Line Co.	Sonat Marketing Co.	05–27–93	G–S	26,200	N	I	05–20–93	09–17–93
ST93–3899	United Gas Pipe Line Co.	Mitchell Energy Corp.	05–27–93	G–S	10,000	N	I	05–10–93	09–07–93
ST93–3900	United Gas Pipe Line Co.	Eastex Gas Transmission Co.	05–27–93	G–S	146,720	N	I	05–20–93	09–17–93
ST93–3901	Equitrans, Inc .	Vesta Energy Co.	05–27–93	G–S	5,060	N	I	05–01–93	Indef.
ST93–3902	Transcontinental Gas P/L Corp.	Oryx Gas Marketing, L.P.	05–27–93	G–S	1,542,450	N	I	05–14–93	Indef.
ST93–3903	Williams Natural Gas Co.	United Cities Gas Co.	05–27–93	B	1,000	N	I	05–04–93	Indef.
ST93–3904	CNG Transmission Corp.	City of Richmond.	05–28–93	G–S	50,000	N	I	05–01–93	Indef.
ST93–3905	CNG Transmission Corp.	O&R Energy ...	05–28–93	G–S	100,000	N	I	05–13–93	Indef.
ST93–3906	CNG Transmission Corp.	Equitable Resources Marketing.	05–28–93	G–S	9,125	N	I	05–13–93	Indef.
ST93–3907	CNG Transmission Corp.	AGF Direct Gas Sales Inc.	05–28–93	G–S	5,000	N	I	05–11–93	Indef.

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93-3908	CNG Transmission Corp.	Westvaco Corp	05-28-93	G-S	5,000	N	I	05-19-93	Indef.
ST93-3909	CNG Transmission Corp.	Energy Sales Co.	05-28-93	G-S	2,500	N	I	05-22-93	Indef.
ST93-3910	CNG Transmission Corp.	CNG Gas Services.	05-28-93	G-S	300,000	N	I	05-05-93	Indef.
ST93-3911	CNG Transmission Corp.	Equitable Resources Marketing.	05-28-93	G-S	50,000	N	I	05-01-93	Indef.
ST93-3912	CNG Transmission Corp.	Central Hudson Gas & Electric Co.	05-28-93	G-S	4,000	N	I	05-01-93	Indef.
ST93-3913	CNG Transmission Corp.	Energy Sales Co.	05-28-93	G-S	5,000	N	I	05-01-93	Indef.
ST93-3914	Sea Robin Pipeline Co.	Sonat Marketing.	05-28-93	G-S	10,320	A	F	04-01-93	04-30-93
ST93-3915	Sea Robin Pipeline Co.	ELF Exploration.	05-28-93	G-S	20,000	N	I	04-01-93	Indef.
ST93-3916	Sea Robin Pipeline Co.	Pennzoil Gas Marketing.	05-28-93	G-S	20,000	N	I	05-22-93	Indef.
ST93-3917	Sea Robin Pipeline Co.	Pennzoil Gas Marketing.	05-28-93	G-S	75,000	N	I	05-22-93	Indef.
ST93-3918	Northern Natural Gas Co.	Iowa Electric Light & Power Co.	05-27-93	G-S	73,420	N	F/I	05-01-93	Indef.
ST93-3919	Northern Natural Gas Co.	Retex Gathering Co.	05-27-93	G-S	30,000	N	F/I	05-06-93	Indef.
ST93-3920	Northern Natural Gas Co.	Florida Gas Transmission Co.	05-27-93	G	2,300	Y	F/I	05-01-93	Indef.
ST93-3921	Northern Natural Gas Co.	Suncor, Inc	05-27-93	G-S	60,000	N	F/I	04-23-93	Indef.
ST93-3922	Mississippi River Trans Corp.	National Steel Corp.	05-27-93	G-S	7,500	N	F	05-01-93	04-30-94
ST93-3923	Mississippi River Trans Corp.	Barnes West County Hospital.	05-27-93	G-S	160	N	I	05-01-93	Indef.
ST93-3924	Columbia Gulf Transmission Co.	Louisiana Natural Gas Pipeline, Inc.	05-27-93	G-S	65,000	N	I	05-14-93	Indef.
ST93-3925	Columbia Gulf Transmission Co.	Nerco Oil & Gas, Inc.	05-27-93	G-S	50,000	N	I	05-14-93	Indef.
ST93-3926	Columbia Gas Transmission Corp.	Potomac Electric Power Co.	05-27-93	G-S	600,000	Y	I	05-19-93	Indef.
ST93-3927	Natural Gas P/L Co. of America.	Tejas Power Corp.	05-27-93	G-S	60,000	N	I	10-06-88	Indef.
ST93-3928	Natural Gas P/L Co. of America.	Woodward Marketing, Inc.	05-27-93	G-S	20,000	N	I	05-20-93	Indef.
ST93-3929	Texas Gas Transmission Corp.	Conoco Inc	05-28-93	G-S	20,000	N	I	05-01-93	Indef.
ST93-3930	Texas Gas Transmission Corp.	Tenngasco Corp.	05-28-93	G-S	50,000	N	I	05-18-93	Indef.
ST93-3931	ONG Transmission Co.	Williams Natural Gas Co.	05-28-93	C	50,000	N	I	05-02-93	Indef.
ST93-3932	ONG Transmission Co.	Williams Natural Gas Co.	05-28-93	C	10,000	N	I	05-01-93	Indef.
ST93-3933	Williston Basin Inter P/L Co.	KN Energy, Inc	05-28-93	G-S	11,717,632	N	I	05-01-93	05-14-93
ST93-3934	Williston Basin Inter P/L Co.	Rainbow Gas Co.	05-28-93	G-S	353,154	A	I	04-29-93	07-31-94
ST93-3935	Williston Basin Inter P/L Co.	Exxon Corp	05-28-93	G-S	5,500	A	I	05-01-93	03-31-98
ST93-3936	Williston Basin Inter P/L Co.	Interenergy Corp.	05-28-93	G-S	2,000	N	F	05-01-93	06-30-93

Docket No.[1]	Transporter/ seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/ N[3]	Rate schedule	Date commenced	Projected termination date
ST93–3937	Williston Basin Inter P/L Co.	Coastal Gas Marketing Co.	05–28–93	G–S	137,725	A	I	04–30–93	06–18–94
ST93–3938	Williston Basin Inter P/L Co.	Hiland Partners	05–28–93	G–S	99,550	A	I	05–03–93	05–31–93
ST93–3939	Williston Basin Inter P/L Co.	Koch Hydrocarbon Co.	05–28–93	G–S	406,718	A	I	05–01–93	04–30–95
ST93–3940	Questar Pipeline Co.	Colorado Interstate Gas Co., et al.	05–26–93	G	10,000	N	I	05–01–93	Indef.
ST93–3941	Questar Pipeline Co.	Colorado Interstate Gas Co., et al.	05–28–93	G	100,000	N	I	05–01–93	Indef.
ST93–3942	Questar Pipeline Co.	MHW Energy, LTD.	05–28–93	G–S	1,000	N	I	05–05–93	Indef.
ST93–3943	Tennessee Gas Pipeline Co.	Meridian Marketing & Trans. Corp.	05–28–93	G–S	4,140	N	I	05–01–93	Indef.
ST93–3944	Tennessee Gas Pipeline Co.	Capital Oil & Gas, Inc.	05–28–93	G–S	6,300	N	I	05–02–93	Indef.
ST93–3945	Tennessee Gas Pipeline Co.	Stellar Gas Co	05–28–93	G–S	1,000,000	N	I	04–29–93	Indef.
ST93–3946	Tennessee Gas Pipeline Co.	Cornerstone Production Corp.	05–28–93	G–S	150,000	N	I	05–01–93	Indef.
ST93–3947	Kern River Gas Transmission Co.	Canwest Gas Supply U.S.A., Inc.	05–28–93	G–S	25,000	N	F	05–01–93	Indef.
ST93–3948	CNG Transmission Corp.	City of Richmond, et al.	05–28–93	G–S	9,125	N	I	05–01–93	Indef.
ST93–3949	Delhi Gas Pipeline Corp.	Nat. Gas P/L Co. of America, et al.	05–28–93	C	20,000	N	I	05–12–93	Indef.
ST93–3950	Lone Star Gas Co.	El Paso Natural Gas Co., et al.	05–28–93	C	45,000	N	I	05–01–93	Indef.
ST93–3951	Lone Star Gas Co.	Transcontinental Pipeline Co.	05–28–93	C	35,000	N	I	05–02–93	Indef.
ST93–3952	Lone Star Gas Co.	Texas Border Pipeline Co.	05–28–93	C	7,500	N	I	05–01–93	Indef.

[1] Notice of transactions does not constitute a determination that filings comply with Commission regulations in accordance with Order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/10/85).
[2] Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.
[3] Affiliation of reporting company to entities involved in the transaction. A "Y" indicates affiliation, an "A" indicates marketing affiliation, and an "N" indicates no affiliation.

[FR Doc. 93–16039 Filed 7–7–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CP93–514–000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

July 1, 1993.

Take notice that on June 24, 1993, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP93–514–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate the facilities necessary to establish twelve new delivery points to existing wholesale customers, under Columbia's blanket certificate issued in Docket No. CP83–76–000 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.

Columbia proposes to construct and operate the facilities to establish four delivery points for Columbia Gas of Ohio, Inc., two delivery points for Columbia Gas of Pennsylvania, Inc., and six delivery points for Mountaineer Gas Company for use as commercial, residential, and industrial purposes.

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. 93–16048 Filed 7–7–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CP93–526–000]

Florida Gas Transmission Co.; Request Under Blanket Authorization

July 1, 1993.

Take notice that on June 29, 1993, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP93–526–000 a request pursuant to § 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a delivery point to accommodate deliveries to Gas Utility District No. 1, of the Parish of East Baton Rouge, Louisiana (East Baton Rouge), under FGT's blanket certificate issued in Docket No. CP82–553–000 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.

FGT proposes to construct and operate a new tap, a side valve, minor connecting pipe, and appurtenant facilities on its 30-inch mainline in East Baton Rouge Parish, Louisiana, in order to accommodate gas deliveries to East Baton Rouge. It is stated that FGT will transport, on an interruptible basis, up to 3,000 MMBtu of natural gas per day and up to 1,095,000 MMBtu of natural gas per year for delivery to East Baton Rouge. It is also stated that East Baton Rouge will reimburse FGT for all construction costs; estimated to be $55,000.

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. 93–16049 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–16–4–000]

Granite State Gas Transmission Inc.; Proposed Changes in Rates

July 1, 1993.

Take notice that on June 28, 1993, Granite State Gas Transmission, Inc. (Granite State), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Original Sheet No. 28C, containing changes in rates for effectiveness on July 7, 1993.

According to Granite State, its filing flows through to its customers costs that will be directly billed to Granite State by Algonquin Gas Transmission Company (Algonquin). Granite State further states that Algonquin's restructuring compliance filing in Docket No. RS92–28–000 has been accepted by the Commission, effective June 1, 1993. Prior to restructuring, Granite State purchased a portion of its system gas supply from Algonquin under its Rate Schedules F–2 and F–3.

According to Granite State, on June 7, 1993, in Docket No. RP93–137–000, Algonquin filed a limited Section 4 filing to recover from its former sales customers Gas Supply Inventory Reservation Charges that Texas Eastern Transmission Corporation proposed to direct bill Algonquin. Granite State further states that, on Original Sheet No. 28C, it has allocated to its customers the direct billed costs proposed to be recovered by Algonquin in its filing in Docket No. RP93–137–000 on the same basis used by Algonquin in its direct billings to Granite State.

Granite State further states that copies of its filing were served on its customers and the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

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 accordanee with Sections 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 July 9, 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. 93–16040 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–17–4–000]

Granite State Gas Transmission Inc.; Proposed Changes in Rates

July 1, 1993.

Take notice that on June 28, 1993, Granite State Gas Transmission, Inc. (Granite State), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Original Sheet No. 28D, containing changes in rates for effectiveness on July 7, 1993.

According to Granite State, its filing flows through to its customers costs that will be directly billed to Granite State by Algonquin Gas Transmission Company (Algonquin). Granite State further states that Algonquin's restructuring compliance filing in Docket No. RS92–28–000 has been accepted by the Commission, effective June 1, 1993. Prior to restructuring, Granite State purchased a portion of its system gas supply from Algonquin under its Rate Schedules F–2 and F–3.

Granite State further states that, on June 4, 1993, in Docket No. RP93–135–000, Algonquin filed a limited Section 4 filing to pass through to its customers Gas Supply Realignment Costs proposed to be billed to Algonquin by Texas Eastern Transmission Corporation. According to Granite State, on Original Sheet No. 28D, it has allocated to its customers the direct billings by Algonquin on the same basis used by Algonquin to direct bill Granite State.

Granite State further states that copies of its filing were served on its customers and the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

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 Sections 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 July 9, 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. 93–16041 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–15–4–000]

Granite State Gas Transmission Inc.; Proposed Changes in Rates

July 1, 1993

Take notice that on June 28, 1993, Granite State Gas Transmission, Inc. (Granite State), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Original Sheet Nos. 28A and 28B, containing changes in rates for effectiveness on June 1, 1993 and July 7, 1993, respectively.

According to Granite State, its filing flows through to its customers costs that will be directly billed to Granite State by Algonquin Gas Transmission Company (Algonquin). Granite State further states that Algonquin's restructuring compliance filing in Docket No. RS92–28–000 has been accepted by the Commission, effective June 1, 1993. Prior to restructuring, Granite State purchased a portion of its system gas supply from Algonquin under its Rate Schedule F–2 and F–3.

Granite State further states that on June 4, 1993, in Docket No. RP93–134–000, filed revised tariff sheets in its FERC Gas Tariff, Fourth Revised Volume No. 1, to flow through to its customers two increments of Account No. 191 costs that will be directly billed to Algonquin by its upstream supplier, Texas Eastern Transmission Corporation (Texas Eastern). According to Granite State, on Original Sheet Nos. 28A and 28B, it has allocated each of the two increments of the direct billed costs to its customers on the same basis used by Algonquin in its direct billings to Granite State.

Granite State further states that copies of its filing were served on its customers and the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

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 Sections 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 July 9, 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. 93–16050 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

Las Vegas Energy Storage Limited Partnership; Application for Determination of Exempt Wholesale Generator Status

July 1, 1993.

On June 21, 1993, Las Vegas Energy Storage Limited Partnership, Suite 900, 4365 Executive Avenue, San Diego, California 92121, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

The applicant is a limited partnership that will be engaged directly and exclusively in the business of owning and operating a pumped storage hydroelectric project of 100 MW to 200 MW in Jean, Nevada, and selling electrical power at wholesale.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before July 16, 1993 and must be served on the applicant. 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. 93–16045 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–13–25–000]

Mississippi River Transmission Corp.; Rate Change Filing

July 1, 1993.

Take notice that on June 29, 1993, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Eighty-Ninth Revised Sheet No. 4 and Forty-Eighth Revised Sheet No. 4.1, to be effective July 1, 1993. MRT states that the purpose of the instant filing is to reflect an out-of-cycle purchase gas cost adjustment (PGA).

MRT states that Eighty-Ninth Revised Sheet No. 4 and Forty-Eighth Revised Sheet No. 4.1 reflect an increase of 0.87 cents per MMBtu in the commodity cost of purchased gas from PGA rates contained in the out-of-cycle PGA filing to be effective June 1, 1993 in Docket No. TQ93–12–25–000. MRT also states that since the May 28, 1993 filing date, MRT has experienced changes in purchase and transportation costs for its system supply that could not have been reflected in that filing under current Commission regulations.

MRT states that a copy of this filing has been served on all of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Illinois and Missouri.

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 Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 9, 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. 93–16051 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–524–000]

Northwest Pipeline Corp.; Request Under Blanket Authorization

July 1, 1993.

Take notice that on June 29, 1993, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP93–524–000 a request pursuant to §§ 157.205, 157.211, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, 157.216) for authorization to construct and operate an upgraded metering facility under Northwest's blanket certificate issued in Docket No. CP82–433–000 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.

Northwest proposes to abandon, in part, existing natural gas metering facilities at the Ritzville Meter Station and to install upgraded replacement facilities at the station, located in Adams County, Washington. Northwest states that the facilities are required to better accommodate existing delivery obligations to The Washington Water Power Company (Water Power). Northwest explains that the existing facilities are obsolete and inadequate. It is stated that, *inter alia*, the existing 4-inch positive displacement meter would be replaced by a 3-inch turbine meter, and the two existing 1-inch regulators would be replaced with two new 1-inch regulators with 35 percent trim. Northwest states that the changes would increase the maximum design delivery capacity from 1,033 MMBtu equivalent per day to about 1,868 MMBtu per day, at an outlet pressure of 150 psig.

Northwest estimates that the total cost of the project would be approximately $48,335. Northwest advises that, since the upgrades are necessary to replace obsolete and inadequate equipment, it would not require a reimbursement from Water Power.

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. 93–16042 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP93–112–002 and RP85–177–112]

Texas Eastern Transmission Corp.; Compliance Filing

July 1, 1993.

Take notice that on June 28, 1993, Texas Eastern Transmission Corporation (Texas Eastern) filed to comply with Ordering Paragraph (A) of the Commission's order issued May 28, 1993 in the referenced dockets. The Commissions May 28 order the Commission directed Texas Eastern to file tariff sheets and supporting workpapers removing from its proposed Order No. 636 direct bill any pre-December 1, 1990, costs that have not been recovered through filed rates.

Texas Eastern states that all of the costs included in the tariff sheets accepted by the May 28 order were incurred for filed rate purposes after December 1, 1990. Therefore, Texas Eastern states no revised tariff sheets are required to be filed in compliance with Ordering Paragraph (A) of the May 28 order.

Texas Eastern states that copies of the filing have been mailed to all authorized purchasers of natural gas from Texas Eastern and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practices and Procedure 18 CFR 385.211. All such protests should be filed on or before July 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–16046 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–520–000]

Texas Gas Transmission Corp.; Application

July 1, 1993.

Take notice that on June 28, 1993, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP93–520–000 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain looping facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to construct and operate 12.2 miles of 8-inch pipeline paralleling its existing 8-inch Ripley-Jackson system in Haywood and Madison Counties, Tennessee which would cost an estimated $3,210,000.

Texas Gas indicates that there are two purposes which support the need for the construction of the additional facilities. First, it is stated that three of Texas Gas' existing customers served off the Ripley-Jackson system have requested increases in contract demand. Texas Gas states that Jackson Utility Division (Jackson) and City of Brownsville Utility Board (Brownsville) have requested increases of firm transportation service under Texas Gas' Rate Schedule ST of 3,500 million Btu per day and 700 million Btu per day, respectively. It is also stated that the City of Humboldt, Tennessee has requested an additional 495 million Btu per day of firm no-notice service under Texas Gas' proposed Rate Schedule SGT. Texas Gas notes that a portion of the proposed 8-inch loop is necessary for Texas Gas to accommodate these requested increases in firm transportation service. It is indicated that the transportation and no-notice services would be performed pursuant to § 284.223 of the Commission's Regulations.

Second, Texas Gas states that the installation of the entire 12.2 miles of proposed pipeline would allow Texas Gas to complete the looping of the majority of its Ripley-Jackson system, providing dual line security for the cities of Humboldt and Jackson, Tennessee as well as several other small communities, all of which are served solely by Texas Gas. It is also indicated that the proposed looping would provide other operating efficiencies.

It is indicated that during the winter months, the operation of the Ripley-Jackson system is very tedious and disrupts the operation of Texas Gas' main line system. Texas Gas states that, in order to maintain adequate pressure at the terminus of the Ripley-Jackson system, the main line system has to be operated so that maximum pressure is maintained at the beginning of the system which, it is indicated, is an inefficient operational mode for the main line. It is stated that an interrupt at the Covington, Tennessee compressor station causes serious inlet pressure problems into the Ripley-Jackson system. Texas Gas states that the completion of the proposed looping would minimize the inlet pressure problems during interrupts on the main line system during peak periods.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 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 for the proposal 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 Texas Gas to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–16047 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2113–028]

Wisconsin Valley Improvement Co.; Complaint

July 1, 1993.

Take notice that on January 8, 1993, the Lac Vieux Desert Association (Association) filed a complaint against the Wisconsin Valley Improvement Company, licensee for the Lac Vieux Desert Dam Project No. 2113. The project is located on the Wisconsin River and its tributaries in Marathon, Lincoln, Oneida, Vilas, and Forest Counties, Wisconsin, and Gogebic County, Michigan.

The Association alleges that the licensee has violated Article 33 of its license, which requires the licensee to make every effort to draw down the water surface elevation level in the project reservoir to 0.0 gage (elevation 1679.53 U.S.C. and G.S. datum) by December 31 of each year.[1] To support its claim that the licensee has disregarded the draw-down date, the Association provided lake level readings showing that the 0.0 gage elevation was exceeded in January of ten previous years.[2] The Association contends that because the draw-down date is not being met, the lake is experiencing shoreline ice expansion damage.

Any person may submit comments regarding this complaint with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. The respondent, Wisconsin Valley Improvement Company, is required to file an answer to the complaint pursuant to Rules 206 and 213, 18 CFR 385.206 and 385.213. No replies to respondent's answer will be accepted. In determining the appropriate action to take, the Commission will consider all comments filed. Copies of the complaint are on file with the Commission and are available for public inspection.

Comments and the answer to the complaint are due on or before August 27, 1993.

For further information, contact Janet L. Oakley at (202) 208–0495.

Lois D. Cashell,

Secretary.

[FR Doc. 93–16043 Filed 7–7–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 93–54–NG]

Northstar Energy Corp.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Northstar Energy Corporation authorization to import up to 7.3 billion cubic feet of natural gas from Canada over a two-year term beginning on the date of first delivery after June 30, 1993.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 30, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–16160 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–45–NG]

Texaco Gas Marketing Inc.; Order Granting Blanket Authorization To Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Texaco Gas Marketing Inc. authorization to export up to 120 billion cubic feet of natural gas to Mexico over a two-year term, beginning on the date of first delivery after June 30, 1993.

This order is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 30, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Program, Office of Fossil Energy.

[FR Doc. 93–16161 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Loveland Area Projects—Proposed Firm Power Rate and Transmission Rate

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed adjustments to the firm power rate and transmission rate—Loveland Area Projects.

SUMMARY: The Western Area Power Administration (Western) is proposing rate adjustments (Proposed Rates) for firm power service and transmission service for Loveland Area Projects (LAP). The power repayment studies and other analyses indicate that the Proposed Rates for firm power and transmission service are necessary to provide sufficient revenue to pay all annual costs (including interest

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[1] See 25 FERC ¶ 61,344 (1983). Article 33 originally required the licensee to use "its maximum capability" to meet the 0.0 gage requirement. See 23 F.P.C. 102 (1960).

[2] The elevation levels cited by the Association range from 1679.80 to 1680.30.

expense), plus repayment of required investment within the allowable time period. The rate impacts are detailed in a rate brochure to be distributed to all interested parties. The first of the Proposed Rates is expected to become effective on February 1, 1994.

The Proposed Rate for firm power composite rate increases the existing rate by 2.05 mills per kilowatthour (mills/kWh). The increase is implemented over a 2-year period. The composite rate for the first year (effective February 1, 1994) is 21.06 mills/kWh. This composite rate consists of an energy charge of 10.53 mills/kWh and a capacity charge of $2.70 per kilowatt-month ($/kW-month). The composite rate for the second year (effective October 1, 1994) is 22.11 mills/kWh. The second year composite rate consists of an energy charge of 11.05 mills/kWh and a capacity charge of $2.90/kW-month.

The existing LAP firm power composite rate is 20.06 mills/kWh, comprised of an energy charge of 10.03 mills/kWh and a capacity charge of $2.58/kW-month.

The Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary), U.S. Department of Energy (DOE), approved the existing firm power rate schedule on an interim basis on August 30, 1991, and the Federal Energy Regulatory Commission (FERC) confirmed and approved the rate schedule on a final basis on January 28, 1992. This existing rate schedule was placed into effect on October 1, 1991.

The Proposed Rates for transmission service increase the existing capacity rate by $.36/kW-month; or increase the existing energy rate by .5 mills per kWh if the customer's rate is energy-based. The rates would become effective on February 1, 1994, the same date as the first increase in the firm power service rate. The Proposed Rates are $1.88/kW-month for capacity or 2.6 mills per kWh for energy. The existing transmission service rates are $1.52/kW-month for capacity or 2.1 mills per kWh.

The Assistant Secretary, DOE, approved the existing transmission rate schedules for firm and nonfirm service on an interim basis on August 27, 1990, and FERC confirmed and approved the rate schedules on a final basis on April 29, 1991. These existing rate schedules were placed into effect on October 1, 1990.

The following table compares the existing LAP rates with Proposed Rates:

LOVELAND AREA PROJECTS RATES

Type of service	Existing rates	Proposed rates Feb. 1, 1994, and percent change	Proposed rates Oct. 1, 1994, and percent change
FIRM POWER SERVICE			
LAP revenue requirement	$41.9 million	$44.0 million; 5.0%	$45.1 million; 2.5%.
Total LAP composite	20.06 mills/kWh	21.06 mills/kWh; 5.0%	22.11 mills/kWh; 5.0%.
Firm energy	10.03 mills/kWh	10.53 mills/kWh; 5.0%	11.05 mills/kWh; 4.9%.
Firm capacity	$2.58/kW-month	$2.70/kW-month; 4.7%	$2.90/kW-month; 7.4%.
TRANSMISSION SERVICE			
Capacity	$1.52/kW-month	$1.88/kW-month; 23.7%	N/A.
Energy	2.1 mills/kWh	2.6 mills/kWh; 23.8%	N/A.

NA=Not available.

Since the Proposed Rates constitute a major rate adjustment as defined by the procedures for public participation in general rate adjustments, as cited below, both a public information forum and a public comment forum will be held. After review of public comments, Western will consider public comments, revise the rates if necessary, and recommend Proposed Rates for approval on an interim basis by the Assistant Secretary of DOE.

DATES: The consultation and comment period will begin July 8, 1993, and will end October 6, 1993. A public information forum will be held at the following place and time:

July 20, 1993—9 a.m. Holiday Inn, Northglenn, Colorado.

An additional public information forum may be held if added information is received on the final cost allocation for the Fryingpan-Arkansas Project which differs significantly from the assumptions used in developing the proposed rates

A public comment forum at which Western will receive oral and written comments will be held at the following place and time:

August 30, 1993—9 a.m. Holiday Inn, Northglenn, Colorado.

Written comments should be received by Western by the end of the consultation and comment period to be assured consideration and should be sent to the address below.

FOR FURTHER INFORMATION CONTACT:
Mr. Stephen A. Fausett, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539–3003. (303) 490–7201.

SUPPLEMENTARY INFORMATION: Power rates for LAP are established pursuant to the DOE Organization Act (42 U.S.C. 7101 *et seq.*) and the Reclamation Act of 1902 (43 U.S.C. 371 *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h (c)) and the Flood Control Act of 1944 (58 Stat. 887).

By Amendment No. 2 to Delegation Order No. 0204–108, published in 56 FR 41835, August 23, 1991, the Secretary of Energy delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates in effect on an interim basis to the Assistant Secretary; and (3) the authority to confirm, approve, and place in effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published in 50 FR 37835 September 18, 1985.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the Proposed Rates for firm power and for transmission are and will be made available for inspection and copying at the Loveland Area Office, located at 5555 East Crossroads Boulevard, Loveland, Colorado 80538–8986.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the initiation of the LAP firm power rate and transmission rate adjustments are related to nonregulatory services provided by Western at a particular rate. Under 5 U.S.C. 601(2), rules of particular applicability relating to rates or services are not considered rules within the meaning of the act. Since the LAP firm power and transmission rates are of limited applicability, no flexibility analysis is required.

Determination Under Executive Order 12291

DOE has determined that this is not a major rule within the meaning of the criteria of section 1(b) of the Executive Order 12291, published in 46 FR 13193, February 19, 1981. In addition, Western has an exemption from sections 3, 4, and 7 of said Order 12291 and, therefore, will not prepare a regulatory impact statement.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*; Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or environmental impact statement.

Issued in Golden, CO, March 5, 1993.

William H. Clagett,

Administrator.

[FR Doc. 93–16162 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–P

Western Area Power Administration

Pick-Sloan Missouri Basin Program, Eastern Division—Proposed Firm Power Rate

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed Pick-Sloan Missouri Basin Program, Eastern Division, firm power rate adjustments.

SUMMARY: The Western Area Power Administration (Western) is proposing rate adjustments (Proposed Rates) for firm power service for the Pick-Sloan Missouri Basin Program, Eastern Division (P–SMBP–ED). The power repayment study and other analyses indicate that the Proposed Rates for firm power are necessary to provide sufficient revenue to pay all annual costs (including interest expense), plus repayment of required investment within the allowable time period. The rate impacts are detailed in a rate brochure to be distributed to all interested parties. The first of the Proposed Rates for firm power is expected to become effective on February 1, 1994.

The Proposed Rates for firm power are based on an increase in the revenue requirement of $11.0 million per year beginning February of 1994 and an additional increase in the revenue requirement of $8.8 million per year beginning October of 1994. These revenue requirement increases are proposed to be recovered by the following firm power rate adjustments.

1. Beginning February 1, 1994, we propose to:

a. Increase the P–SMBP–ED Firm Commercial capacity charge from $2.74 per kilowatt-month ($/kW-month) to $3.00/kW-month and the energy charge from 7.09 mills per kilowatthour (mills/kWh) to 7.76 mills/kWh.

b. Increase the P–SMBP–ED Firm Peaking capacity charge from $2.74/kW-month to $3.00/kW-month.

2. Beginning October 1, 1994, we propose to:

a. Increase the P–SMBP–ED Firm Commercial capacity charge from $3.00/kW-month to $3.20/kW-month and the energy charge from 7.76 mills/kWh to 8.32 mills/kWh.

b. Increase the P–SMBP–ED Firm Peaking capacity charge from $3.00/kW-month to $3.20/kW-month.

The Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary), U.S. Department of Energy (DOE), approved the existing rate schedules on an interim basis on August 30, 1991, and the Federal Energy Regulatory Commission (FERC) confirmed and approved the rate schedules on a final basis on January 28, 1992. These existing rate schedules were placed into effect on October 1, 1991.

The following table compares the P–SMBP–ED existing rates with Proposed Rates:

PICK-SLOAN MISSOURI BASIN PROGRAM, EASTERN DIVISION RATES

Type of service	Existing rates	Proposed rates Feb. 1, 1994, and percent change	Proposed rates Oct. 1, 1994, and percent change
FIRM POWER SERVICE			
Eastern division revenue requirement	$115.4 million	$126.4 million; 9.5%	$135.2 million; 7.0%.
Total eastern division composite	12.16 mills/kWh	13.32 mills/kWh; 9.5%	14.24 mills/kWh; 6.9%.
Eastern division firm capacity	$2.74/kW-month	$3.00/kW-month; 9.5%	$3.20/kW-month; 6.7%.
Eastern division firm energy	7.09 mills/kWh	7.76 mills/kWh; 9.5%	8.32 mills/kWh; 7.2%.
Tiered > 60% L.F	3.38 mills/kWh	3.38 mills/kWh	3.38 mills/kWh.
FIRM PEAKING SERVICE			
Eastern division peaking capacity	$2.74/kW-month	$3.00/kW-month; 9.5%	$3.20/kW-month; 6.7%.
Eastern division peaking energy	7.09 mills/kWh	7.76 mills/kWh; 9.5%	8.32 mills/kWh; 7.2%.

Since the Proposed Rates constitute a major rate adjustment as defined by the procedures for public participation in general rate adjustments, as cited below, both a public information forum and a public comment forum will be held. After review of public comments, Western will consider public comments, revise the rates if necessary, and recommend Proposed Rates for approval on an interim basis by the Assistant Secretary of DOE.

DATES: The consultation and comment period will begin July 8, 1993, and will end October 6, 1993. Public information forums will be held at the following places and times:

July 20, 1993—9 a.m. Holiday Inn, Northglenn, Colorado;

August 9, 1993—9 a.m. Radisson Northern Hotel, Billings, Montana;

August 10, 1993—2 p.m. Howard Johnson Motel, Sioux Falls, South Dakota;

August 11, 1993—9 a.m. Doublewood Inn, Fargo, North Dakota.

Public comment forums at which Western will receive oral and written comments will be held at the following places and times:

August 30, 1993—9 a.m. Holiday Inn, Northglenn, Colorado;

August 31, 1993—9 a.m. Howard Johnson Motel, Sioux Falls, South Dakota.

Written comments should be received by Western by the end of the consultation and comment period to be assured consideration and should be sent to the address below.

FOR FURTHER INFORMATION CONTACT: Mr. James D. Davies, Area Manager, Billings Area Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107–5800. (406) 657–6532.

SUPPLEMENTARY INFORMATION: Power rates for the P–SMBP–ED are established pursuant to the DOE Organization Act (42 U.S.C. 7101 *et seq.*) and the Reclamation Act of 1902 (43 U.S.C. 371 *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h (c)) and the Flood Control Act of 1944 (58 Stat. 887).

By Amendment No. 2 to Delegation Order No. 0204–108, published in 56 FR 41835, August 23, 1991, the Secretary of Energy delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates in effect on an interim basis to the Assistant Secretary; and (3) the authority to confirm, approve, and place in effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published in 50 FR 37835 September 18, 1985

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the Proposed Rates for firm power and for transmission are and will be made available for inspection and copying at the Billings Area Office, located at 2525 Fourth Avenue North, Billings, Montana 59107–5800.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S C. 601 *et seq.*), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the initiation of the P–SMBP–ED firm power rate adjustments are related to nonregulatory services provided by Western at a particular rate. Under 5 U.S.C. 601(2), rules of particular applicability relating to rates or services are not considered rules within the meaning of the act. Since the P–SMBP–ED firm power rates are of limited applicability, no flexibility analysis is required.

Determination Under Executive Order 12291

DOE has determined that this is not a major rule within the meaning of the criteria of section 1(b) of the Executive Order 12291, published in 46 FR 13193, February 19, 1981. In addition, Western has an exemption from sections 3, 4, and 7 of said Order 12291 and, therefore, will not prepare a regulatory impact statement.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C 4321 *et seq.*; Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or environmental impact statement.

Issued in Golden, CO, March 5, 1993.

William H. Clagett,

Administrator.

[FR Doc. 93–16163 Filed 7–7–93; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4676–9]

Notice of Public Water Supervision Program: Program Revisions for the State of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Connecticut is revising its approved State Public Water Supervision Primacy Program. Connecticut has adopted (1) filtration, disinfection, turbidity, Giardia lamblia, viruses, Legionella, and heterotrophic bacteria that correspond to the National Primacy Drinking Water Regulations for filtration, disinfection, turbidity, Giardia lamblia, viruses, Legionella, and heterotrophic bacteria requirements promulgated on June 29, 1989 (54 FR 27486) and (2) public notice requirements promulgated on October 8, 1987 (52 FR 41534). EPA has determined that the State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions. All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by August 9, 1993 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by August 9, 1993, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective August 9, 1993.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intended to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4.30 p.m. Monday through Friday, at the following offices: Connecticut Department of Health Services, Water Supplies Section, 21 Grand Street, Hartford, CT 06106; U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch, One Congress Street, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Mark Sceery, U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch, JFK Federal Building, Boston, MA 02203, Telephone: (617) 565–3604.

Section 1413 of the Safe Drinking Water Act, as amended (1986); and 40

CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: June 17, 1993.

Paul Keough,

Acting Regional Administrator.

[FR Doc. 93–16141 Filed 7–7–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4676–4]

Public Water System Supervision Program: Program Revision for the State of Nebraska

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Nebraska is revising its approved State Public Water System Supervision (PWSS) Program. Nebraska has adopted regulations for (1) public notification requirements that correspond to the National Primary Drinking Water Regulations for public notification published by EPA on October 28, 1987 (52 FR 41534); and (2) synthetic organic chemicals (Phase I VOCs) that correspond to the National Primary Drinking Water Regulations for synthetic organic chemicals, and monitoring for unregulated contaminants published by EPA on July 8, 1987 (52 FR 25690) and corrections, published on July 1, 1988 (53 FR 25108).

EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulation. This determination was based upon a thorough evaluation of Nebraska's PWSS program in accordance with the requirements stated in 40 CFR 142.10. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted to the Regional Administrator, within thirty (30) days of the date of this Notice, at the address shown below. If a public hearing is requested and granted, this determination shall not become effective until such time following the hearing that the Regional Administrator issues an order affirming or rescinding this action. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days from this Notice date.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request is made within thirty (30) days after this Notice, a public hearing will be held.

Requests for a public hearing should be addressed to: Ralph Langemeier, Chief, Drinking Water Branch, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of Nebraska. A notice will also be sent to the person(s) requesting the hearing as well as to the State of Nebraska. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination based upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

ADDRESSES: A copy of the primacy application relating to this determination is available for inspection between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday, at the following locations: U.S. EPA Regions VII Drinking Water Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101, and the Nebraska Department of Health, 301 Centennial Mall South, 3rd Floor, Lincoln, Nebraska 68509.

FOR FURTHER INFORMATION CONTACT:

Glen Yager, EPA Region VII Drinking Water Branch, at the above address, telephone (913) 551–7296.

Authority: Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: May 13, 1993.

William W. Rice,

Acting Regional Administrator, EPA, Region VII.

[FR Doc. 93–16138 Filed 7–7–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4676–3]

Science Advisory Board, Executive Committee, Chafee-Lautenberg Study Steering Committee; July 19, 1993

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB) Executive Committee's Chafee-Lautenberg Study Steering Committee will conduct a meeting on Monday, July 19, 1993. The meeting will be held at the Environmental Protection Agency Headquarters Building at 401 M Street SW., Washington, DC 20460. Information on the room for the meeting will be available through the Office of the Science Advisory Board by July 12. The meeting will begin at 9 a.m. and adjourn no later than 5 p.m. on July 19.

At this meeting, the Executive Committee plans to review an Agency document being prepared for transmission to the Congress that details multi-media risks posed by radon gas and the costs of mitigating these risks.

The meeting is open to the public. Any member of the public wishing further information concerning the meeting or who wishes to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official for the Executive Committee (A–101), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and at 202–260–4126; FAX 202–260–9232, and at INTERNET address BARNES. Don@ EPAMAIL. EPA.GOV@IN. A copy of the Agency document can be obtained from Ms. Jan Auerbach in the Office of Water (202–276–7575). Limited unreserved seating will be available at the meeting.

Dated: June 25, 1993.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 93–16123 Filed 7–7–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4677–4]

Science Advisory Board; Ad Hoc Industrial Excess Landfill Advisory Panel; Public Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB) ad hoc

Industrial Excess Landfill (IEL) Advisory Panel will meet on July 20–21, 1993 at the Akron West Hilton Inn, 3180 West Market Street, Akron, Ohio 44333. The Hilton Inn telephone number is (216) 867–5000. On July 20th, the meeting will begin at 9 a.m. and will recess at approximately 3 p.m.; an evening public comment period will be held from 7 p.m. until approximately 9 p.m. On July 21st, the meeting will begin at 9 a.m. and will end no later than 2 p.m. The meeting is open to the public and seating is on a first-come basis. At the meeting, the Panel will receive briefings from various parties on the background of the IEL Site and the work done to date. Based on these presentations and discussion at the meeting, the Panel will determine what other information is needed and how they will carry out their charge (as outlined below).

Background

The Agency's Office of Solid Waste and Emergency Response (OSWER) requested that the Science Advisory Board (SAB) form an ad hoc advisory panel to conduct a review of issues related to screening criteria and procedures for radioactive waste materials at a specific superfund site. The ad hoc IEL Advisory Panel was organized by the Science Advisory Board for the purpose of addressing this issue. The charge outlined below contains the wording of the request as agreed to by the SAB.

To address the charge, the ad hoc Panel will review a specific site where sub-surface radioactive contamination may be present, the Industrial Excess Landfill (IEL) Superfund site in Uniontown, Ohio. Citizens residing near the IEL site are concerned that radioactive wastes had been illegally disposed at the site. Former EPA Administrator Reilly asked Clean Sites, Incorporated to perform an independent evaluation of the Agency's management of the IEL site, with emphasis on the radiation sampling being conducted. Clean Sites' March 1992 report to the Administrator contained several recommendations, including one concerning the radiation sampling issue. With respect to radiation sampling, Clean Sites recommended that the Agency request that the Science Advisory Board (SAB) perform specific tasks to resolve data analysis issues at the IEL site. Although these issues arose from this one site, they are of concern to other Superfund sites at which radioactive contamination is suspected and could be used to develop generic guidelines for dealing with such sites. Past, present, and anticipated activities and data collected at this location will be used as source materials for the ad hoc Panel in its deliberations.

Charge to the Panel

In general, at hazardous waste sites where radioactive contamination is suspected, EPA first performs a screening round of sampling. If the screening round data indicate that there is a problem, the Agency performs more extensive investigations. If the screening round data indicate no contamination, further sampling is eliminated. What kind of sampling and analytic protocol is adequate to determine the presence/extent of soil and groundwater contamination at a site which may incorporate radioactive wastes? Specific questions for the Panel include:

a. For screening purposes, what types of temporal and spatial sampling and analyses are sufficient to test a hypothesis that radioactive contamination is present?

b. What radiological parameters, e.g., gross alpha plus alpha spectrometry, gross beta, gamma spectrometry, tritium, and carbon-14, are sufficient to determine the possible existence/extent of potential sub-surface radiological contamination? Are the methods employed by EPA for analysis of radioactive contamination adequate and appropriate for analyses of samples from hazardous waste sites?

c. There are generic guidelines for sampling and analytic methods and chain of custody protocols to ensure that cross contamination or tampering with samples does not occur when dealing with radioactive contaminants. If appropriate, these guidelines may be modified on a site-specific basis depending on the characteristics of the site in question. What modifications are scientifically justified while still assuring accurate, precise and valid data?

d. What factors need to be considered in the development and application of data validation criteria for evaluation of radioactive contaminants at hazardous waste sites?

e. The ad hoc Panel may address other issues as they deem appropriate.

For Further Information

For details concerning this review, including a draft meeting agenda and Panel roster, or the overall activities of the Science Advisory Board, please contact the Designated Federal Officer for this review: Mr. Robert Flaak, Assistant Staff Director, Science Advisory Board (A–101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Telephone: (202) 260–6552 and FAX: (202) 260–7118.

Opportunity for Providing Comment

All oral presentations or written statements should be limited to scientific issues concerning the above charge, related issues, and the specific site identified above.

Members of the public who wish to make a brief formal oral presentation to the Committee must contact Mr. Flaak no later than Friday, July 16, 1993 in order to be included on the Agenda. Written statements of any length (at least 30 copies) may be provided to the Committee up until the meeting. Please send these comments to Mr. Flaak at the address given above. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. The formal public comment period will take place beginning at 9 a.m. on July 21.

Individual members of the public who cannot attend the daytime session of the Panel's meeting and who wish to provide a brief oral statement to the Panel will have an opportunity to do so from 7 to 9 p.m. on July 20th. This period on the meeting agenda has been set-up to accommodate walk-in speakers who will be able to personally register. Speakers will be given five minutes each and will speak in the order they register.

Future Activities of the Panel

The ad hoc IEL Advisory Panel expects to have at least one additional public meeting to continue discussions and to prepare their written report. This meeting is planned for September 1993 in Washington, DC. A specific date has not been set. The Panel expects to have a draft written report publically available in October 1993. This written report of the Panel will undergo final review and approval at a public meeting of the SAB Executive Committee before the report is finalized and forwarded to the EPA Administrator. The Executive Committee meets quarterly in Washington, DC; its next scheduled meeting is October 26–27, 1993. A **Federal Register** Notice will announce both of these meetings. The above schedule is subject to change.

Dated: July 1, 1993.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 93–16308 Filed 7–7–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 632–6934.

Federal Communications Commission

OMB Control No.: 3060–0099.

Title: Annual Report Form M (FCC Form M).

Expiration Date: 06/30/96.

Description: Annual Report Form M is required by Sections 1.785 and 43.21 of the FCC Rules and Section 219 of the Communications Act of 1934, as amended. Subject telephone carriers having annual operating revenues in excess of $100 million are required to file FCC Form M. FCC Form M was revised in the Matter of Revision of ARMIS USOA Report (FCC Report 43–02) for Tier 1 Telephone Companies and Annual Report Form M, (Memorandum Opinion and Order), AAD 92–46, released March 29, 1993. Carriers who are required to file both ARMIS and Form M will satisfy their Form M reporting requirements by filing both diskettes and paper copies of the ARMIS reports.

Title: Automated Reporting and Management Information Systems (ARMIS), ARMIS USOA Report (FCC Report 43–02).

Description: ARMIS is an automated system consisting of ten reports which contain financial and statistical data required by the Commission to administer its accounting, joint cost, jurisdictional separations, rate base, and access charge rules. ARMIS USOA Report, FCC Report 43–02, contains company-wide data for each account specified in the Uniform System of Accounts (USOA). FCC Report 43–02 was revised in the Matter of Revision of ARMIS USOA Report (FCC Report 43–02) for Tier 1 Telephone Companies and Annual Report Form M, (Memorandum Opinion and Order), AAD 92–46, released March 29, 1993. The report was revised to incorporate eighteen Form M schedules, six of which were revised. A new schedule for the collection of aggregate data on plant investment and accumulated depreciation for each jurisdiction was also added to the report.

Federal Communications Commission.

William F. Caton,

Acting Secretary

[FR Doc. 93–16036 Filed 7–7–93; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

June 30, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–0276. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0475.

Title: Section 90.713, Entry Criteria.

Action: Revision of a currently approved collection.

Respondents: Individuals or households, state or local governments, and businesses or other for-profit (including small businesses).

Frequency of Response: Other: One-time requirement at initial application or assignment stage.

Estimated Annual Burden: 34 responses; 25.5 hours average burden per response; 867 hours total annual burden.

Needs and Uses: The Commission has modified 47 CFR 90.713 to permit applicants for non-commercial nationwide systems in the 220–222 MHz band to submit a certification (47 CFR 90.713(a)(6)) indicating that the applicant has either an actual presence or long-term business plan that necessitates internal communications capacity in the 70 or more markets identified in the license application. Under the rule as modified, applicants will be required to certify that they have an actual presence necessitating internal communications capacity in the 70 or more markets identified in the application. Applicants will not be permitted to rely on a long-term business plan. Licensing Division personnel will use the data to determine the eligibility of the applicant to hold a radio station authorization. Land Mobile and Microwave Division personnel will use the data for rulemaking proceedings. Compliance Division personnel in conjunction with field engineers will use the data for enforcement purposes.

Federal Communications Commission

William F. Caton,

Acting Secretary

[FR Doc. 93–16037 Filed 7–7–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Petitions for Temporary Exemption From Electronic Tariff Filing Requirements

Notice is hereby given of the filing of petitions by the above named petitioners, pursuant to 46 CFR 514.8(a), for temporary exemption from the electronic tariff filing requirements of the Commission's ATFI System. Petitioners request exemption from the June 4, 1993, electronic filing deadline, stating they are unable to comply with the June 4, 1993, deadline for filing of World Wide/Asian and South Pacific tariffs.

To facilitate thorough consideration of the petitions, interested persons are requested to reply to the petitions no later than July 14, 1993. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001, shall consist of an original and 15 copies, and shall be served on petitioners as follows:

P33–93—Werner Schwan, President, Polar Bear Container Line, 220A N. Cloverdale Blvd., Cloverdale, California 95425

P34–93—Jeffrey F. Lawrence, Esq., Sher & Blackwell, 1255 23rd Street, NW., Washington, DC 20037–1194

P35–93—Mrs. Honeylette De Leon, President, World Class Freight, Inc. 110 West Ocean Bl., suite 349, Long Beach, California 90802

Copies of the petitions are available for examination at the Washington, DC office of the Secretary of the Commission, 800 N. Capitol Street NW., room 1046.

Joseph C. Polking,

Secretary.

[FR Doc. 93–16205 Filed 7–7–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

CNB Preferred Partnership, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 2, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. CNB Preferred Partnership, Orlando, Florida; to become a bank holding company by acquiring 100 percent of the preferred shares of Central National Bank Corporation, Inc., Winter Park, Florida, and thereby indirectly acquire Central National Bank of Winter Park, N.A., Winter Park, Florida.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Castle BancGroup, Inc., DeKalb, Illinois; formerly known as Sandwich Banco, Inc., DeKalb, Illinois, to acquire 100 percent of the voting shares of B.O.Y. Bancorp, Inc., Yorkville, Illinois, and thereby indirectly acquire Bank of Yorkville, Yorkville, Illinois.

2. Independent Bank Corporation, Ionia, Michigan; to acquire 100 percent of the voting shares of American Home Bank, Unionville, Michigan.

3. Independent Bank Corporation, Ionia, Michigan; to acquire 100 percent of the voting shares of Pioneer Bank, North Branch, Michigan.

4. Van Buren Bancorporation Employee Stock Ownership Plan, Keosauqua, Iowa; to become a bank holding company by acquiring 30.03 percent of the voting shares of Van Buren Bancorporation, Keosauqua, Iowa, and thereby indirectly acquire State Savings Bank, Cantril, Iowa, and Farmers State Bank, Keosauqua, Iowa.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Bank of Colorado Holding Company, Vail, Colorado; to become a bank holding company by acquiring Vail National Bank, Vail, Colorado.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Elkhart Bancorporation, Inc., Elkhart, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Elkhart State Bank, Elkhart, Texas.

Board of Governors of the Federal Reserve System, July 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-16083 Filed 7-7-93; 8:45 am]

BILLING CODE 6210-01-F

Dickinson Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 2, 1993.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Dickinson Financial Corp., Kansas City, Missouri; to acquire Livingston Life Insurance Company, Kansas City, Missouri, and thereby engage in the reinsurance of credit related insurance pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–16084 Filed 7–7–93; 8:45 am]

BILLING CODE 6210–01–F

Amy Blossman Illing, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 28, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Amy Blossman Illing, and Ann Blossman Komidor, both of Covington, Louisiana; to acquire 25.29 percent of the voting shares of Progressive Capital Corporation, Covington, Louisiana, and thereby indirectly acquire Central Progressive Bank of Amite, Amite, Louisiana.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Louise M. Brands, Prairie du Rocher, Illinois; to acquire an additional 5.6 percent of the voting shares of PDR Bancshares, Inc., Prairie du Rocher, Illinois, for a total of 15.20 percent, and thereby indirectly acquire State Bank of Prairie du Rocher, Prairie du Rocher, Illinois.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Robert Timothy Monnig, Glasgow, Missouri, to acquire an additional 1.2 percent for a total of 8.6 percent; Thomas Henry Monnig, Glasgow, Missouri, to acquire an additional 1.1 percent for a total of 8.4 percent; John Joseph Monnig, Glasgow, Missouri, to acquire an additional 1.1 percent for a total of 8.4 percent of the voting shares of Bancshares of Glasgow, Glasgow, Missouri, and thereby indirectly acquire Tri-County Trust Company, Glasgow, Missouri.

2. Roger L. Reisher, Lakewood, Colorado; Margaret A. Reisher, Lakewood, Colorado; Dennis E. Barrett, Littleton, Colorado; and William L. Iwata, Arvada, Colorado; to acquire between 35 and 45 percent of the voting shares of FirstBank Holding Company of Colorado, Lakewood, Colorado, and thereby indirectly acquire FirstBank of Palm Desert, Palm Desert, California; FirstBank of West Arvada, National Association, Arvada, Colorado; FirstBank of Aurora, National Association, Aurora, Colorado; FirstBank of Avon, Avon, Colorado; FirstBank of South Boulder, National Association, Boulder, Colorado; FirstBank of Boulder, National Association, Boulder, Colorado; Breckenridge FirstBank, National Association, Breckenridge, Colorado; FirstBank of Castle Rock, National Association, Castle Rock, Colorado; FirstBank of Denver, National Association, Denver, Colorado; FirstBank of Cherry Creek, National Association, Denver, Colorado; FirstBank of Republic Plaza, NA, Denver, Colorado; FirstBank of Erie, Erie, Colorado; FirstBank of Tech Center, National Association, Englewood, Colorado; FirstBank of Colorado, National Association, Littleton, Colorado; FirstBank of Lakewood, National Association, Lakewood, Colorado; FirstBank of Westland, National Association, Lakewood, Colorado; FirstBank of Academy Park, Lakewood, Colorado; FirstBank of Villa Italia, National Association, Lakewood, Colorado; FirstBank of Littleton, National Association, Littleton, Colorado; FirstBank at Wadsworth/Coal Mine, National Association, Littleton, Colorado; FirstBank of Arapahoe County, National Association, Littleton, Colorado; FirstBank of Longmont, National Association, Longmont, Colorado; FirstBank at Arapahoe/Yosemite, National Association, Englewood, Colorado; FirstBank of Silverthorne, National Association, Silverthorne, Colorado; FirstBank of Vail, Vail, Colorado; FirstBank at 88th/Wadsworth, N.A., Westminster, Colorado; and FirstBank of Wheatridge, National Association, Wheat Ridge, Colorado.

3. James L. Winget Trust No. 2, Hanston, Kansas; to acquire 25.4 percent; Roberta O. Winget Trust No. 2, Hanston, Kansas, to acquire 25.4 percent; Gary L. Winget, trustee, Hanston, Kansas, to acquire 50.8 percent; Marilyn Sue Winget, trustee, Hanston, Kansas, to acquire 50.8 percent; and Carol Soukup, Hanston, Kansas, to acquire 50.8 percent of the voting shares of Hanston Insurance Agency, Inc., Hanston, Kansas, and thereby indirectly acquire Hanston State Bank, Hanston, Kansas.

Board of Governors of the Federal Reserve System, July 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-16085 Filed 7-7-93; 8:45 am]

BILLING CODE 6210-01-F

Van Buren Bancorporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 28, 1993.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Van Buren Bancorporation, Keosauqua, Iowa; to engage *de novo* in making, servicing or acquiring loans pursuant to § 225.25(b)(1) of the Board s Regulation Y.

Board of Governors of the Federal Reserve System, July 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-16086 Filed 7-7-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Technical Advisory Committee for Diabetes Translation and Community Control Programs: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Technical Advisory Committee for Diabetes Translation and Community Control Programs.

Times and Dates: 5:30 p.m.–8:30 p.m., Sunday, July 25, 1993; 8:30 a.m.–4 p.m., Monday, July 26, 1993.

Place: Embassy Suites Hotel-Atlanta Airport, 4700 Southport Road, College Park, Georgia 30349. (Exit 18 Riverdale Road off I–85)

Status: Open to the public, limited only by the space available.

Purpose: This committee is charged with advising the Director, CDC, regarding priorities and feasible goals for translation activities and community control programs designed to reduce risk factors, morbidity, and mortality associated with diabetes and its complications. The committee advises regarding policies, strategies, goals and objectives, and priorities; identifies research advances and technologies ready for translation into widespread community practice; recommends public health strategies to be implemented through community interventions; advises on operational research and outcome evaluation methodologies; identifies research issues for further clinical investigation; and advises regarding the coordination of programs with Federal, voluntary, and private resources involved in the provision of services to people with diabetes.

Matters To Be Discussed: The committee will discuss results and translation implications of the Diabetes Control and Complications Trial (DCCT), and will review the relationship of the DCCT results to the goals and objectives for CDC's Division of Diabetes Translation. The committee will further review and provide input on content areas for the upcoming fiscal year 1994 request for applications for state-based diabetes control programs. In addition, the committee will discuss issues related to how the Division of Diabetes Translation can further coordinate diabetes translation and the role of the committee within this coordination process. Division of Diabetes Translation staff will provide updates on diabetes control programs currently operational within the Division.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Fredrick G. Murphy, Program Analyst, Division of Diabetes Translation, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway NE., (K–10), Atlanta, Georgia 30341–3724, telephone 404/488–5005.

Dated: July 1, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–16075 Filed 7–7–93; 8:45 am]

BILLING CODE 4160–18–M

Review of Draft Criteria for a Recommended Standard on Occupational Exposure to Respirable Coal Mine Dust: Meeting.

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Review of Draft Criteria for a Recommended Standard on Occupational Exposure to Respirable Coal Mine Dust.

Times and Dates: 9 a.m.–5 p.m., July 29, 1993; 8 a.m.–2 p.m., July 30, 1993.

Place: Robert A. Taft Laboratories, Auditorium, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Status: Open to the public, limited only by the space available. The meeting room accommodates 150 people.

Purpose: The purpose of this meeting is to review and discuss the draft criteria document, "Occupational Exposure to Respirable Coal Mine Dust," with a panel of invited participants selected by NIOSH for their expertise and background in this area. The review will provide NIOSH with individual input and opinion from experts outside the Institute prior to finalizing the criteria document for publication and transmittal to the Department of Labor. The review will emphasize health issues related to occupational exposures to respirable coal mine dust, including coal workers' pneumoconiosis, silicosis, and chronic obstructive pulmonary disease, as well as the related issues of exposure monitoring, medical surveillance, pulmonary function testing, control technology, and respiratory protection in mining. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited.

Contact Persons for Additional Information: General information may be obtained from Judy Curless, NIOSH, CDC, 4676 Columbia Parkway, Mailstop C–32, Cincinnati, Ohio 45226, telephone 513/533–8314.

Technical information may be obtained from Eileen Kuempel, NIOSH, CDC, 4676 Columbia Parkway, Mailstop C–32, Cincinnati, Ohio 45226, telephone 513/533–8314.

Dated: June 30, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–16074 Filed 7–7–93; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 92N–0421]

Robert A. Fogari; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Deputy Commissioner for Operations of the Food and Drug Administration (FDA) denies Dr. Robert A. Fogari's request for a hearing and issues a final order permanently debarring Dr. Robert A. Fogari, 58 Twin Brooks Rd., Saddle River, NJ 07458, under section 306(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 335a(a)). The Deputy Commissioner bases this order on her finding that Dr. Fogari was convicted of Federal felonies under 18 U.S.C. 1001 and 1505 for conduct relating to the development and approval, including the process for development and approval of a drug product; and relating to the regulation of a drug product under the act.

EFFECTIVE DATE: July 8, 1993.

FOR FURTHER INFORMATION CONTACT: Megan L. Foster, Center for Drug Evaluation and Research (HFD–366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8041.

ADDRESSES: Application for termination of debarment to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

SUPPLEMENTARY INFORMATION:

I. Background

Dr. Robert A. Fogari, a former clinical investigator who participated in experimental drug studies for nine different drug manufacturers, pled guilty and was sentenced on February 2, 1989, for, in addition to other offenses, two counts of submission of false documents, and one count of obstruction of justice, Federal felony offenses under 18 U.S.C. 1001 and 1505. The basis for these convictions was Dr. Fogari's data falsifications and omissions in the written reports of the drug studies that he conducted.

In a certified letter received by Dr. Robert A. Fogari on January 8, 1993, FDA offered Dr. Fogari an opportunity for a hearing on the agency's proposal to issue an order under section 306(a) of the act debarring Dr. Fogari from providing services in any capacity to a person that has an approved or pending drug product application. FDA based the proposal to debar on its finding that Dr. Fogari's conduct leading to his convictions under 18 U.S.C. 1001 and 1505 related to the development and approval and the regulation of various drug products.

The certified letter also informed Dr. Fogari that his request for a hearing could not rest upon mere allegations or denials but must present specific facts showing that there was a genuine and substantial issue of fact requiring a hearing. The letter also noted that if it conclusively appeared from the face of the information and factual analyses in his request for a hearing that there was no genuine and substantial issue of fact

which precluded the order of debarment, FDA would enter summary judgment against him, making findings and conclusions, and denying his request for a hearing.

In a letter dated January 26, 1993, Dr. Fogari responded to the certified letter by requesting a hearing.

II. Denial of Hearing

In his request for a hearing, Dr. Fogari failed to present any arguments or information to show why he should not be debarred. Therefore, FDA finds that Dr. Fogari has failed to identify any genuine and substantial issue of fact requiring a hearing. Accordingly, pursuant to 21 CFR 12.28, the agency denies Dr. Fogari's request for a hearing.

III. Findings and Order

Therefore, as Deputy Commissioner for Operations, under section 306(a) of the act, I find that Dr. Robert A. Fogari has been convicted of felonies under Federal law for conduct (1) relating to the development and approval, including the process for development and approval, of a drug product (21 U.S.C. 335a(a)(2)(A)); and (2) relating to the regulation of a drug product (21 U.S.C. 335a(a)(2)(B)).

As a result of the foregoing findings, Dr. Robert A. Fogari is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under section 505, 507, 512, or 802 of the act (21 U.S.C. 355, 357, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective July 8, 1993 (21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(ii) and 21 U.S.C. 321(ee)). Any person with an approved or pending drug product application who knowingly uses the services of Dr. Fogari in any capacity, during his period of debarment, will be subject to civil money penalties. If Dr. Fogari, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties. In addition, FDA will not accept or review any abbreviated new drug application or abbreviated antibiotic drug application from Dr. Fogari during his period of debarment.

Any application by Dr. Fogari for termination of debarment under section 306(d)(4) of the act should be identified with Docket No. 92N-0421 and sent to the Dockets Management Branch (address above). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j). Publicly available submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 28, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93-16034 Filed 7-7-93; 8:45 am]

BILLING CODE 4160-01-F

[GN No. 2102]

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (formerly Chapter HF) (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part 43 FR 16419, April 18, 1978) is amended to reflect the change in title from Division of Financial Management to Office of Financial Management and realignment of the Division of Financial Management staff and functions into the new Office of Financial Management (OFM), Office of Management (OM), Office of Management and Systems, Food and Drug Administration (FDA). To provide consistency with the organizational structure of the centers and within OM, FDA proposes that the Office of Financial Management be established to oversee and direct the Agency's financial responsibilities. This new office will consist of the Division of Financial Systems, the Division of Accounting, the Division of Budget Formulation and Presentation, and the Division of Budget Execution and Control.

Under section UK-B, Organization:

1. Delete subparagraph (h-1) Division of Financial Management (FHA74) and insert a new subparagraph (h-1) under the Office of Management and Systems (HFA6), Office of Management (HFA7) reading as follows:

Office of Financial Management (HFA74). Plans, directs, and coordinates a comprehensive financial management program for FDA encompassing the areas of budget analysis, formulation and execution, automated financial systems, fiscal accounting, voucher audit, and financial reporting. Provides staff assistance in justifying budgets through executive and congressional echelons. After appropriation, develops an orderly expenditure plan. Develops apportionment plans and issues allotments for expenditures. Makes periodic reports regarding the status of FDA's financial management. Develops financial inputs for the Agency's programs and financial plans.

Dated: June 18, 1993.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 93-16120 Filed 7-7-93; 8:45 am]

BILLING CODE 4160-01-M

[GN No. 2103]

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part 53 FR 34588, September 7, 1988) is amended to reflect the change in title from the Division of Human Resources Management to the Office of Human Resources Management in the Office of Management (OM), Office of Management and Systems, Food and Drug Administration (FDA). To ensure that ever-changing personnel requirements are met and that the human resources function is performed with a high level of visibility in the OM organizational structure, FDA proposes that the Office of Human Resources Management be established to oversee and direct the Agency's human resources responsibilities. This new office will consist of the Division of Personnel Operations I, the Division of Personnel Operations II, the Division of Employee Relations, the Division of Recruitment and Staffing, and the Division of Compensation, Benefits, and Training. Under section HF-B, Organization:

1. Delete subparagraph (h-4) Division of Human Resources Management (HFA77) in its entirety and insert a new subparagraph (h-4) under the Office of Management and Systems (HFA6), Office of Management (HFA7) reading as follows: Office of Human Resources Management (HFA77). Provides personnel management advice and assistance to the Commissioner and to FDA managers within its servicing area, including advice to Headquarters officials on their management responsibilities for FDA field installations.

Participates in the development of Agency goals and operating plans related to human resources management.

Provides, within its servicing area, personnel management and personnel

administration services, including employment, recruitment, compensation and benefits, classification, employee relations, training, career development and executive services.

Prepares staff studies and recommendations to Agency management on human resources needs and problems.

Identifies the need for human resources policies and programs to the Office of the Assistant Secretary for Health (OASH), as appropriate, in the development of such policies and programs.

Develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of FDA in the application of PHS, HHS, OPM, and other Government agency regulations.

Represents FDA in human resources management matters with PHS, HHS, OPM, other Government agencies, professional societies, colleges, universities and other non-governmental organizations and institutions.

Identifies barriers in personnel policies, rules, and regulations which hinder the accomplishment of management goals and objectives. Recommends innovative solutions and develops pilot projects to eliminate these barriers.

Dated: June 18, 1993.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 93–16121 Filed 7–7–93; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Indian Health Service; Statement of Organization, Functions, and Delegations of Authority

Part H of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (55 FR 2152–3, January 22, 1990, and at 54 FR 4085–91, January 27, 1990, 57 FR 34300–01, August 4, 1992, and 57 FR 4337–38, September 18, 1992, and as most recently amended 58 FR 17236, April 1, 1993) is further amended to establish a new Office of Tribal Self-Governance in the Office of the Director, Indian Health Services (IHS), to carry out title III of the Indian Self-Determination and Education Assistance Act, Public Law 93–638, as amended.

Indian Health Service

Chapter HG, *Section HG–20, Functions,* is amended as follows:

After the title and statement for the *Division of Health Professions Recruitment and Training (HGAB4),* insert the following title and statement:

Office of Tribal Self-Governance (HGAC). The Office (1) develops, directs, and oversees the implementation of the Tribal Self-Governance Demonstration Project policies and programs under title III of the Indian Self-Determination and Education Assistance Act, Public Law 93–638, as amended; (2) provides technical support in the development of Tribal Self-Governance Demonstration Projects; (3) provides programmatic review and recommends approval of proposals for Self-Governance planning grants; (4) negotiates self-governance compacts and funding agreements with participating tribal governments; (5) in conjunction with IHS Area and Headquarters components, identifies the amount of funds necessary to implement the agreements and prepares annual budgets; and (6) ensures that the responsibilities of the United States are not waived, modified, or diminished with respect to Indian tribes and individual Indians.

Under *Section HG–40, Delegations of Authority:* All delegations and redelegations of authority made to Indian Health Service officials that were in effect immediately prior to this reorganization and that are consistent with the reorganization shall continue in effect pending further redelegation.

Notice is hereby given that I have delegated to the Assistant Secretary for Health (ASH), with authority to redelegate, all of the authorities of the Indian Self-Determination and Education Assistance Act, Public Law 93–638, as amended, except for the authority to promulgate regulations under section 107 of the Act, and the authority to submit reports to the Congress, to establish advisory committees or national commissions, and to appoint members to such committees or commissions.

In addition, I ratify and affirm all previous actions taken by Public Health Services officials that, in effect, involved the exercise of the authorities contained in Public Law 93–638, and all subsequent legislative amendments to this Act, prior to the effective date of this delegation.

This delegation supersedes the delegation of July 3, 1975, from the Secretary to the ASH for the Indian Self-Determination and Education Assistance Act, Public Law 93–638.

Dated: June 30, 1993.

Donna E. Shalala,

Secretary.

[FR Doc. 93–16122 Filed 7–7–93; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Recovery Plan for Lipochaeta Venosa and Isodendrion Hosakae for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for *Lipochaeta venosa* and *Isodendrion hosakae.* This endangered plant species occurs in the South Kohala District of the Island of Hawaii.

DATES: Comments on the draft recovery plan must be received on or before September 7, 1993, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting Pacific Islands Ecological Services Field Office, U.S. Fish and Wildlife Service, room 6307, 300 Ala Moana Boulevard, P.O. Box 50167, Honolulu, Hawaii 96850 (phone 808/541-2749). Copies of the draft recovery plan will also be available for inspection, by appointment, during normal business hours at the Services Honolulu address, the Kailua-Kona Public Library, 75–138 Hualalai Road, Kailua-Kona, Hawaii 96740 (phone 808/329–2196), and the Hilo Public Library, 300 Waianuenue Avenue, Hilo, Hawaii 96720 (phone 808/933–4650). Written comments and material regarding the plan should be addressed to Mr. Robert P. Smith, Field Supervisor of the above Honolulu, Hawaii, address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above Honolulu, Hawaii, address.

FOR FURTHER INFORMATION CONTACT: Karen W. Rosa, Fish and Wildlife Biologist, at the above Honolulu address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's

endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised Recovery Plan. Substantive technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individualized responses to comments will not be provided.

The species being considered in this recovery plan are *Lipochaeta venosa* and *Isodendrion hosakae*. These species are limited to six cinder cones located on the Parker Ranch in the South Kohala District on the island of Hawaii. Both species occur together on two cinder cones, and *I. hosakae* and *L. venosa* occur separately at one and three other sites, respectively. The presence of these species on the steeply sloped cinder cones is interpreted as an indication that these steep cones are havens from grazing animals, not preferred habitats. It is inferred that their ranges once included, at the least, the lands between the cones where they are now extant, but there is no historical data to confirm this.

Recovery efforts will focus on protection of all extant individuals from herbivores, fire and alien plant species, propagation of plants to augment existing populations, and expansion of both species to all six of the cinder cones where one or both now exist.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 30, 1993.

John H. Doebel,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1.

[FR Doc. 93–16076 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–55–M

Revised Policy and Procedures for Selecting and Funding Federal Aid in Sport Fish and Wildlife Restoration Projects

AGENCY: Interior, Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service, Division of Federal Aid is revising its policies and procedures for special projects funded by Federal Aid Administrative funds. The policy is being revised in response to criticisms that the existing policy does not include a systematic procedure to notify potential applicants of the availability of Federal Aid Administrative funds; that it is not being applied consistently and that it promotes unrealistic expectations among applicants who do apply. The revised policy is being implemented as a pilot for this year's grant cycle with the understanding that it will be finalized at a later date. Comments on the revised policy will be accepted during this grants cycle and until further notice. The U.S. Fish and Wildlife Service is seeking applications/proposals under this revised policy for sport fish and wildlife restoration projects which will be awarded funding in fiscal year 1994. The requirements for submitting and selecting proposals are contained in this notice. Focus areas are not being included as part of the selection criteria for applications submitted in response to this notice for this year only.

DATES: Applications/proposals must be received by July 22, 1993.

ADDRESSES: Applications/proposals and comments must be submitted to: U.S. Fish and Wildlife Service, Chief, Division of Federal Aid, MS 140, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Columbus Brown, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service; (703) 358–2156.

SUPPLEMENTARY INFORMATION: Significant revisions to the policy include providing for annual notification of the availability of funds through Notices in the **Federal Register**; and establishing and announcing in the **Federal Register**, focus areas which will be included as part of the selection criteria. Focus areas will be used to further promote and encourage efforts that address priority needs of the Fish and Wildlife Service and the States. The revised policy also clarifies the roles and responsibilities of the Division of Federal Aid's Washington and Regional Offices and establishes uniform requirements for all applicants.

Dated: May 18, 1993.

Richard N. Smith,

Director.

A. Purpose

This statement establishes policies and procedures for selecting special projects funded with Federal Aid Administrative Funds. Special projects are activities that assist the U.S. Fish and Wildlife Service (Service) in administering Sport Fish and Wildlife Restoration Programs and facilitate the efforts of the States in implementing these programs.

B. Background

The mission of the Federal Aid Program is to strengthen the ability of State and Territorial fish and wildlife agencies to meet effectively the consumptive and non-consumptive needs of the public for fish and wildlife resources. The Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act authorize the Secretary of the Interior to cooperate with the States and to use administrative funds for carrying out this mission.

Federal Aid Administrative Funds are those funds deducted from amounts available under the Federal Aid in Sport Fish Restoration and the Federal Aid in Wildlife Restoration Act. The statutory provisions related to administrative deductions are as follows:

Federal Aid in Sport Fish Restoration (SFR)—Federal Aid Administrative Funds for sport fish restoration may not exceed 6 percent of the deposits in the Sport Fish Restoration Account of the Aquatic Resources Trust Fund. These funds may be used for special projects for the "conduct of necessary investigations, administration, and the execution of this Act and for the aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters." (Section 4 of

the Act as amended by Pub. L. 98–369, 16 U.S.C. 777c)

Federal Aid in Wildlife Restoration (WR)—Federal Aid Administrative Funds for wildlife restoration may not exceed 8 percent of the excise tax receipts deposited in the Federal Aid in Wildlife Restoration Fund. These funds may be used for the "administration and execution of this Act and the Migratory Bird Conservation Act." (Section 4 of the Act, 16 U.S.C. 669c)

After making administrative deductions as specified above, the remainder of the administrative funds will be apportioned to the States in accordance with the formulas contained in the Acts. The Service will strive to minimize administrative deductions in order to maximize apportionments to the States.

C. Availability of Funds

In fiscal year 1994, the amount of administrative funds estimated to be made available for special projects includes approximately $1,400,000 for sport fish restoration, and $1,600,000 for wildlife restoration.

D. Interstate Compacts

Interstate Compacts may also submit proposals for Federal Aid Administrative Funds. Proposed projects must have discrete objectives and will be subject to all the requirements below.

E. Eligibility Requirements

The Division of Federal Aid, Washington Office, will review each proposal and determine if proposed projects are eligible for funding. To be eligible for funding, projects must meet the following:

1. Projects must provide direct benefits to a significant number of States at the national or broad geographic level to meet the needs of the WR and/or SFR Programs.

2. Projects must have specific beginning and ending dates. The maximum duration for any special project is three (3) years.

3. Projects must meet each of the selection criteria stated in section I.

4. Projects determined ineligible or that the Service determines not to fund may not be reconsidered during the same year in which the proposal was submitted.

F. Application Process

1. All proposals including funding requests for special projects must be submitted to the Chief, Division of Federal Aid, Washington Office. Proposals originating within the Service shall be routed through the appropriate Regional Director or Assistant Director.

2. Each year a Notice will be published in the **Federal Register** announcing the deadline for submitting proposals. The Notice will also announce estimates of the availability of Federal Aid Administrative Funds for wildlife and sport fish restoration projects. A chart depicting the approximate dates for each step of the annual process appears in Appendix A.

G. Submission Requirements

Each proposal submitted for Federal Aid Administrative Funds must contain the following:

1. *Title.*

2. *Background and Purpose*—Include a comprehensive statement that describes the significance of the problem and addresses the need or problem to be resolved, as well as a brief history of previous work and a statement on State support of the project.

3. *Scope of Work*—Include a description of work/objectives by year if more than 1 year. State the time required to complete the project and provide milestones to measure accomplishment of the objectives.

4. *Expected results or benefits* related to the State's fish and wildlife programs—In addition to stating how the results will be useful, provisions must be made for making the product or results available and usable to those affected by the problem or need. Benefits must be expressed in quantifiable terms, i.e., angler days, harvest per unit effort, improvements to State administration, dollars saved, etc.

5. *Resumes*—Include resumes and names of the key individuals who will be involved in the project, stating their particular qualifications for undertaking the project.

6. *Project Costs*—Submit cost estimates showing total project costs as well as the Federal and non-Federal shares. Each proposal that contains a multi-year project must include a summary budget showing funds required for each year and an itemized budget for the first 12-month period. Estimates of direct costs must be provided for each year for each of the subsequent years. In addition, costs must be provided for:

a. Personnel

(1) Include salaries of employees (by position title), amount of the salaries attributable to the project and identify the percent of each person's time spent on the project.

(2) Identify fringe benefits (amount only)—This entry should be the proportionate cost of fringe benefits paid for amount of time spent on the project. For example, if an employee spends 20 percent of his/her time on the project, 20 percent of his/her fringe benefits should be charged to the project.

b. Consultants—Identify specific tasks and work to be performed by consultants, including the basis for the fee paid, e.g., hourly rate.

c. Contracts—Identify all work to be completed by contract. If a commitment has been made prior to application for funding to contract with a particular vendor, explain how the vendor was selected, type of contract, deliverables expected, time frame, cost, and basis for the cost. All contracts must meet the standards established in Office of Management and Budget Circulars. Grants that are subcontracted are subject to review for compliance with government procedures.

d. Travel and Per Diem—Identify number of trips to be taken, purpose, and number of people to travel. Itemize estimated costs to include approximate cost of transportation, per diem, and miscellaneous expenses. Travel expenses shall be in accordance with rates specified by Federal travel regulations. Registration fees should be included.

e. Equipment—Identify equipment or items to be purchased or rented that are necessary to support the project.

f. Supplies—Identify specific supplies necessary for the accomplishment of the project. Consumable office supplies may be included under Indirect Costs unless purchased in large quantity.

g. Indirect Costs—Identify those indirect costs which are based on approved indirect cost rates with the Federal Government. Estimates may be included pending approval of a negotiated Federal indirect cost rate.

h. Other Costs—Identify other costs not stated above that are attributable to the project.

7. Proposals requiring multi-year funding must show projected goals associated with each year of funding.

Appendix B contains a sample proposal along with explanations of the requirements.

These rules do not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* The information collection requirements for this grant program are those necessary to comply with 43 CFR part 12, which include (a) project narrative; and (b) compliance with Federal laws, regulations, and policies. Recordkeeping includes the tracking of costs and accomplishments

(43 CFR 12.60), monitoring progress (43 CFR 12.80), and evaluating accomplishments (43 CFR 12.81). Reporting requirements include those required by 43 CFR 12.82. No additional information collection will be contained in this rule.

H. Focus Areas

Focus areas are those areas of interest and need to the Service and the States for the administration and management of fish and wildlife resources and boating access programs. Focus areas will be determined each year by the Service, based on recommendations from the Grants-In-Aid Committee (GIAC) in accordance with the by-laws of the International Association of Fish and Wildlife Agencies. The GIAC will be asked to submit recommendations each year after its September meeting. The focus areas will be announced in the **Federal Register** in subsequent years in the Notice announcing the availability of Federal Aid Administrative Funds.

I. Selection Criteria

Each eligible proposal will be reviewed and evaluated for the following:

1. Focus Areas—Priorities and areas of need announced in the **Federal Register**.

2. Scope—The problem or need addressed in the proposal that is of direct concern to one-half or more of the States. The scope of proposed marine resources projects must also address a need of direct concern to a majority of States on a specific coast.

3. Significance—The problem or need addressed is deserving of the level of attention proposed and the proposed project is of substantial character and design to address the problem.

4. Feasibility—The proposed objectives can be attained in the amount of time and with the personnel and resources requested.

5. Cost-effectiveness—The expected output relative to the total cost of the project is clearly favorable.

J. Proposal Review and Selection Process

1. The Federal Aid Washington Office will review each proposal for eligibility as defined in section E. The final determination for eligibility will be made by the Federal Aid Office with the Chair of the (GIAC) as an observer.

2. All applicants will be notified of eligibility or ineligibility of their proposal.

3. Copies of eligible proposals will be forwarded to the Regional Offices, other appropriate Service Offices and the Chair, (GIAC). They will also receive lists of on-going grants and ineligible proposals. The Chair, GIAC, will forward copies to the voting members of the GIAC as representatives of the States.

4. The Regional Offices, other Service Offices and members of the GIAC will review and rate each eligible proposal high, medium or low.

5. The Regional Offices, other Service Offices and State voting members of the GIAC will return their ratings and recommendations to the Division of Federal Aid in Washington.

6. The Division of Federal Aid will prepare a summary of the ratings and recommendations from the Regional Offices, other Service Offices and members of the GIAC.

7. The summary of all comments and recommendations will be provided to the Chair, GIAC for review at their September meeting. Copies of the summary will also be provided to the Regional Offices.

8. During the September meeting of the IAFWA, the GIAC will evaluate and rank eligible proposals based on the needs of the States. The GIAC will forward its rankings and recommendations to the Service in accordance with IAFWA procedures.

9. The Division of Federal Aid will summarize and consolidate all the rankings, ratings and recommendations and prepare final recommendations for project selections and awards. The Service may also select and recommend any parts of a proposal or project for funding.

10. The Federal Aid Division's recommendations will be forwarded to the Director of the Service for final review and selection of projects to receive Federal Aid Administrative Funds.

11. The Service will notify each eligible applicant in writing of the final disposition of their proposal.

12. The Director will notify the Regional Directors and the Chair, GIAC of the projects selected for funding.

K. Lobbying Restrictions

During the review of proposals, grant applicants may not engage in any activities that might be considered as attempts to influence reviewers or approving officials. If the activities are determined to be lobbying, the proposal will be disqualified for Federal Aid Administrative Funds.

L. Awards and Funding

1. Projects that are selected and that require more than 1 year of funding will receive subsequent (2nd and/or 3rd) year funding based on project accomplishments and satisfactory progress reports.

2. Federal Aid Administrative funds awarded for special projects may not be used in lieu of regular WR/SFR apportioned funds to support individual State projects or for operational activities beyond development and implementation.

3. Funds awarded to Fish and Wildlife Service offices may not be used to replace operational funding. Salaries may be paid if related to an approved project.

4. The Service's Division of Contracting and General Services will prepare and sign the formal award agreement. It will be forwarded to the awardee for signature. The award agreement must be signed by the Service and an authorized awardee official before it becomes a valid agreement. This process may require up to 60 days to complete. The Service is not responsible for costs incurred prior to the effective date of a signed agreement; therefore, the starting date for all projects should be planned accordingly.

5. The awardee must maintain a financial management system in accordance with the Office of Management and Budget Circular A-110.

M. Project Administration

Projects awarded funding will be assigned to a Project Officer. The Project Officer will provide assistance that includes:

1. Assisting Service contracting officials in completing the grant agreements;

2. Serving as the Service's point of contact after the grant agreement is signed;

3. Receiving and approving bills; and

4. Monitoring project performance and assuring that the grantee adheres to the grant agreement.

Appendix A—Summary of Events

Target date	Event
April 1 (subject to change in future).	Washington Office issues Federal Register Notice announcing availability of Federal Aid Funds and focus areas for grant applications.
June 1 (subject to change in future).	Washington Office receives proposals.
June 30	Washington Office determines eligibility (Chair of the Grants-In-Aid Committee (GIAC) participates as an observer).
July 15	Washington Office forwards copies of eligible proposals to Regional Offices, other appropriate Service offices, such as Migratory Bird Office and Chair, GIAC (Chair of GIAC will distribute proposals to voting members of the GIAC, as representatives of the States) (Includes Summary list of on-going grants and list of ineligible proposals).
July 15	Washington Office sends letters to all applicants informing them of the eligibility or ineligibility of their proposal.
August 15	Regions, States and other Service Offices forward reviews and ratings to Chief, FA (Ratings of High, Medium or Low).
September 1	Chief, FA summarizes comments and ratings and forwards to Chair, GIAC for review at the September meeting.
September 15	GIAC reviews and ranks proposals and forwards rankings and recommendations to Washington, along with recommendations for Focus Areas for the following year.
October 31	Washington Office analyzes all ratings, rankings and recommendations; Prepares final recommendations and forwards to Director.
November 15	Director makes final selections.
November 30	Washington Office notifies applicants and Chair, GIAC of the final disposition of proposals.
January–February	Contracting and General Services awards grants.

Appendix B—Sample Proposal for the Use of Federal Aid Administrative Funds

Submitted by Gwyllt Institute

I. Title

Economic Profiles, Data Analysis, and Survey Design for Sport Fishing.

II. Background and Purpose

In the Fall of 1987, the U.S. Fish and Wildlife Service (Service) released the data tapes of the 1985 National Survey of Fishing, Hunting and Wildlife-Associated Recreation. In its current form the data tapes are not easy for the States to use.

The Gwyllt Institute (Institute) proposes to produce State-specific reports on the retail sales, jobs, wages and salaries, years of employment, output, and tax receipts generated by sport fishing in each State.

III. Scope of Work

The Institute will provide each State with a specially designed software package for State-specific economic impact analysis. The differences between the results of the National Survey and State data collection efforts pertaining to the economic impact of sport fishing will be analyzed by the Institute. The results of this analysis will be used to make recommendations for the design of the 1990 Survey, as well as a standardized format for economic questions on State surveys.

A. Description of Work/Objectives

1. The Grantee shall provide to each of the 50 States, Lotus 1–2–3 (or facsimile) spreadsheets that contain trade margins, location quotients, economic multipliers, and tax rates specific to each of the States. The Grantee shall provide a manual to accompany the spreadsheets that will contain detailed instructions on how to use and modify the spreadsheets to derive the economic impacts of sport fishing, hunting, and wildlife-associated recreation.

2. The Grantee shall download all data from the National Survey from the data tapes to State-specific diskettes. The fishing, hunting and wildlife-associated data shall be on separate diskettes. The diskettes must be accompanied by a software package that allows users to download the data from the diskettes to a Lotus 1–2–3 (or facsimile) spreadsheet.

3. The Grantee shall inform State Directors that workshops will be held by the Institute in each of the Regions of the Service to train State agency and Service personnel on how to use the spreadsheets to analyze the economic impact of fishing or other natural resource uses, using State data or Service data. These sessions will be held in conjunction with the Regional Federal Aid meetings or the Regional meetings of the International Association of Fish and Wildlife Agencies. These sessions will be at no cost to the Government.

4. The Grantee shall assist States by compiling and analyzing State-specific studies and work with States toward assembling data into a format useful for economic impact analysis.

5. The Grantee shall develop recommendations for modifications, if needed, to the design of the 1990 Survey and work with the Responsive Management Project on their economic modules.

6. The following milestones are applicable to paragraphs 1 through 5 above.

a. On a monthly basis, the Grantee shall submit written progress reports to the Service Project Officer. Each report shall contain a summary of the Grantee's efforts and activities for the reporting period, including problems encountered and efforts undertaken for their resolution.

b. Within 4 months after the effective date of this Agreement, the Grantee shall distribute to each of the 50 States the following items:

(1) Data diskettes.

(2) Software to access data diskettes.

(3) Manual for diskettes and software.

c. Within 6 months after the effective date of this Agreement, the Grantee shall distribute to each of the 50 States the following items:

(1) Economic Impact Spreadsheets.

(2) Manual for Economic Impact Spreadsheets, and

(3) Existing State data and studies.

d. During months 5 through 12, the Grantee shall participate in the planned training sessions. (See section A.3. Description of Work/Objectives.)

e. Within 8 months after the effective date of this Agreement, the Grantee

shall prepare the State data in the Impact format.

f. Within 10 months after the effective date of this Agreement, the Grantee shall distribute copies of the Economic Impact Manual and comments. One copy shall be submitted to the Service Project Officer.

g. Within 11 months after the effective date of this Agreement, the Grantee shall submit to the Service Project Office an original and one copy of recommendations for the 1990 Survey.

IV. Expected Results of Benefits

In 1985, 46.4 million anglers spent 976.6 million days and $28.1 billion pursuing their sport. It is anticipated that providing economic profiles for each State will allow State Commissioners of fish and game agencies to argue effectively for the necessary dollars to manage the fishery resources from their respective State legislature. We conservatively estimate that an additional 5 percent of shared resources will be reallocated to recreational anglers.

V. Resumes

VI. Project Cost

A. Personnel:			
Project Manager/Senior Economist (2 Months)	=	$8,000	
Resource economist (12 months)	=	35,000	
Secretary (6 months)	=	10,000	
Subtotal		53,000	
Fringe benefits @ 20%—Total		63,000	$63,000
B. Consultant:			
Computer Programmer (1 month)		5,000	5,000
C. Travel and Per Diem (To consult with Federal Aid—Seattle, WA, to Washington, DC):			
Size of staff: 1			
Duration (days) 3			
Air Fare	=	385	
Per Diem	=	240	
Rental Car	=	75	
Total		700	700
D. Equipment:			
Diskette Storage Cabinet	=	1,300	
Mainframe Computer Time (100 hrs. @ $50)	=	5,000	
Total		6,300	6,300
E. Supplies:			
Diskettes (3,500 @ $1.00)	=	3,500	
Printing (50 manuals @ $20)	=	1,000	
Subtotal		$4,500	4,500
			79,500
F. Indirect Costs @ 12% (rate as established by previous Federal audit):	=	9,540	9,540
Grand Total		89,040	89,040

Note: Cost of training sessions is being funded by other than Federal Government sources.

[FR Doc. 93–16058 Filed 7–7–93; 8:45 am]
BILLING CODE 4310–55–M

Bureau of Land Management

[CO–050–4210–05; COC–54597]

Realty Action; Recreation and Public Purposes Act Patent; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision to patent.

SUMMARY: The following public lands in Chaffee County, Colorado, have been analyzed in an environmental assessment and determined to be suitable for conveyance to the County of Chaffee under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The County of Chaffee proposes to use the lands for a landfill operated under all applicable Federal, State, and local laws and regulations.

New Mexico Principal Meridian

T.51N., R.8E.,
Sec. 21, N½NE¼,SE¼NE¼
Containing 120 acres more or less.

The lands are not needed for Federal purposes. The conveyance is consistent with the current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions, and reservations:

1. A right-of-way for ditches and canals constructed by the authority of the United States.

2. Leasable minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

3. Indemnification of the United States from all liability arising out of the use of the land.

4. A limited reverter provision where title reverts to the United States if the land is not developed for the intended use and no waste disposal has occurred.

5. A compensation provision where fair market value must be paid to the United States if title is transferred.

6. A declaratory permanent convenant stating that the land was used for waste disposal and that future uses should take that into account.

7. All applicable provisions of the Recreation and Public Purposes Act and regulations of the Secretary of the Interior.

Detailed information concerning this action is available for review at the Office of the Bureau of Land Management, Royal Gorge Resources Area, 3170 Main Street, Canon City, Colorado.

COMMENTS: The suitability of the land was determined previously and a notice issued on June 8, 1992. Interested parties may now submit comments until August 9, 1993, regarding the specific

use proposed in the plans of development and operation or whether the BLM followed proper administrative procedures in reaching the decision to patent the land.

Any adverse comments will be reviewed by the Colorado State Director. In the absence of any adverse comments, this decision shall become effective immediately.

Dated: June 25, 1993.

James R. Cunio,

Acting District Manager.

[FR Doc. 93–16022 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–JB–M

[OR–130–4333–04; GP3–271]

Establishment of Supplementary Rules

AGENCY: Bureau of Land Management; Interior.

ACTION: Establishment of supplementary rules for Bureau of Land Management (BLM) administered land in the state of Washington.

SUMMARY: The purpose for establishing these supplementary rules are to provide for the management and protection of public land resources, persons and property using the public lands, and to minimize conflicts among the various users of those lands.

In accordance with 43 CFR 8365.1–6, the following supplementary rules are hereby established for all BLM lands in the state of Washington.

43 CFR 8365.1–6

(a) On all public lands, unless otherwise authorized, no person shall:

(1) Place a vehicle or other object in such a manner or a place that it is an impediment or hazard to the safety or convenience of any person.

(2) Block, restrict or otherwise interfere with the use of a road, trail, gate or boat launch site or facility.

(3) Park, leave or place a vehicle or a trailer in violation of posted instructions.

(4) Park a vehicle or otherwise obstruct a parking space reserved for handicapped drivers and their vehicles.

(5) Fail to stop a vehicle when directed to do so by a law enforcement officer.

(6) Dispose of or throw any trash, can, bottle or other items not related to human body waste into any toilet, toilet vault or plumbing fixture.

(7) Possess or leave refuse, debris or litter in an exposed, unsightly or unsanitary condition.

(8) Engage in fighting.

(9) Discharge a firearm or any other implement capable of taking human life, causing injury or damaging property * * *

(aa) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area; or

(bb) Across or on a public road or body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result of such discharge.

(10) Camp longer than 14 consecutive days at any public land site with a maximum of 30 days camped during a time frame of 90 consecutive days.

In accordance with 43 CFR 8365.1–6, the following supplementary rules are hereby established for developed recreation sites and areas on BLM lands in the state of Washington.

(b) On developed recreation sites and areas, no person shall, unless otherwise authorized:

(1) Bring in or possess an animal, other than a seeing eye dog, unless it is crated, caged or upon a leash not longer than six feet, or otherwise under physical restrictive control.

(2) Occupy between 10 PM and 6 AM a place designated for day use only.

(3) Bring in or possess a saddle, pack or draft animal except as authorized by posted instructions.

(4) Camp longer than seven consecutive days at any recreation site or area with a maximum of fourteen days camped in any Recreation site or area during a time frame of sixty consecutive days.

EFFECTIVE DATE: These supplementary rules are effective upon publication of this notice and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: District Ranger, Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202, (509) 353–2570.

SUPPLEMENTARY INFORMATION: The authority for these supplementary rules is provided in 43 CFR 8365.1–6. Violation of these rules is punishable by fine and/or imprisonment.

Dated: June 28, 1993.

Joe Buesing,

Spokane District Manager.

[FR Doc. 93–16023 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–33–M

National Park Service

Draft Environmental Impact Statement on the Development Concept Plan for the South Slope of Denali National Park and Preserve, Alaska

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability.

SUMMARY: This notice announces the availability of a draft environmental impact statement (EIS) on the development concept plan for the south slope of Denali National Park and Preserve.

DATES: Comments on the draft EIS should be postmarked no later than September 17, 1993. Dates for the public meetings regarding the draft EIS will be scheduled and announced in the future. The final EIS is expected to be completed in March 1994.

ADDRESSES: Comments on the draft EIS should be submitted to the Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755–0009, phone (907) 683–2294. Public meetings will be held in Anchorage, Talkeetna, and Denali National Park and Preserve, Alaska. Public reading copies of the draft EIS will be available for review at the following locations:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240, (Telephone 202–343–6843).

Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 404, Anchorage, Alaska 99503–2892, (Telephone 907–257–2647).

Talkeetna Public Library, P.O. Box 768, Talkeetna, Alaska 99676, (Telephone 907–733–2359).

Headquarters, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755–0009, (Telephone 907–683–2294).

A limited number of copies of the statement are available on request from: Russell Berry, Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755–0009. Phone (907) 683–2294.

SUPPLEMENTARY INFORMATION: The development concept plan proposes to expand visitor activities and facilities on the south slope of the Alaska Range. The proposed action calls for construction of a small visitor center in Denali State Park (to be operated jointly by the National Park Service and the Alaska Division of Parks and Outdoor Recreation), 42 miles of trails, two public use cabins (converted from NPS patrol cabins), and six roadside exhibits along the George Parks Highway. An area near Talkeetna was found suitable for construction of a large visitor center; however, it would not be constructed unless its need is more clearly demonstrated in the future. Alternatives to the proposal considered are the no-action alternative and alternatives A and

B. Alternative A calls for one large visitor center in Talkeetna, 63 miles of trails, four public use cabins (two converted and two new), and two roadside exhibits. Alternative B calls for one large visitor center in the state park, 183 miles of trails, eight public use cabins (two converted and six new), and 13 roadside exhibits. Significant environmental effects from the proposed action could accrue to the local economy in the Talkeetna area, to the social environment in the Talkeetna area, and to visitor use patterns and levels along the south slope of the Alaska Range. The responsible official for a decision on the proposed action is the Regional Director, Alaska Region, National Park Service.

John M. Morehead,

Regional Director.

[FR Doc. 93–16150 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–70–P

Anadarko Petroleum Corp., Lake Meredith National Recreation Area, Hutchinson, Moore, and Potter Counties, TX; Availability of Plan of Operations and Environmental Assessment for Continuing Operation of Twenty Gas Wells

Notice is hereby given, in accordance with § 9.52(b) of title 36 of the Code of Federal Regulations, that the National Park Service has received from Anadarko Petroleum Corporation a plan of operations for the continuing operation of twenty existing gas wells within Lake Meredith National Recreation Area, located within Hutchinson, Moore, and Potter Counties, Texas.

The plan of operations and environmental assessment are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Lake Meredith National Recreation Area, 419 East Broadway, Fritch, Texas; and the Southwest Regional Office, National Park Service, 1220 South St. Francis Drive, room 211 Santa Fe, New Mexico.

Dated: June 22, 1993.

Mary R. Bradford,

Acting Regional Director, Southwest Region.

[FR Doc. 93–16155 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–70–M

Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Cape Krusenstern National Monument and Kobuk Valley National Park and the Chairpersons of the Subsistence Resource Commissions for Cape Krusenstern National Monument and Kobuk Valley National Park announce a forthcoming joint meeting of the Cape Krusenstern National Monument and Kobuk Valley National Park Subsistence Resource Commissions.

The following agenda items will be discussed:

(1) Welcome.
(2) Attendance.
(3) Approval of agenda.
(4) Introduction of guests.
(5) Approval of minutes of last meeting.
(6) Election of Chairpersons.
(7) Old business:
a. Resident zones (review past draft recommendation).
b. Finalization of Hunting Plan.
(8) New business:
a. Federal Subsistence Coordinator's report.
b. Harvest reports.
c. Regional development impacts on subsistence.
d. Borough zoning.
e. Hunting concessions.
(9) Agency comments.
(10) Public comments.
(11) Date of next meeting.
(12) Adjournment.

DATES: The meeting will be held Thursday, July 15, 1993. The meeting will begin at 9 a.m. and conclude around 5 p.m.

LOCATION: The meeting will be held at the National Guard Armory, Kotzebue, Alaska.

FOR FURTHER INFORMATION CONTACT: Robert Gerhard, Superintendent, PO Box 1029, Kotzebue, Alaska 99752. Phone (907) 442–3890.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

John M. Morehead,

Regional Director.

[FR Doc. 93–16152 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–70–M

Delaware and Lehigh Navigation Canal National Heritage Corridor; Meeting

AGENCY: National Park Service; Delaware and Lehigh Navigation Canal National Heritage Corridor Commission.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission.

DATES: August 18, 1993 at 1:30 p.m.

INCLEMENT WEATHER RESCHEDULE DATE: None.

ADDRESSES: Public Safety Building, 10 E. Church Street, room P–205, Bethlehem, PA 18018.

FOR FURTHER INFORMATION CONTACT: Millie Alvarez, Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 10 East Church Street, room P–208, Bethlehem, PA 18018, (215) 861–9345.

SUPPLEMENTARY INFORMATION: The Commission was established by Pub. L. 100–692 to assist the Commonwealth and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historical and natural resources. The Commission will report to the Secretary of the Interior and to Congress. The agenda for the meeting will focus on the planning process.

The meeting will be open to the public. Any member of the public may file a written statement concerning agenda items. The statement should be addressed to Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 10 East Church Street, room P–208, Bethlehem, PA 18018, Attention: Millie Alvarez. Minutes of the meeting will be available for inspection four weeks after the meeting, at the above-named address.

Dated: June 29, 1993.

Chris L. Andress,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 93–16151 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–70–M

Underground Railroad Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. that a meeting of the Underground Railroad Advisory Committee will be held in Buffalo, New York on July 16, 1993, in the Hilton Hotel, First Floor Conference Room, 120 Church Street. The meeting will begin at 10:30 a.m. and will adjourn at approximately 5 p.m. If necessary, the meeting may be continued in the same location on July 17.

The Underground Railroad Advisory Committee was established by Public Law 101–628 to advise the Secretary of the Interior in preparation of a study of alternatives for commemorating and

interpreting the Underground Railroad used by enslaved Africans escaping to freedom before the conclusion of the Civil War. This will be the second meeting of the Committee. The matters to be discussed at the meeting include:

—Subcommittee reports addressing history and interpretation; sites, structures, and trails; and public involvement

—Progress with data collection and analysis by the National Park Service

—Alternative concepts for resource protection and management

The meeting will be open to the public. However, space and facilities to accommodate members of the public are limited and people will be accommodated on a first-come, first-served basis. Anyone may file a written statement concerning the matters to be discussed at the commission meetings. For further information about the meeting or submitting statements, contact Mr. John Paige, Underground Railroad Study Team Captain, National Park Service, Denver Service Center-TEA, P.O. Box 25287, Denver, CO 80225–0287. Telephone 303/969–2356.

This meeting has been scheduled with less than 15 days notice because it was just recently determined to be the only opportunity for a majority of the committee members to meet before the end of September. Several committee members had conflicting commitments on previously planned meeting dates later in the summer. The meeting on July 16th will coincide with the end of a trek, sponsored by an independent organization, originating in Atlanta to commemorate the Underground Railroad. Several members of the committee intend to participate in activities related to this event, and the meeting will allow members of the Advisory Committee to conduct official business while they are in the area for this commemoration of the Underground Railroad. Subject to the availability of funds in Fiscal Year 1994, several additional opportunities for public participation with at least 15 days prior notice are expected during the course of the Advisory Committee's work in the year ahead.

Dated: June 30, 1993.

Denis P. Galvin,

Associate Director, Planning and Development, Washington Office.

[FR Doc. 93–16154 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–70–M

Upper Delaware Scenic and Recreational River

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice establishes a special meeting on Monday, August 9, 1993 at 7 p.m. of the Upper Delaware Citizens Advisory Council, as required under the Federal Advisory Committee Act.

The Delaware River Basin Commission, a partner in the cooperative management of the Upper Delaware Scenic and Recreational River (a component of the Wild and Scenic Rivers System) has introduced proposed standards for the management of non-point source pollution within Special Protection Waters. The Upper Delaware Scenic and Recreational River falls within that description.

The Public comment for these proposed standards ends August 21, 1993. The Upper Delaware Citizens Advisory Council will take action regarding the proposed non-point pollution standards in this special plenary session.

Press Releases regarding this meeting will be published in the following area newspapers:

The Sullivan County Democrat
The Times Herald Record
The River Reporter
The Tri-state Gazette
The Pike County Dispatch
The Wayne Independent
The Hawley News Eagle
The Weekly Almanac

Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

ADDRESSES: National Park Service Headquarters, Upper Delaware Scenic and Recreational River, River Road, Beach Lake, Pennsylvania, 18405; 1¾ miles north of Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent; Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, New York 12764–0159; 717–729–8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Public Law 95–625, 16 U.S.C. 1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation and implementation of the management plan, and on programs which relate to land and water use in the Upper Delaware Region.

All meetings are open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, NY 12764. Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the Upper Delaware Scenic and Recreational River; River Road, 1¾ miles north of Narrowsburg, New York; Damascus Township, Pennsylvania.

Dated: June 29, 1993.

Chris L. Andress,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 93–16153 Filed 7–7–93; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–334]

Certain Condensers, Parts Thereof and Products Containing Same, Including Air Conditioners for Automobiles; Commission Decision To Review Portions of an Initial Determination; Finding of No Violation of Section 337 of the Tariff Act of 1930; Decision to Deny Motion to Reopen

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined to review portions of the presiding administrative law judge's (ALJ's) initial determination (ID) in the above-captioned investigation. The Commission has determined to review the issues of validity, enforceability, and importation. However, in view of the Commission's determination not to review the issues of claim interpretation and infringement, the ID's determination of no violation of section 337 of the Tariff Act of 1930 is adopted by the Commission. The Commission has further determined to vacate certain *dicta* relating to the ALJ's conclusion that claims 9 and 10 were allowed due to an oversight on the part of the U.S. Patent and Trademark Office examiner. Finally, the Commission has also determined to deny complainant's motion to reopen the evidentiary record.

FOR FURTHER INFORMATION CONTACT: Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3104.

SUPPLEMENTARY INFORMATION: On December 12, 1991, Modine Manufacturing Company ("Modine") filed a complaint under section 337 of the Tariff Act of 1930 alleging infringement of U.S. Letters Patent 4,998,580 in the importation and sale of certain condensers used in automobile air conditioning systems. On January 13, 1992, the Commission voted to institute an investigation of Modine's complaint. The Commission's notice of investigation was published in the **Federal Register** on January 23, 1992.

The final ID finding no violation of section 337 was filed on April 26, 1993. Complainant Modine and the Commission investigative attorney (IA) filed petitions for review of the ID on May 6, 1993. The IA filed a response to Modine's petition on May 13, 1993. Respondents filed a joint response to both petitions for review on May 18, 1993.

Copies all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission interim rules 210.53 and 210.56 (19 CFR 210.53 and 210.56).

The Commission seeks no further written submissions on the issues under review, nor any written submissions on the issues of remedy, the public interest, and bonding.

By order of the Commission.
Issued: June 25, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–16168 Filed 7–7–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 701–TA–319–332, 334, 336–342, 347–353; and 731–TA–573–579, 581–592, 594–597, 599–609, and 612–619

Certain Flat-Rolled Carbon Steel Products; Commission Determination To Change the Starting Time of the Hearing

AGENCY: International Trade Commission.

ACTION: Change in starting time of the Commission hearing.

SUMMARY: The Commission has unanimously agreed to change the starting time of the hearing scheduled for June 30, 1993 from 9:30 a.m. to 8:30 a.m., and to announce the change at the earliest practicable time.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3098. Hearing impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Pursuant to 19 CFR. 201.37, the Commission made the schedule change to facilitate Commission business.

Issued: June 29, 1993.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 93–16169 Filed 7–7–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigation 337–TA–343]

Certain Mechanical Gear Couplings and Components Thereof

Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above captioned investigation terminating the following respondents on the basis of a consent order agreement: K-Power Products, Inc. and A.R. Hutchings.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on June 25, 1993.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205–1802.

Issued: June 25, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–16170 Filed 7–7–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 337–TA–315]

Certain Plastic Encapsulated Integrated Circuits; Issuance of Modified Cease and Desist Order

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has modified the cease and desist order issued to Analog Devices, Inc. (Analog) in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Andrea C. Casson, Esq., Office of the

General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3105.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 211.57 of the Commission's Interim Rules of Practice and Procedure (19 CFR 211.57).

On February 18, 1992, the Commission issued its final determination in this investigation. The Commission found that there was a violation of section 337 in the unlicensed importation and sale of certain plastic encapsulated integrated circuits manufactured by a process that infringed certain claims of U.S. Letters Patent 4,043,027 (the '027 patent), owned by TI. The Commission issued a limited exclusion order and cease and desist orders to five respondents, including Analog. The orders explicitly did not cover licensed products, and the limited exclusion order allowed for entry of products which the manufacturer or importer certified were covered by a license. The cease and desist orders contained quarterly reporting requirements.

The Commission adopted the presiding administrative law judge's finding that Analog had obtained a limited license under the '027 patent when Analog acquired another company which had a cross-license agreement with TI. The Commission's remedial orders do not specify the dollar amount above which Analog's sales of the subject plastic encapsulated integrated circuits would exceed the scope of the license and therefore become subject to the exclusion and sales prohibition provisions of those orders. The Commission presumed that there were mechanisms in place for TI to keep track of Analog's sales under the license agreement, and consequently for the parties to ascertain when the remedial orders become operative.

On September 23, 1992, TI filed a Petition for Modification. In that petition, TI stated that there is no mechanism in place for TI and Analog to ascertain licensed sales, and that, without a decision by the Commission as to the license ceiling and proper method for reporting licensed sales, the Commission's remedial orders cannot be implemented. TI requested that the Commission establish a license ceiling equal to the amount of sales of licensed plastic encapsulated circuits by the company acquired by Analog at the time of acquisition; impose a reporting requirement sufficient to enable TI to determine when this ceiling, or whatever ceiling the Commission establishes, has been reached; and issue such further relief as the Commission deems just and proper.

Pursuant to Commission interim rule 211.57 (19 CFR 211.57(b)), the Commission provisionally accepted TI's petition, published a notice in the **Federal Register** to that effect, and requested responses. The two parties, other than TI, that have an interest in the issues raised in the petition—Analog and the Commission's Office of Unfair Imports (OUII)—subsequently filed responses to the petition.

Analog and OUII argued that, under the terms of the license agreement, Analog is licensed up to the dollar amount of annual sales of all licensed products by the acquired company at the time it was acquired by Analog. The Commission agreed with this interpretation of the agreement, and modified the reporting requirements of the cease and desist order issued to Analog in a manner that will enable the Commission to determine whether Analog is complying with the order in light of the Commission's interpretation of the license agreement. Accordingly, the Commission issued a modified cease and desist order that requires Analog to report information sufficient to establish whether its sales of covered plastic encapsulated integrated circuits exceed the license ceiling. To meet this goal, the modified order requires that Analog report its sales in dollars and its sales of all licensed products up to the license ceiling.

Issued: July 2, 1993.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 93–16171 Filed 7–7–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 337–TA–350]

Certain Sputtered Carbon Coated Computer Disks and Products Containing Same, Including Disk Drives; Decision to Review an Initial Determination Granting Motions for Summary Determination and Partial Summary Determination on the Issue of Jurisdiction; Request for Written Submissions

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (ID) (Order No. 16) issued on May 28, 1993, by the presiding administrative law judge (ALJ) in the above-captioned investigation granting the motions of summary determination on the issue of jurisdiction filed by respondents Akashic Memories Corp. ("Akashic"), Micropolis Corp. ("Micropolis"), Hoya Electronics Corp. ("Hoya"), and Nashua Corp. ("Nashua"), and terminating the investigation with respect to those parties. The ID additionally granted motions for partial summary determination on the issue of jurisdiction filed by respondents Seagate Technology, Inc. ("Seagate"), and Western Digital Corp. ("Western Digital").

FOR FURTHER INFORMATION CONTACT: Marc A. Bernstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3087.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of section 337 violations in the importation, sale for importation, and sale after importation of sputtered carbon-coated computer disks ("sputtered disks") and products containing such disks, including disk drives, on May 5, 1993. Complainant Aine alleges infringement of claims 23, 25, 26, and 29 of U.S. Letters Patent Re 32,464 ("the '464 patent").

Akashic filed a motion for summary determination on May 10, 1993. In its motion, Akashic represented that its activities with respect to sputtered disks are limited to manufacturing and selling such disks in the United States, and that the Commission has no jurisdiction under section 337 with respect to domestically-manufactured articles. The subsequent separate summary determination motions filed by Hoya and Nashua, which are also U.S. disk manufacturers, were essentially identical to Akashic's.

Micropolis's summary determination motion was filed on May 14, 1993. Micropolis asserted that the disks that it purchases for installation in its disk drives are either manufactured in the United States or manufactured in Japan by a licensee of complainant Aine. Consequently, it argued that it is entitled to summary determination because its purchasing activities were either outside the jurisdiction of section 337, insofar as they concern domestically-manufactured disks, or non-infringing, insofar as they concern the disks manufactured by the licensee.

The movants for partial summary determination, Seagate and Western

Digital, manufacture disks in the United States and disk drives overseas. They requested summary determination with respect to their U.S. disk manufacturing activities on the same basis as Akashic. They did not request summary determination with respect to the complaint's allegations that they purchase allegedly infringing foreign-manufactured sputtered disks that they incorporate into the disk drives that they manufacture in foreign countries and import into the United States.

All of the summary determination and partial summary determinations were opposed by complainant Aine and the Commission investigative attorney (IA).

In the ID, the ALJ grants each of the summary determination and partial summary determination motions. The ID further terminates the investigation with respect to Akashic, Micropolis, Hoya, and Nashua.

Complainant Aine and the IA filed petitions for review of the ID. No agency comments were filed.

Having reviewed the record in this investigation, including the ID, the Commission has determined to review the ID's legal conclusions that the Commission's jurisdiction under section 337 does not encompass domestically-manufactured articles and to reconsider the portions of the determination in Certain Erasable Programmable Read-Only Memories, Components Thereof, Products Containing Such Memories, and Processes for Making Such Memories, Inv. No. 337–TA–276, USITC Pub. 2196 (May 1989), on which the ID relied. In connection with this matter, the Commission is particularly interested in additional briefing on the following issues:

1. The proper construction of the term "sale for importation" used in section 337(a)(1)(B). Under what, if any, circumstances, can an export sale by a U.S. manufacturer of infringing articles be considered a "sale for importation?" If such an export sale can be considered a "sale for importation," must it further be shown that the manufacturer has knowledge that each infringing article will subsequently be imported into the United States? Could a single export sale constitute a "sale for importation?"

2. Whether section 337 must or can be read to require any nexus between "unfair activities" such as patent infringement, on the one hand, and the acts proscribed by the statute—importation, sale within the United States after importation, and sale for importation—on the other. Assuming *arguendo* that section 337 cannot be read to forbid the Commission from exercising jurisdiction over infringing domestically-manufactured articles, does it also follow that it compels the Commission to exercise jurisdiction over all imports containing such articles? Is exercise of jurisdiction appropriate, for instance, if the infringing domestically-manufactured article is a component constituting a very small proportion of the total value of an imported assembled article?

3. Whether construing section 337 jurisdiction to extend to domestically-manufactured articles will have the practical effect of making the Commission a nationwide trial-level tribunal for resolution of domestically intellectual property disputes. Could the Commission assume such a role consistent with its Congressional mandate? Would assumption of such a role be proper when Congress to date has expressly created only one nationwide domestic intellectual property court—the United States Court of Appeals for the Federal Circuit, an appellate tribunal?

Written Submissions

The parties to the investigation are requested to file written submissions on the issues under review. The Commission additionally invites *amici curiae* to file submissions on these issues. Written submissions, must be filed by July 30, 1993, and reply submissions must be filed by August 9, 1993.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

Oral Argument

The Commission intends to hold oral argument as part of its review of the subject ID. The date and ground rules for the oral argument will be announced later.

Additional Information

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and Commission interim rules 210.54 and 210.56, 19 CFR 210.54, 210.56.

Copies of the nonconfidential version of the ID and all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

Issued: June 30, 1993.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 93–16172 Filed 7–7–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigation 337–TA–350]

Certain Sputtered Carbon Coated Computer Disks and Products Containing Same, Including Disk Drives; Initial Determination Terminating a Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above captioned investigation terminating the following respondent on the basis of a settlement agreement: Yamaha Corporation (Yamaha).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on July 2, 1993.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the

Commission's TDD terminal on (202) 205–1810.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205–1802.

Issued: July 2, 1993.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 93–16173 Filed 7–7–93; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 30530.

Reinstatement of a Previously Approved Collection for Which Approval has Expired

(1) Civil Liberties Act—Voluntary Information Form

(2) CRT–55. Civil Rights Division.

(3) One-time

(4) Individuals or Households. Under the provisions of 50 U.S.C. App. 1989b. The Voluntary Form may be used to locate persons of Japanese ancestry who were confined, held in custody, relocated, or otherwise deprived of liberty during World War II, and are eligible for a redress payment.

(5) 16,000 annual responses at .5 hours per response

(6) 8,000 annual burden hours

(7) Not applicable under 3504(h)

Public comment on these items is encouraged.

Dated: July 2, 1993.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 93–16137 Filed 7–7–93; 8:45 am]

BILLING CODE 4410–13–M

Lodging of Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that on June 25, 1993, a proposed partial consent decree in *United States* versus *Apache Energy & Mineral Company, et al.*, Civil Action No. 86–C–1675, was lodged with the United States District Court for the District of Colorado.

The proposed consent decree with defendants ASARCO, Inc., Resurrection Mining Company, Res-ASARCO Joint Venture, and Newmont Mining Corporation (collectively the "Settling Defendants") resolves the Settling Defendants' alleged liability for past response costs incurred by the United States and the State of Colorado at the California Gulch Superfund Site ("the Site"). As defined in the decree, United States' past response costs include all direct and indirect costs, including enforcement costs, incurred by the United States in connection with the Site prior to February 1, 1991, but do not include costs incurred by the Department of the Interior or Bureau of Reclamation in connection with the Leadville Drainage Tunnel, nor natural resource damages or costs incurred for the assessment of natural resource damages at or from the Site. The United States' past response costs also include interest on those costs through March 15, 1992. The State's past response costs shall mean all direct and indirect costs plus interest incurred by the State of Colorado (the "State") pursuant to CERCLA in connection with the Site prior to February 1, 1992, but shall not include natural resource damages and the cost of natural resource damage assessments.

The proposed decree requires Settling Defendants to pay, within 31 days of the entry of this decree by the court, $8,175,000 to the United States and $575,000 to the State of Colorado. Upon full payment, the United States and the State covenant not to sue the Settling Defendants for their respective past response costs, as defined in the decree. The Settling Defendants expressly waive any rights they may have to assert any claims, including claims for contribution or setoff, against the United States and the State arising out of their reimbursement of the United States' and State's past response costs. The proposed decree further provides that upon performing the obligations and requirements of the decree, the Settling Defendants are entitled to such protection from contribution actions as provided by section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2).

The Department of Justice will receive comments relating to the proposed consent decree with Settling Defendants for a period of thirty (30) days from the date of this publication. Comments on the decree should be addressed to the Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice,

Washington, DC 20530, and should refer to *United States* versus *Apache Energy and Mineral Company, et al.*, DOJ Ref. 90–11–3–138.

A copy of the proposed consent decree may be examined at the Office of the United States Attorney, District of Colorado, 633 17th Street, Suite 1600, Denver, Colorado 80202; the Region VIII office of the Environmental Protection Agency, 999 18th Street, Denver, Colorado 80202; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202–624–0892). A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. When requesting a copy of the proposed consent decree, please enclose a check in the amount of $5.25 (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–16033 Filed 7–7–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed partial consent decree in *United States* v. *Pellazar*, Civil Action No. 93–00509 DAE, was lodged on June 25, 1993 with the United States District Court for the District of Hawaii. The consent decree resolves the United States' claims against Petrus Smulders pursuant to sections 112 and 113(b) of the Clean Air Act, 42 U.S.C. 7412, 7413(b), for violations of the National Emission Standards for Hazardous Air Pollutants for asbestos, 40 CFR part 61 (1989), in effect before the 1990 amendments. Specifically, the United States alleges that defendant Smulders failed to notify EPA of a renovation at his condominium unit and failed to keep friable asbestos-containing materials adequately wet prior to collection for disposal. The consent decree requires Smulders, the condominium unit owner, to pay a civil penalty of $6,000.

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 Chief of the Environmental Enforcement Section, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044–7611, and should refer to *United States* v. *Pellazar*, DOJ Ref. # 90–5–2–1–1563.

The proposed consent decree may be examined at the Office of the United States Attorney, room C–242, United States Courthouse, Honolulu, Hawaii; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California; and at the Consent Decree Library, 1120 G Street, NW., Washington, DC 20005, 202–634–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $1.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–16026 Filed 7–7–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

One-Stop Shopping Exploratory Inventory Survey

AGENCY: Office of the Secretary, Labor.

ACTION: Request for expedited review under the Paperwork Reduction Act.

SUMMARY: The Employment and Training Administration (ETA), in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), is submitting a request for approval to the Office of Management and Budget for an information collection addressing the One-Stop Exploratory Inventory initiative. ETA has requested an expedited review of this submission to be completed by July 22, 1993.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the information collection should be directed to Kenneth A. Mills, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., room N–1301, Washington, DC 20210 (202 219–5095). Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, room 3001, Washington, DC 20503 (202 395–7316).

Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Type of Collection: New

Frequency of Response: One-time

Number of Respondents: 219

Average Hours Per Response: 15 minutes

Annual Burden Hours: 55 total hours

Affected Public: State or local governments

Respondents Obligation To Reply: Voluntary

SUPPLEMENTARY INFORMATION: The Department of Labor is undertaking a study to explore easy access to a wide array of enhanced career development and labor market information services. This study seeks to streamline access to the myriad of federally funded employment and training programs available in local communities.

A literature review of major studies completed since 1988 that have attempted to describe and/or classify the status of one-stop service coordination and/or integration efforts underway in states and communities across the country involving employment, training and/or education programs will be part of the study. It will also include a telephone survey of administrators of major employment, training, education and human service programs in all states as appropriate and in selected local communities. Special emphasis will be given to identifying the types and uses of automated information systems which may have been designed to provide such services and to documenting new data applications similar to the one-stop concept.

Byproducts of this survey will include (1) developing a uniform approach to defining and classifying such efforts based on common definitions, characteristics and criteria; and (2) identifying up to ten potential sites that most clearly exemplify these criteria.

The survey includes items designed to solicit information on services provided, target populations, Federal, state and local programs involved, successful techniques used to achieve integration and barriers/impediments to integration.

Signed at Washington, DC this 1st day of July, 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–16146 Filed 7–7–93; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Economically Targeted Investments (ETI) of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 8:45 am/10:30 am, Friday, July 23, 1993, in suite N–3437 ABC, U.S. Department of Labor Building, Third and Constitution Avenue NW., Washington, DC 20210.

This Working Group was formed by the Advisory Council to study issues relating to ETI for employee benefit plans covered by ERISA.

The purpose of the July 23 meeting is to discuss preliminary plans and schedules for accomplishing its objectives for the remainder of the work year. The Working Group will also take testimony and/or submissions from employee representatives, employer representatives and other interested individuals and group regarding the subject matter.

Individuals, or representatives or organizations wishing to address the Working Group should submit a written request on or before July 20, 1993 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue NW., Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 20, 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–16102 Filed 7–7–93; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Prohibited Transactions of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 11:00 a.m./12:30 p.m., Friday, July 23, 1993, in suite N–3437 ABC, U.S. Department of Labor Building, Third and Constitution Avenue NW. Washington, DC 20210.

This Working Group was formed by the Advisory Council to study issues relating to Prohibited Transaction for employee benefit plans covered by ERISA.

The purpose of the July 23 meeting is to discuss preliminary plans and schedules for accomplishing its objectives for the remainder of the work year. The Working Group will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit a written request on or before July 20, 1993 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue NW. Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 20, 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–16103 Filed 7–7–93; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefits Plan; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Defined Contribution Plans 401(k) of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 1:15 p.m./2:45 p.m., Friday, July 23, 1993, in suite N–3437 ABC, U.S. Department of Labor Building, Third and Constitution Avenue NW. Washington, DC 20210.

This Working Group was formed by the Advisory Council to study issues relating to Defined Contribution Plans—401(k) for employee benefit plans covered by ERISA

The purpose of the July 23 meeting is to discuss preliminary plans and schedules for accomplishing its objectives for the remainder of the work year. The Working Group will also take testimony and/or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit a written request on or before July 20, 1993 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue NW., Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 20, 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–16104 Filed 7–7–93; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Friday, July 23, 1993, in suite N–3437 ABC, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the Seventy-Ninth meeting of the Secretary's ERISA Advisory Council which will begin at 3 p.m./4 p.m., is to receive and discuss each working group's progress in defining its topic and schedule of work to be accomplished. The Council has established three work groups, i.e., Economically Targeted Investments, Prohibited Transactions and Defined Contribution Plans—401(k). The Council will also take testimony and or submissions from employee representatives, employer representatives and other interested

individuals and groups regarding any aspect of the administration of ERISA.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before July 20, 1993 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals, or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 20, 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–16105 Filed 7–7–93; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge and Advancement Advisory Panel (Advancement Overview Section) to the National Council on the Arts will be held on July 29, 1993 from 10 a.m. to 4 p.m. in room M–14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. Topics of discussion will include policy and a review of the guidelines.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: June 23, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–16176 Filed 7–7–93; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/ Advancement Advisory Panel (States and Regional and Local Arts Agency Section) to the National Council on the Arts will be held on July 26, 1993 from 9:30 a.m. to 5:30 p.m. This meeting will be held in room M–14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of this meeting will be open to the public from 9:30 a.m. to 10:15 a.m. for introductions.

The remaining portion of this meeting from 10:15 a.m. to 5:30 p.m., is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: June 23, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–16177 Filed 7–7–93; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Presenting and Commissioning Advisory Panel (Music Presenters A Section) to the National Council on the Arts will be held on July 27–30, 1993 from 9 a.m. to 6:30 p.m. on July 27, 1993, and from 8:30 a.m. to 6:30 p.m. on July 28–30, 1993. This meeting will be held in room 714, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of these meetings will be open to the public from 8:30 a.m. to 9 a.m. on July 28 and 29, 1993, and from 8:30 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. on July 30, 1993. Topics of discussion will include policy and guidelines.

The remaining portions of these meetings from 9 a.m. to 6:30 p.m., on July 27–29, 1993, and 9 a.m.–4 p.m. on July 30, 1993, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: July 1, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–16178 Filed 7–7–93; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL INSTITUTE FOR LITERACY

Agency Information Collection Activities Under OMB Review

AGENCY: National Institute for Literacy.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before July 30, 1993.

FOR FURTHER INFORMATION CONTACT: Victor Westbrook at (202) 632–1500.

SUPPLEMENTARY INFORMATION:

Title

Application for State-Capacity Building Awards to Governors for administration by State Literacy Resource Centers to Promote Interagency Development and Implementation of Performance Measurement and Reporting Systems that Foster Continuous Improvement in Adult Literacy and Basic Skills Programs. This is a new request for collection.

Abstract

The National Literacy Act established the National Institute for Literacy and requires that the Institute conduct basic and applied research and demonstrations on literacy; collect and disseminate information to Federal, State and local entities, with respect to literacy; and improve and expand the system for delivery of literacy services. This form will be used by State Governors to apply for funding to provide assistance to State Literacy Resource Centers to create a performance measurement, reporting, and improvement system that can be applied to all adult literacy and basic skills programs in a State. Evaluations to determine successful applicants will be made by a panel of experts using the published criteria. The Institute will use this information to make a cooperative agreement awards for a period up to 2 years.

Burden Statement: The burden for this collection of information is estimated at 65 hours per response annually. This estimate includes the time needed to review instructions, complete the form, and review the collection of information.

Respondents: Governors of States and Trust Territories and the Mayor of the District of Columbia.

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,300 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Victor A. Westbrook, National Institute for Literacy, 800 Connecticut Ave., NW., Suite 200, Washington, DC 20006, and Dan Chenok, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Lilian Dorka,

Acting Interim Director, National Institute for Literacy.

[FR Doc. 93–16251 Filed 7–7–93; 8:45 am]

BILLING CODE 6055–01–M

Agency Information Collection Activities Under OMB Review

AGENCY: National Institute for Literacy.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before July 30, 1993.

FOR FURTHER INFORMATION: Victor Westbrook at (202) 632–1500.

SUPPLEMENTARY INFORMATION:

Title

Application for State-Capacity Building Awards to Governors for administration by State Literacy Resource Centers to develop statewide interagency systems for adult literacy staff development that build state capacity to support integrated adult literacy service delivery. This is a new request for collection.

Abstract

The National Literacy Act established the National Institute for Literacy and requires that the Institute conduct basic and applied research and demonstrations on literacy; collect and disseminate information to Federal, State and local entities, with respect to literacy; and improve and expand the system for delivery of literacy services. This form will be used by State Governors to apply for funding to be administered by State Literacy Resource Centers to create an interagency staff development system for staff of all local programs providing literacy and basic skills services to adults. Evaluations to determine successful applicants will be made by a panel of experts using the published criteria. The Institute will use this information to make a cooperative agreement awards for a period up to 2 years.

Burden Statement: The burden for this collection of information is estimated at 65 hours per response annually. This estimate includes the time needed to review instructions, complete the form, and review the collection of information.

Respondents: Governors of States and Trust Territories and the Mayor of the District of Columbia.

Estimated Number of Respondents: 20.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,300 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Victor A. Westbrook, National Institute for Literacy, 800 Connecticut Ave., NW., Suite 200, Washington, DC 20006, and Dan Chenok, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Lilian Dorka,

Acting Interim Director, National Institute for Literacy.

[FR Doc. 93–16252 Filed 7–7–93; 8:45 am]

BILLING CODE 6055–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–

463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Biological and Critical Systems.

Date and Time: July 19, 1993; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1133, Washington, DC.

Type of Meeting: Closed.

Contact Person: Fred G. Heineken, Program Director, Biotechnology Program and Biochemical Engineering Program, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9545.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Biosystems Analysis and Control proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: July 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–16052 Filed 7–7–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Human Resource Development.

Date and Time: July 28–29, 1993; 8:30 a.m.—5 p.m.; July 30, 1993; 8:30 a.m.—12 noon.

Place: 1800 G Street, NW., room 1243, Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Albert Bridgewater, Convener, Model Institutions for Excellence, Education and Human Resources, National Science Foundation, 1800 G St. NW., room 516, Washington, DC 20550. Telephone: (202) 357–7926.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Model Institutions for Excellence proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: July 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–16053 Filed 7–7–93; 8:45 am]

BILLING CODE 7555–01–M

Ocean Sciences Review Panel; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Ocean Sciences Review Panel.

Date and Time: July 27–29, 1993; 8:30 a.m.–5 p.m.

Place: Caucus Room, Presidential Room, Suite 303, and Suite 308, One Washington Circle Hotel, One Washington Circle NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Michael R. Reeve, Section Head, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7924.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Ocean Sciences Research Section (OSRS) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: July 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–16054 Filed 7–7–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Final Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the Commonwealth of Massachusetts

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: This notice is to advise the public of the issuance of a final Memorandum of Understanding (MOU) between the U.S. Nuclear Regulatory Commission (NRC) and the Commonwealth of Massachusetts. The MOU provides the basis for mutually agreeable procedures whereby the Commonwealth of Massachusetts may utilize the NRC Emergency Response Data System (ERDS) to receive data during an emergency at a commercial nuclear power plant in Massachusetts. Public comments were addressed in conjunction with the MOU with the State of Michigan published in the **Federal Register** Vol. 57, No. 28, February 11, 1992.

EFFECTIVE DATE: This MOU is effective May 21, 1993.

ADDRESSES: Copies of all NRC documents are available for public inspection and copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: John R. Jolicoeur or Eric Weinstein, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492–4155 or (301) 492–7836.

This attached MOU is intended to formalize and define the manner in which the NRC will cooperate with the Commonwealth of Massachusetts to provide data related to plant conditions during emergencies at commercial nuclear power plants in Massachusetts.

Dated at Rockville, Maryland, this 25th day of June, 1993.

For the U.S. Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

Agreement Pertaining to the Emergency Response Data System Between the Commonwealth of Massachusetts and the U.S. Nuclear Regulatory Commission

I. Authority

The U.S. Nuclear Regulatory Commission (NRC) and the Commonwealth of Massachusetts, acting through Massachusetts

Emergency Management Agency, enter into this Agreement under the authority of Section 274i of the Atomic Energy Act of 1954, as amended.

Massachusetts recognizes the Federal Government, primarily the NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clean Air Act.

II. Background

A. The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, authorize the Nuclear Regulatory Commission (NRC) to license and regulate, among other activities, the manufacture, construction, and operation of utilization facilities (nuclear power plants) in order to assure common defense and security and to protect the public health and safety. Under these statutes, the NRC is the responsible agency regulating nuclear power plant safety.

B. NRC believes that its mission to protect the public health and safety can be served by a policy of cooperation with State governments and has formally adopted a policy statement on "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" (57 FR 6462, February 25, 1992). The policy statement provides that NRC will consider State proposals to enter into instruments of cooperation for certain programs when these programs have provisions to ensure close cooperation with NRC. This agreement is intended to be consistent with, and implement the provisions of the NRC's policy statement.

C. NRC fulfills its statutory mandate to regulate nuclear power plant safety by, among other things, responding to emergencies at licensee's facilities and monitoring the status and adequacy of the licensee's responses to emergency situations.

D. Massachusetts fulfills its statutory mandate to provide for preparedness, response, mitigation, and recovery in the event of an accident at a nuclear power plant through the Massachusetts Emergency Management Agency ("MEMA"), an agency created by Chapter 639 of the Acts of 1950, as amended.

III. Scope

A. This Agreement defines the way in which NRC and Massachusetts will cooperate in planning and maintaining the capability to transfer reactor plant data via the Emergency Response Date System during emergencies at nuclear power plants in and adjacent to the Commonwealth of Massachusetts, specifically Pilgrim Station, Seabrook Station, and Vermont Yankee.

B. It is understood by the NRC and the Commonwealth of Massachusetts that ERDS data will only be transmitted by a licensee during emergencies classified at the Alert level or above, during scheduled tests, or during exercises when available.

C. Nothing in this Agreement is intended to restrict or expand the statutory authority of NRC, the Commonwealth of Massachusetts, or to affect or otherwise alter the terms of any agreement in effect under the authority of Section 274b of the Atomic Energy Act of 1954, as amended; nor is anything in this Agreement intended to restrict or expand the authority of the Commonwealth of Massachusetts on matters not within the scope of this Agreement.

D. Nothing in this Agreement confers upon the Commonwealth of Massachusetts authority to (1) interpret or modify NRC regulations and NRC requirements imposed on the licensee; (2) take enforcement actions; (3) issue confirmatory letters; (4) amend, modify, or revoke a license issued by NRC; or (5) direct or recommend nuclear power plant employees to take or not to take any action. Authority for all such actions is reserved exclusively to the NRC.

IV. NRC's General Responsibilities

Under this agreement, NRC is responsible for maintaining the Emergency Response Data System (ERDS). ERDS is a system designed to receive, store, and retransmit data from in-plant data systems at nuclear power plants during emergencies. The NRC will provide user access to ERDS data to one user terminal for the Commonwealth of Massachusetts during emergencies at nuclear power plants which have implemented an ERDS interface and for which any portion of the plant's 10 mile Emergency Planning Zone (EPZ) lies within the Commonwealth of Massachusetts. The NRC agrees to provide unique software already available to NRC (not commercially available) that was developed under NRC contract for configuring an ERDS workstation.

V. Massachusetts' General Responsibilities

A. Massachusetts, acting through MEMA, will, in cooperation with the NRC, establish a capability to receive ERDS data. To this end, Massachusetts will provide the necessary computer hardware and commercially licensed software required for ERDS data transfer to users.

B. Massachusetts agrees not to use ERDS to access data from nuclear power plants for which a portion of the 10 mile Emergency Planning Zone does not fall within its State boundary.

C. For the purpose of minimizing the impact on plant operators, clarification of ERDS data will be pursued through the NRC and/or the utility provided technical liaison personnel.

VI. Implementation

Massachusetts and the NRC agree to work in concert to assure that the following communications and information exchange protocol regarding the NRC ERDS are followed.

A. Massachusetts, through MEMA, and the NRC agree in good faith to make available to each other information within the intent and scope of this Agreement.

B. NRC and MEMA agree to meet as necessary to exchange information on matters of common concern pertinent to this Agreement. Unless otherwise agreed, such meetings will be held in the NRC Operations Center. The affected utilities will be kept informed of pertinent information covered by this Agreement.

C. To preclude the premature public release of sensitive information, NRC and Massachusetts will protect sensitive information to the extent permitted by the Federal Freedom of Information Act, the Massachusetts General Laws Chapter 66A, Fair Information Practices, and other applicable authority.

D. NRC will conduct periodic tests of licensee ERDS data links. A copy of the test schedule will be provided to MEMA by the NRC. MEMA may test its ability to access ERDS data during these scheduled tests, or may schedule independent tests of the State link with the NRC.

E. NRC will provide access to ERDS for emergency exercises with reactor units capable of transmitting exercise data to ERDS. for exercises in which the NRC is not participating, MEMA will coordinate with NRC in advance to ensure ERDS availability. NRC reserves the right to preempt ERDS use for any exercise in progress in the event of an actual event at any licensed nuclear power plant.

VII. Contacts

A. The principal senior management contacts for this Agreement will be the Director, Division of Operational Assessment, Office for Analysis and Evaluation of Operational Data, and the Governor-appointed Director of the Massachusetts Emergency Management Agency. These individuals may designate appropriate staff representatives for the purpose of administering this Agreement.

B. Identification of these contacts is not intended to restrict communication between NRC and MEMA staff members on technical and other day-to-day activities.

VIII. Resolution of Disagreements

A. If disagreements arise about matters within the scope of this Agreement, NRC and MEMA will work together to resolve these differences.

B. Resolution of differences between MEMA and NRC staff over issues arising out of this Agreement will be the initial responsibility of the NRC Division of Operational Assessment management.

C. Differences which cannot be resolved in accordance with Sections VIII.A and VIII.B will be reviewed and resolved by the Director, Office of Analysis and Evaluation of Operational Data.

D. The NRC's General Counsel has the final authority to provide legal interpretation of the Commission's regulations.

IX. Effective Date

This Agreement will take effect after it has been signed by both parties.

X. Duration

A formal review, not less than 1 year after the effective date, will be performed by the NRC to evaluate implementation of the Agreement and resolve any problems identified. This Agreement will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

XI. Separability

If any provision(s) of this Agreement, or the application of any provision(s) to any person or circumstances is held invalid, the remainder of this Agreement and the application of such provisions to other persons or circumstances will not be affected.

Dated: January 6, 1993.

For the U.S. Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

Dated: May 21, 1993.

For the Commonwealth of Massachusetts.

A. David Rodham,

Director, Massachusetts Emergency Management Agency.

[FR Doc. 93–16148 Filed 7–7–93; 8:45 am]

BILLING CODE 7590–01–M

Bulletin 93–03, "Resolution of Issues Related to Reactor Vessel Water Level Instrumentation in BWRs"; Issued

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) issued Bulletin 93–03 on May 28, 1993 concerning new information about level indication errors that may occur during plant depressurization at boiling water reactors (BWRs).This bulletin is available in the Public Document Rooms under accession number 9305280173. This bulletin was issued as an urgent generic communication under NRC procedures for issues that the staff considers urgent. The Committee to Review Generic Requirements reviewed the bulletin in meeting number 242 on May 27, 1993. This bulletin is discussed in Commission information paper SECY–93–151 which is also available in the Public Document Rooms under accession number 9306070162.

DATES: The bulletin was issued on May 28, 1993.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Amy E. Cubbage, (301) 504–2875.

SUPPLEMENTARY INFORMATION: None.

Dated at Rockville, Maryland, this 30th day of June 1993.

For the Nuclear Regulatory Commission.

Gail H. Marcus,

Chief Generic Communications Branch, Division of Operating Reactor Support, Office of Nuclear Reactor Regulatory.

[FR Doc. 93–16149 Filed 7–7–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

SES Performance Review Board

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the OPM Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Violet R. Parker, Executive Personnel Division, Office of Personnel, Administration Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, (202) 606–2420.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

The following has been selected as an acting member of the Performance Review Board of the Office of Personnel Management: Jeremiah J. Barrett, Deputy Associate Director Administration Group.

[FR Doc. 93–16142 Filed 7–7–93; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32563; File No. SR–BSE–93–9]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to Proposed Rule Change Relating to the Annual Meeting and the Annual Election

June 30, 1993.

I. Introduction

On March 22, 1993, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its Constitution to change the date of the annual meeting and the annual election. The Exchange has amended the proposed rule change twice subsequent to its original filing. On April 13, 1993, the BSE submitted to the Commission Amendment No. 1 to the proposal[3] and on June 30, 1993, the BSE submitted to the Commission Amendment No. 2 to the proposal.[4]

The proposed rule change, together with Amendment No. 1, was published for comment in Securities Exchange Act Release No. 32197 (April 23, 1993), 58 FR 26011 (April 29, 1993). No comments were received on the proposal.

II. Description of the Proposal

The BSE proposes several amendments to Article VI of its Constitution governing the BSE's annual meeting and annual election.

Article VI, Section 1 of the BSE Constitution, Date-Election, currently provides that the annual meeting and the annual election of the Exchange shall be held on the last Monday of September on the floor of the Exchange. Section 1 specifies that, during the annual meeting members shall elect, by secret ballot, a Vice Chairman, ten members of the Board, and members to fill vacancies for unexpired terms.[5] The Vice Chairman is elected for the ensuing fiscal year.[6] Board members are elected for two fiscal years.

The BSE proposes to amend Article VI, Section 1 to change the date of the annual meeting and annual election to the last Monday of November and to provide that the meeting will be held on the premises of the Exchange. The proposal also would change the date that the Vice Chairman and Board members would commence their terms of office from the ensuing fiscal year to the ensuring calendar year.

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

[3] See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated April 12, 1993. Amendment No. 1 clarified certain language in the proposal.

[4] See letter from Karen A. Aluise, Assistant Vice President, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated June 28, 1993. Amendment No. 2 deleted language in the proposal which would have allowed the Board of Governors ("Board") to change the date or location of the BSE's annual meeting and annual election from time to time.

[5] BSE members do not elect their Chairman. The Chairman of the Exchange is appointed by the Board to serve at its pleasure. See Article III, Section 1 of the BSE Constitution.

[6] The Exchange's fiscal year runs from October 1 through September 30.

Article VI, Section 4 of the BSE Constitution, Meetings of Nominating Committee-Reports, currently requires that the Nominating Committee hold at least one meeting during the month of July for the purpose of suggesting nominees for the offices and positions that are to be filled at the annual election, and for members of the Nominating Committee for the ensuing fiscal year. In addition, Section 4 requires that the Nominating Committee notify the Secretary of the Exchange, on or before the second Monday in August, of the nominees for such offices and positions.[7] Section 4 also requires that independent nominations for the office of Vice Chairman, members of the Board and members of the Nominating Committee be filed with the Secretary of the Exchange on or before the last Monday in August.[8]

The BSE proposes to amend Section 4 to require the Nominating Committee to hold at least one meeting in June for the purpose of electing its own Chairman.[9] According to the BSE, the Nominating Committee routinely elects its Chairman in July, at the same time that it meets to suggest nominees for offices and positions to be filled at the annual election. The BSE also proposes to alter the timing for the submission of the nominees to the Secretary of the Exchange by the Nominating Committee or by independent nomination from the second Monday in August and the last Monday in August, respectively, to the second Monday in October and the last Monday in October.

Finally, the BSE proposes to add Supplementary Material .10 to Article VI of the Constitution. The Supplementary Material would clarify Article VI, Section 1 by specifying that the terms of office would begin on January 1 of each year. In order to facilitate the proposed amendments to the Constitution regarding the change in the date of annual election, the BSE proposes to extend the terms of all Board and Nominating Committee members that are due to expire on September 30, 1993 until December 31, 1993, and the terms of all Board and Nominating Committee members that are due to expire on September 30, 1994 until December 31, 1994.[10]

The Exchange believes that the proposed rule change will provide for the review of the complete fiscal year picture which expires each September 30, as well as, provide additional time for Nominating Committee deliberations. The BSE states that the basis under the Act for the proposed rule change is Section 6(b)(3) because the proposed rule is designed to assure a fair representation of members in the selection of directors, the selection process, and the administrative affairs of the Exchange.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Sections 6(b)(1), (3) and (5) of the Act.[11] Section 6(b)(1) requires that an exchange be organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members with the Act, the rules and regulations thereunder, and the rules of the exchange. Section 6(b)(3) of the Act requires, among other things, that the rules of an exchange assure a fair representation of its members in the selection of its directors and administration of its affairs. Section 6(b)(5) requires, among other things, that the rules of an exchange be designed, in general, to protect investors and the public interest.

The Commission believes that the proposed rule change is consistent with the requirements of Section 6(b)(1) of the Act because the proposal is designed to enhance the governance process of the Exchange. The proposed rule change would change the date of the BSE's annual meeting and annual election from the last Monday in September to the last Monday of November. As noted above, the BSE's fiscal year expires on September 30 of each year. As a result of the proposal, BSE members will have the opportunity to review the BSE's overall fiscal year prior to the annual meeting and annual election. This, in turn, may result in increased management accountability to the membership and help to ensure that all Exchange constituencies are adequately represented in its governance.

The Commission also believes that the BSE proposal to change the date that the Vice Chairman and Board members commence their terms of office from the fiscal year to the calendar year is consistent with Section 6(b)(1) of the Act. This change is necessary to accommodate the BSE's proposal to change the date of the annual meeting and annual election. Moreover, the proposed rule change would give these elected officials the full month of December to prepare for their term of office, in contrast to the current rule which provides for a few days of transition between the annual election at the end of September and the commencement of elected officials' term of office on October 1. The Commission believes that giving the newly-elected Vice Chairman and Board members more time to prepare for their term of office will result in a more orderly transition in Exchange governance.

The Commission believes that the Exchange's proposal to require its Nominating Committee to meet in June for the purpose of electing its own Chairman is consistent with Sections 6(b)(1), (b)(3) and (b)(5) of the Act. This proposal would ensure that the Chairman of the Nominating Committee would hold office prior to the Nominating Committee deliberations, which would under the proposal, begin the next month in July. As a result, the proposal should provide the Nominating Committee with additional time at its July meeting to consider nominations for Vice Chairman, the Board, the composition of the Nominating Committee for the following year, and vacancies for unexpired terms. This should permit the Nominating Committee to focus, in its July deliberations, solely on eligible candidates for office and their qualifications. In this way, the proposal should work to ensure a fair representation of BSE members in the governance of the Exchange and protect investors and the public interest.[12]

Similarly, the Commission believes that the proposal to change the timing for notification to the Secretary of the Exchange of the nominees selected by the Nominating Committee or by independent nomination from the month of August to the month of October is consistent with sections 6 (b)(1), (b)(3) and (b)(5) of the Act. Because the proposal would change the

[7] See Article VI, Annual Meeting-Annual Election, Meetings of Nominating Committee-Reports, Section 4 of the BSE Constitution.

[8] Article VI, Section 4 provides that, on the written and signed petition of fifteen members of the Exchange, additional nominations may be made for the office of Vice Chairman, members of the Board, or members of the Nominating Committee to be elected at the annual election.

[9] The Nominating Committee's authority to elect its own Chairman is set forth in Article VI, Annual Meeting-Annual Election, Nominating Committee, Section 2 of the BSE Constitution.

[10] The BSE's Board is composed of its Chairman, Vice Chairman, and twenty others, ten of whom must be representatives from the securities industry and ten of whom must be representatives of the public. See Article II, Section 1, of the BSE Constitution.

[11] 15 U.S.C. 78f(b)(1), (3) and (5) (1988).

[12] As noted above, the BSE's Board is composed of its Chairman, Vice Chairman and twenty others, ten of whom must be representatives of the securities industry and ten of whom must be representatives of the public.

date of the BSE's annual meeting and annual election to the last Monday in November, it is reasonable for the BSE to adjust the time period for submitting nominees to the Secretary of the Exchange to October. The extension of the time period should help to ensure the fair representation of BSE members in the governance of the Exchange and protect investors and the public interest by giving the Nominating Committee, and members by independent nomination, a total of three months rather than the one month under current rules, to consider and nominate qualified candidates for Exchange offices and positions.

The Commission believes the Exchange's addition of the Supplementary Material to Article VI of the BSE Constitution, which would clarify the commencement of terms of offices and positions of the Exchange and extend the existing terms of offices of the current Board and Nominating Committee members for three months, in 1993 and 1994, is necessary to effectuate the BSE's amendments to Article VI. The extension in terms of office is reasonable, and is a relatively minor and necessary change to effectuate the BSE's proposal to use calendar, rather than fiscal, years as the term of office.

The Commission finds good cause for approving proposed Amendment No. 2 to the proposed rule change prior to the thirtieth day after publication of notice of filing thereof. Amendment No. 2 made a non-substantive change to the proposal by deleting language which would have allowed the Board to change the date or location of the BSE's annual meeting and annual election from time to time. The BSE's proposed rule change, together with Amendment No. 1, relating to the annual meeting and annual election, was published in the **Federal Register** for the full statutory period and no comments were received.[13]

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2. 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 BSE. All submissions should refer to SR–BSE–93–9 and should be submitted by July 29, 1993.

IV. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[14] that the proposed rule change (SR–BSE–93–9) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16057 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

[13] See Securities Exchange Act Release No. 32197 (April 23, 1993), 58 FR 26011 (April 29, 1993).

[14] 15 U.S.C. 78s(b)(2) (1988).

[15] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34–32552; File No. SR–BSE–93–03]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Adoption of a Smoking Policy and the Addition of that Policy to its Minor Rule Violation Plan.

June 29, 1993.

I. Introduction

On February 12, 1993, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to sections 19(b)(1) and (d)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rules 19b-4 and 19d-1(c)(2) thereunder,[2] a proposed rule change to establish a Smoking Policy to regulate where on the Exchange premises smoking may occur and to amend its Minor Rule Violation Plan ("Plan")[3] to provide for the imposition of summary fines for violation of the Smoking Policy.[4]

The proposed rule change was published for comment in Securities Exchange Act Release No. 32104 (April 5, 1993), 58 FR 18433 (April 9, 1993). No comments were received on the proposal.

II. Background

In 1984, the Commission adopted amendments to paragraph (c) of Securities Exchange Act Rule 19d–1 to allow self-regulatory organizations ("SROs") to submit, for Commission approval, plans for the abbreviated reporting of minor rule violations.[5] Subsequently, the Commission approved a BSE proposal for a minor rule violation disciplinary system and for the abbreviated reporting of minor rule violations pursuant to Rule 19d–1(c) under the Act.[6] Accordingly, the BSE is relieved of the current reporting requirements of Section 19(d)(1) with respect to disciplinary action taken pursuant to the Exchange's Minor Rule Violation Plan ("Plan").[7]

The BSE's Plan, as embodied in Chapter XVIII, Section 4 of the BSE's Rules of the Board of Governors, provides that the Exchange may impose a fine, not to exceed $2500, on any member, member organization, allied member, approved person, or registered or non-registered employee of a member or member organization for a minor violation of certain specified Exchange rules.[8] Alternatively, the Plan permits

[1] 15 U.S.C. 78s(b)(1) and (d)(1) (1988).

[2] 17 CFR 240.19b–4 and d–1(c)(2) (1991).

[3] The BSE's Plan for enforcing and reporting minor disciplinary rule violations was approved by the Commission in Securities Exchange Act Release No. 26737 (April 17, 1989), 54 FR 16438–I (April 24, 1989) (File No. SR–BSE–88–2).

[4] The BSE has requested approval, under Rule 19d–1(c)(2), 17 CFR 240.19d–1(c)(2), to amend its Rule 19d–1 minor rule violation enforcement and reporting plan to include violations of its Smoking Policy. See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated February 8, 1993.

[5] See Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23838 (June 8, 1984). See *infra* note 7 for a discussion of periodic reporting under a minor rule plan.

[6] See Securities Exchange Act Release No. 26737 (April 17, 1989), 54 FR 16438–I (April 24, 1989) (File No. SR–BSE–88–2).

[7] Pursuant to paragraph (c)(1) of Rule 19d–1, an SRO is required to file promptly with the Commission notice of any "final" disciplinary action taken by the SRO. Pursuant to paragraph (c)(2) of Rule 19d–1, any disciplinary action taken by the SRO for violation of an SRO rule that has been designated a minor rule violation pursuant to the plan shall not be considered "final" for purposes of Section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his or her administrative remedies. By deeming unadjudicated minor violations as not final, the Commission permits the SRO to report violations on a periodic (quarterly), as opposed to immediate, basis.

[8] The "List of Exchange Rules and Fines Applicable thereto Pursuant to Section 4 of Chapter XVII" ("List") is contained in Chapter XVIII, Section 4 of the BSE's Rules of the Board of Governors.

any person to contest the Exchange's imposition of the fine through submission of a written answer, at which time the matter will become a disciplinary proceeding subject to Chapter XXX of the BSE's Rules of the Board of Governors and, where applicable, the reporting provisions of paragraph (c)(1) of Commission Rule 19d–1. Furthermore, the Exchange retains the option of bringing violations of rules included under Chapter XVIII, Section 4 to full disciplinary proceedings.

In the Exchange's original proposal to adopt Chapter XVIII, Section 4, the BSE indicated that it periodically would amend the List of rules subject to the Plan. The Commission subsequently approved amendments to the List, adding BSE rules and policies that are appropriate for summary disciplinary proceedings.[9]

III. The Proposal

The BSE proposes to adopt a Smoking Policy and to amend its Plan to provide for the imposition of summary fines for violation of that policy. Specifically, the proposal would prohibit smoking in all areas of the Exchange that are not designated by the BSE's Market Performance Committee as a smoking area. The proposed policy would designate the BSE's current smoking areas as the large trading floor lounge, the hallways outside the restrooms and in private offices where the occupant permits smoking. Smoking also would be permitted in conference rooms where a meeting of greater than one hour's duration is in session, unless one of the meeting attendees objects. The policy would specify that the Exchange may redesignate areas as smoking or non-smoking as deemed necessary and appropriate by the authorized Exchange committees[10] and the Market Performance Committee, and with due notice to the members and staff.[11] The Exchange states that the policy is a response to concerns regarding the effects of smoking on non-smokers in the work environment, and aims to balance these concerns while providing an area or areas for smokers.

The Exchange also proposes to add the Smoking Policy to its Plan and to include a fine schedule for violations of the policy. The BSE proposes a fine of $100 for an initial offense, and a fine of $250 for subsequent violations of the Smoking Policy. The Exchange believes that this would provide a deterrent to smoking in the restricted areas, as well as enable the Exchange to enforce the policy with the least amount of disruption.

The BSE states that the proposed Smoking Policy is consistent with the objectives of section 6(b)(1) of the Act, in that the policy is an administrative action by the Exchange to require its members to comply with its rules and policies, and will ensure the orderly conduct of business on the floor and in the administrative areas without interfering with the personal comfort and safety of the members and staff. The Exchange believes that the addition of the policy to the Plan will advance the objectives of section 6(b)(6) of the Act, in that its members and persons associated with its members will be appropriately disciplined for violations of rules and policies where the Exchange has determined that such violations are minor in nature. The Exchange also believes that the proposal is consistent with Sections 6(b)(7) and 6(d)(1), in that the Plan provides for a fair disciplinary procedure for the imposition of sanctions.

IV. Commission Findings

The Commission finds that the BSE proposal to adopt the Smoking Policy is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of sections 6(b) (1) and (6) of the Act.[12] The Commission believes that the proposal is a reasonable means by which the Exchange may ensure the orderly conduct of business on its floor and in its administrative areas. Because the proposal defines the scope of the prohibited conduct, provides notice to members and staff, and is tailored to serve a legitimate Exchange regulatory interest, the proposal establishes a fair and reasonable policy for the regulation of smoking on the BSE. The proposed policy should help to ensure a trading floor environment free of conduct that could interfere with trading activity. As a result, the proposal should enhance the members' ability to engage in transactions in securities and, thereby, protect investors and the public interest.

For the reasons set forth below, the Commission also finds that the BSE proposal to amend its Plan is consistent with the Act. In adopting Rule 19d–1, the Commission noted that the Rule was an attempt to balance the informational needs of the Commission against the reporting burdens of the SROs.[13] In promulgating paragraph (c) of the Rule, the Commission was attempting further to reduce those reporting burdens by permitting, where immediate reporting was unnecessary, quarterly reporting of minor rule violations. The Rule is intended to be limited to rules which relate to areas that can be adjudicated quickly and objectively.

The Commission believes that the BSE's Smoking Policy meets this criterion and should be added to the List. In particular, the Commission believes that the BSE proposal regarding violation of the Smoking Policy is easily determined and amenable to quick, objective determinations of compliance. Efficient and equitable enforcement of the Policy should not entail the complicated factual and interpretive inquiries associated with more sophisticated exchange disciplinary actions.

The Commission finds that the BSE proposal to add violations of the Smoking Policy to the Plan is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of sections 6(b) (1), (6) and (7), 6(d)(1) and 19(d).[14] The proposal is consistent with the section 6(b)(6) requirement that the rules of an exchange provide that its members and persons associated with its members shall be appropriately disciplined for violations of rules of the exchange. In this regard, the proposal will provide an efficient procedure for appropriate disciplining of members in those instances when a rule or policy violation is either technical and objective or minor in nature. Moreover, because the Plan provides procedural rights to the person fined and permits a disciplined person to request a full

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[9] See Securities Exchange Act Release Nos. 29586 (August 20, 1991), 56 FR 42094 (August 26, 1991) (File No. SR–BSE–91–2), and 32155 (April 15, 1993), 58 FR 21492 (April 21, 1992) (File No. SR–BSE–92–3).

[10] For example, in its rule filing, the Exchange states that the Floor Facilities Committee would review changes in designated smoking areas for trading floor areas and that the Rules Revision Committee would review changes in designated smoking areas for all other Exchange areas. Any changes in smoking areas would have to be ratified by the Market Performance Committee. See Securities Exchange Act Release No. 32104 (April 5, 1993), 58 FR 18433 (April 9, 1993) (File No. SR–BSE–93–03).

[11] The BSE states that, in the event that the Exchange determines to redesignate an Exchange area as smoking or non-smoking, the BSE will provide at least 30 days notice to members and staff. The 30 day period would begin once the appropriate committees have reviewed and approved the changes and notice has been published to all members, members' staff, and Exchange staff. See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated April 15, 1993.

[12] 15 U.S.C. 78f(b) (1) and (6).

[13] See Securities Exchange Act Release No. 13726 (July 8, 1977), 42 FR 36411 (July 14, 1977).

[14] 15 U.S.C. 78f(b)(1), (6) and (7), 78f(d)(1) and 78s(d) (1988).

hearing on the matter, the proposal provides a fair procedure for the disciplining of members and persons associated with members which is consistent with with the requirements of sections 6(b)(7) and 6(d)(1) of the Act.

The Commission also believes that the proposal provides an alternate means by which to deter violations of the BSE Smoking Policy, thus furthering the purposes of section 6(b)(1) of the Act. An exchange's ability to enforce effectively compliance by its members and member organizations with Commission and Exchange rules is central to its self-regulatory functions. Inclusion of a rule in an exchange's minor rule violation plan should not be interpreted to mean it is an unimportant rule. On the contrary, the Commission recognizes that inclusion of rules under a minor rule violation plan not only reduce reporting burdens of an SRO but also may make its disciplinary system more efficient in prosecuting violations of these rules.

In addition, because the BSE retains the discretion to bring a full disciplinary proceeding for any violations included on the List, such as for egregious or repeat violations, the Commission believes that adding the BSE Smoking Policy to the List will enhance, rather than reduce, the BSE's enforcement capabilities regarding this policy.

Finally, the Commission believes that the inclusion of the BSE's Smoking Policy on the List will prove to be an effective alternate response to a violation when the initiation of a full disciplinary proceeding is unsuitable because such a proceeding may be more costly and time-consuming in view of the minor nature of the particular violation.

It is therefore ordered, pursuant to section 19(b)(2) of the Act and Rule 19d–1(c)(2) under the Act,[15] that the proposed rule change (SR–BSE–93–03) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16112 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

[15] 15 U.S.C. 78s(b)(2) (1988) and 17 CFR 240.19d–1(c)(2) (1991).

[16] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34–32569; File No. SR–BSE–93–7]

Self-Regulatory Organization; Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 1, 1993.

In the Matter of: Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 2 and 3 to Proposed Rule Change Relating to its Net Capital and Equity Requirements and Amendments to Minor Rule Violation Enforcement and Reporting Plan.

I. Introduction

On March 19, 1993, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Exchange's Net Capital and Equity Requirements and to add Trading in an Inactive Account, as proposed, to the Exchange's Minor Rule Violation Plan's List of Exchange Rule and Policy Violations and Fines Applicable Thereto ("List").[3] On March 30, 1993, the BSE submitted to the Commission Amendment No. 1 to the proposed rule change.[4] On May 20, 1993, the BSE submitted to the Commission Amendment No. 2 to the proposed rule change.[5] On June 30, 1993, the BSE submitted to the Commission Amendment No. 3 to the proposed rule change.[6]

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] The BSE also has requested approval, under Rule 19d–1(c)(2), 17 CFR 240.19d–1(c)(2), to amend its Rule 19d–1 Minor Rule Violation Enforcement and Reporting Plan ("Plan") to include Trading in an Inactive Alternative and/or Trading Account. See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated March 18, 1993.

[4] See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated March 25, 1993. Amendment No. 1 corrected certain technical errors in the rule filing.

[5] See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated May 19, 1993. Amendment No. 2 reinstated Section 2(i) to Chapter XXII of the BSE Rules of the Board of Governors which the BSE previously proposed to delete from its rules.

[6] See letter from Karen A. Aluise, Assistant Vice President, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated June 30, 1993. Amendment No. 3 requested approval of the BSE's capital portion of the proposed rule change for a six month temporary basis, during which time the BSE will submit a proposed rule change to provide for an Early Warning Notification program when capital excess reaches 120% of required minimum capital.

The proposed rule change, together with Amendment No. 1, was noticed in Securities Exchange Act Release No. 32333 (May 19, 1993), 58 FR 30079 (May 25, 1993). No comments were received on the proposal.

II. Description of the Proposal

The BSE proposes to amend (1) Chapter XXII, Section 2 of the BSE Rules of the Board of Governors, concerning specialist net capital and equity requirements, and (2) the List of Exchange Rule and Policy Violations and Fines Applicable Thereto Pursuant to section 4 of chapter XVIII.

Chapter XXII, Section 2(c) of the BSE Rules of the Board of Governors currently provides, among other matters, that a member or member organization doing business on the floor of the Exchange, registered to do business as a specialist, who business may include floor brokerage for other professionals and who does not carry any customer accounts, shall at all times maintain a minimum net capital, as defined by Securities Exchange Act Rule 51c3–1,[7] equal to the greater of either $35,000 or the value of 200 shares of each security marked-to-market, in which that specialist is the dealer at not less than the minimum margin of 25% of market value. In addition, section 2(c)(2) currently provides that specialists who do not have any public customers and who do not have an active trading account, shall be haircut[8] 10% on both long and short security positions prior to the required net capital computation. The BSE proposes to amend section 2(c) to increase the specialist net capital requirement from $35,000 to $100,000. The BSE also proposes to amend section 2(c)(2) to increase the haircut for net capital purposes to 15% on both long and short security positions.[9]

Chapter XXII, section 2(f) specifies minimum equity requirements for specialists conducting business on the Exchange floor.[10] The BSE equity requirements currently require each specialist to maintain a liquidating equity in its account of not less than

[7] 17 CFR 250.15c3–1 (1992).

[8] A "haircut" is a reduction when computing net capital.

[9] The BSE has requested approval of the capital provisions of its rule filing on a six month temporary basis. The BSE has indicated that, during the next six months, it would submit a proposed rule change to provide for an Early Warning Notification program when capital excess reaches 120% of required minimum capital. See supra note 6.

[10] The term "equity", as used in the BSE proposal, means the excess of cash, readily marketable securities and amount due from registered clearing organizations over all liabilities.

$125,000 in cash or securities. Section 2(f)(ii) provides that if any any time a specialist's equity drops below $125,000, such specialist will be given an Early Warning Alert notice.[11] Pursuant to section 2(f)(iii), if a specialist's equity drops below $110,000, such specialist is required to notify the Exchange as to the steps that are being taken to supply additional equity and is given five consecutive business days to increase its equity to $125,000. Pursuant to section 2(f)(iv), if a specialist is unable to increase the equity to $125,000 within five business days, or if at any time the specialist's equity drops below $100,000, all of the specialist's stocks will be assigned to another specialist for not more than 20 business days. Unless the equity is increased to $125,000 within the 20 business days, the stocks are subject to allocation to other specialists.[12]

The BSE proposes to amend section 2(f) to require specialists to maintain their equity funds with the Boston Stock Exchange Clearing Corporation ("BSECC") and to increase its specialist equity requirements in two phases. The first phase, beginning on July 1, 1993, would require each specialist to maintain liquidating equity for each specialist account of not less than $160,000 in cash or securities. The second phase, beginning on January 1, 1994, would require liquidating equity of $200,000.

The BSE also proposes to amend its Early Warning Alert provisions for equity. The BSE proposal would limit to 60 business days the period during which a specialist may operate continuously under the Early Warning Alert Status, except in situations where the specialist is actively seeking additional financing and has requested additional time in writing from the BSE's General Counsel or, in his or her absence, a senior officer of the Exchange who will present such request for exception to the Market Performance Committee or in special circumstances, to the Executive Committee. The proposal would increase the Early Warning Alert thresholds in two phases. During the first phase, beginning July 1, 1993, the BSE proposal would provide that if at any time a specialist's equity drops below $160,000 (but above $140,000) such specialist would be given an Early Warning Alert notice by the Exchange alerting the specialist of its equity position and its proximity to the maintenance requirement, with a statement as to the action that will be taken if the maintenance requirement is violated. If a specialist's equity drops below $140,000, such specialist would be required to notify the Exchange as to the steps that are being taken to supply additional equity and the specialist will be given five business days to increase its equity to the minimum requirement of $160,000. If a specialist is unable to increase its equity to $160,000 within five business days, or if at any time the specialist's equity drops below $130,000, all of such specialist's stocks will be assigned to another specialist, under a caretaker arrangement for not more than 20 business days. Unless the liquidating equity is increased to $160,000 within the 20 business days, the stocks will be subject to allocation to other specialists.

The BSE proposes to amend its Early Warning Alert requirements beginning on January 1, 1994 to coincide with the increase in required liquidating equity to $200,000. During this second phase, the BSE rule would require that if at any time a specialist's equity drops below $200,000 (but above $175,000), the specialist will be given an Early Warning Alert notice. If the specialist's equity drops below $175,000, the specialist will be required to notify the Exchange as to the steps that are being taken to supply additional equity and the specialist will be given five business days to increase its equity to the minimum requirement of $200,000. If a specialist is unable to increase its equity to $200,000 within five business days, or if at any time the specialist's equity drops below $160,000, all of the specialist's stocks will be assigned to another specialist, under a caretaker arrangement for not more than twenty business days. Unless the liquidating equity is increased to $200,000 within twenty business days, the stocks will be subject to allocation to other specialists.[13]

The BSE also proposes to amend section 2(g) to increase its additional equity requirements applicable to alternate specialist and/or trading accounts. Currently, each approved trading account or alternate specialist account is required to maintain at all times a liquidating equity in its account of not less than $25,000 above the current minimum equity requirement in cash or securities.[14] The proposal would increase the additional equity requirement for alternate and/or trading accounts from $25,000 to $50,000 per specialist.

The BSE proposes to adopt section 2(m) to provide that, in the event that a specialist drops below the additional equity requirement to carry an alternate and/or trading account, the specialist shall be notified in writing by the Exchange that the account is inactive. A specialist also would be able to request, in writing, inactive status on an alternate or trading account for any reason and without so stating. In either event, where an account has been inactivated, in order to reactivate the account, the specialist would have to make a written request to the Exchange and be approved by three floor members of the Market Performance Committee for interim approval subject to ratification by the full committee.

Finally, the BSE proposes to amend its List of rules subject to its Plan. The proposed amendment would add Section 2(m), Trading in an Inactive Alternate and/or Trading Account, to the List. The proposal would impose a $500 fine for an initial offense and a $1,000 fine for subsequent offenses of this proposed rule.

The Exchange states that the purpose of the proposed rule change is to revise the capital and equity requirements of the Exchange in anticipation of proposed amendments to Securities Exchange Act Rule 15c3–1.[15] The Exchange also believes that the addition of Trading in an Inactive Alternate and/or Trading Account (Section 2(m)) to the List will enable the Exchange to enforce its equity requirements in a more efficient and effective manner.

[11] This notice alerts the specialist of its equity position and its proximity to the maintenance requirement and contains a statement as to action that will be taken by the BSE if the maintenance requirement is violated.

[12] The BSE adopted its current minimum equity requirements in two phases, the first phase took effect on December 31, 1987 and the second phase took effect on June 30, 1988. See Securities Exchange Act Release No. 25044 (October 20, 1987), 52 FR 40009 (October 26, 1987) (order approving File No. SR–BSE–87–2). Section 2(f)(iv) permitted the BSE's Market Performance Committee to consider mitigating circumstances and/or market conditions in providing temporary relief or to ascertain alternatives that may be applied where a specialist was unable to maintain the requirements on December 31, 1987 and June 30, 1988.

[13] The BSE proposal would permit its Market Performance Committee to consider mitigating circumstances and/or market conditions in providing temporary relief or to ascertain alternatives that may be applied when a specialist is unable to maintain the increased requirements on July 1, 1993 or January 1, 1994.

[14] The additional equity requirement does not affect the BSE's early warning alert ranges. If the equity drops below this additional requirement, activity in the accounts must cease immediately until the additional equity requirement is met or the accounts are closed.

[15] 17 CFR 240.15c3–1 (1992). In 1988, the Commission proposed amendments to Rule 15c3–1. The proposed amendments were published for comment in Securities Exchange Act Release No. 26402 (December 28, 1988), 54 FR 315 (January 5, 1989). As of July 1, 1993, the proposed amendments to Rule 15c3–1 have not been adopted by the Commission.

The BSE states that the proposed rule change is consistent with section 6(b)(5) of the Act, in that the capital and equity requirements of the Exchange are designed to protect investors and the public interest by ensuring that Exchange members doing business on the floor have adequate funds to cover losses that they might incur in the everyday transaction of business. The BSE states that the addition of section 2(m) to the List will advance the objectives of section 6(b)(6) of the Act in that its members and persons associated with its members will be appropriately disciplined for the violation of rules and policies where the Exchange has determined that such violation is minor in nature and is consistent with sections 6(b)(7) and 6(d)(1) of the Act because the Minor Rule Violation Plan provides a fair procedure for the imposition of sanctions.

III. Discussion

The BSE, through these amendments to its net capital and equity rules, is seeking to increase the financial responsibility of its specialists by: (1) Increasing minimum net capital requirements and increasing the haircuts in the net capital computation; (2) raising minimum equity requirements for specialists in two phases; (3) limiting to 60 business days, the period during which a specialist may operate under Early Warning Alert Status and revising the Early Warning Alert provisions; (4) increasing the additional equity requirement for alternate specialist and/or trading accounts; (5) requiring that equity funds be maintained with the BSECC; and (6) establishing inactive status for alternate specialist and trading accounts that fall below the additional equity requirements for such accounts.

The Commission finds that the BSE's proposed amendments to its net capital and equity requirements for specialists are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with the requirements of sections 6(b)(5) and 11(b) of the Act.[16] The Commission believes that the BSE's proposal is consistent with the section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Commission also believes that the proposal is consistent with section 11(b) of the Act, and Rule 11b–1 thereunder,[17] which allow securities exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets. The proposal is consistent with the rule 11b–1(a)(2)(i) requirement that the rules of a national securities exchange which permit a member to register as a specialist and to act as a dealer include, among other things, adequate minimum capital requirements in view of the markets for securities on such exchange.

The rules of the BSE, in addition to the rules set forth under the Act, impose certain obligations upon specialists, including, but not limited to, the maintenance of fair and orderly markets.[18] Specialists play a crucial role in providing stability, liquidity, and continuity to the trading of stocks on the Exchange. Generally, specialists are under an affirmative obligation to trade for their own accounts to minimize order imbalances and contribute to continuity and depth in their specialty stocks.[19] Conversely, pursuant to their negative obligations, specialists are precluded from trading for their own accounts unless such dealing is necessary for the maintenance of a fair and orderly market. To ensure that specialists fulfill these obligations, it is important that they maintain an adequate amount of capital and equity.

The importance of specialists' net capital and equity as it relates to the quality of Exchange markets was highlighted during the October 1987 Market Break. In the Division of Market Regulation's ("Division") report on the 1987 Market Break, the Division reviewed, among other things, specialists' ability to maintain fair and orderly markets and minimum capital requirements imposed by the changes. In this respect, the Division stated its concern that the minimum capital requirements imposed by the exchanges on specialists did not reflect the actual capital needed to ensure the maintenance of fair and orderly markets in different types of securities.[20] Accordingly, Division staff recommended a number of changes to the exchanges' capital rules.

The Division believes that the BSE proposal is a positive step toward procuring stronger capital foundations for specialists on its floor. Specifically, the Commission believes that the BSE's proposal to increase specialist net capital requirements to $100,000 and to increase specialist equity requirements to $160,000 and $200,000, in two phases, should help to ensure that BSE specialists have greater access to the capital necessary for the maintenance of fair and orderly markets in their registered securities. By assuring that specialists have capital sufficient to perform their market making responsibilities, the proposal should provide additional protection for the exchange, member organizations, and public investors.

The Commission also believes that amending section 2(f) to require specialists to maintain their equity funds with the BSECC should ensure that the Exchange has immediate access to specialist equity funds. Furthermore, the Commission believes that this requirement is reasonable and will not be overly burdensome on BSE specialists.[21]

The Commission believes that the BSE's proposed revisions to its Early Warning Alert provisions and limitation to 60 business days for operating continuously under the Early Warning Alert Status should help to ensure compliance with the BSE's equity requirements by encouraging specialists to actively obtain additional financing in a reasonable amount of time. Moreover, specialists unable to increase to the appropriate levels, during each respective phase of the proposal, an equity position that has fallen below $140,000 or $175,000 respectively, within five days, would under BSE rules, have their stocks reassigned for 20 days. Unless the minimum equity is met within those 20 days, the stocks would be subject to permanent reallocation to another specialist. Together, these requirements ensure that specialists will not be allowed to make markets in stocks indefinitely if they fall below the equity requirements.

The Commission also believes that the BSE proposal to increase its specialist equity requirements in two phases (July 1, 1993 and January 1, 1994) should provide those specialist units not already meeting the requirements of the proposed rule change with an adequate and reasonable amount of time to come into compliance and that conformity with these standards will not be unduly burdensome on BSE specialist units. In this regard, the BSE stated that the vast majority of its specialist units are

[16] 15 U.S.C. 78f(b)(5) and 78k(b) (1988).

[17] 17 CFR 240.11b–1 (1992).

[18] See generally Chapter XV of the BSE Rules of the Board of Governors. *See also* Rule 11b–1 under the Act.

[19] See supra note 18.

[20] See Division of Market Regulation, The October 1987 Market Break, February 1988, at 4–66 to 4–67. See also Market Analysis of October 13 and 16, 1989, A Report by the Division of Market Regulation, U.S. Securities and Exchange Commission, December 1990, at 4, 16 and 33.

[21] According to the Exchange, as of June 29, 1993, all BSE specialists maintain their equity funds with the BSECC. Telephone conversation between Karen A. Aluise, Assistant Vice President, BSE, and Louis A. Randazzo, Attorney, Commission, on June 29, 1993.

already in compliance with the requirements of the proposed rule.[22]

The Commission believes that the BSE proposal to increase the additional equity requirement for alternate specialist and/or trading accounts is designed to improve the financial integrity and liquidity of the BSE market place. Similarly, the Commission believes that it is appropriate for the Exchange to establish an inactive status for alternate specialist and/or trading accounts that fall below the additional equity requirements for such accounts. This proposal should help to ensure compliance with the additional equity requirements and, as a result, should provide additional protection for the Exchange, member organizations, and public investors.

The Commission also finds that the Exchange's proposal to add Trading in an Inactive Alternate and/or Trading Account (section 2(m)) to the Plan is consistent with sections 6(b)(1), (6) and (7), 6(d)(1) and 19(d).[23] The proposal is consistent with the section 6(b)(6) requirement that the rules of an exchange provide that its members and persons associated with its members shall be appropriately disciplined for violations of rules of the exchange. In this regard, the proposal will provide an efficient procedure for appropriate disciplining of members in those instances when a rule violation is either technical and objective or minor in nature. Moreover, because the Plan provides procedural rights to the person fined and permits a disciplined person to request a full hearing on the matter, the proposal provides a fair procedure for the disciplining of members and persons associated with members which is consistent with sections 6(b)(7) and 6(d)(1) of the Act.

In 1984, the Commission adopted amendments to paragraph (c) of the Securities Exchange Act Rule 19d–1 to allow self-regulatory organizations ("SROs") to submit, for Commission approval, plans for the abbreviated reporting of minor rule violations.[24] Subsequently, the Commission approved a BSE proposal for a minor rule violation disciplinary system and for the abbreviated reporting of minor rule violations pursuant to Rule 19d–1(c) under the Act.[25] Accordingly, the BSE is relieved of the current reporting requirements of section 19(d)(1) with respect to disciplinary action taken pursuant to the Exchange's Plan.[26]

In adopting Rule 19d–1, the Commission noted that the Rule was an attempt to balance the informational needs of the Commission against the reporting burdens of the SROs.[27] In promulgating paragraph (c) of the Rule, the Commission was attempting further to reduce those reporting burdens by permitting, where immediate reporting was unnecessary, quarterly reporting of minor rule violations. The Rule is intended to be limited to rules which can be adjudicated quickly and objectively.

The Commission believes that the rule violation that the BSE proposes to include in its Plan meets this criteria and should be added to the List. In particular, the Commission believes that the violation of Trading in an Inactive Alternate and/or Trading Account is easily determined and amenable to quick, objective determinations of compliance. Efficient and equitable enforcement of this violation should not entail the complicated factual and interpretative inquiries associated with more sophisticated Exchange disciplinary actions.

The Commission also believes that the proposal provides an alternative means by which to deter violations of Section 2(m), thus furthering the purposes of the Act. An exchange's ability to enforce effectively compliance by its members and member organizations with Commission and exchange rules is central to its self-regulatory functions. Inclusion of a rule in an exchange's minor rule violation plan should not be interpreted to mean that it is an unimportant rule. On the contrary, the Commission recognizes that inclusion of rules under a minor rule violation plan not only may reduce reporting burdens of an SRO but also may make its disciplinary system more efficient in prosecuting violations of these rules.

In addition, because the BSE retains the discretion to bring a full disciplinary proceeding for any violations included on the List, such as for egregious or repeat violations, the Commission believes that adding section 2(m) will enhance, rather than reduce, the BSE's enforcement capabilities regarding this Rule.

Finally, the Commission believes that the inclusion of Section 2(m) on the List will prove to be an effective alternate response to a violation when the initiation of a full disciplinary proceeding is unsuitable because such a proceeding may be more costly and time-consuming in view of the minor nature of the particular violation.

The Commission finds good cause for accelerated approval of Amendment Nos. 2 and 3 to the proposed rule change prior to the thirtieth day after publication of notice of filing thereof. The BSE's proposed rule change to increase its specialist net capital and equity requirements was published in the **Federal Register** for the full statutory period and no comments were received.[28] Amendment No. 2 is a single modification to the proposal to reinstate section 2(i) to Chapter XXII of the BSE Rules of the Board of Governors, which the BSE previously proposed to delete from its Rules. Amendment No. 3 merely amends the portion of the BSE's proposal that increases specialist capital requirements to request approval on a six month temporary basis. The Commission finds that accelerated approval of Amendment Nos. 2 and 3 is necessary in order for the BSE to be able to effectuate its new net capital and equity requirements in a timely manner upon approval.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment Nos. 2 and 3. 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

[22] According to the Exchange, as of June 23, 1993, all BSE specialists were aware of the proposed amendments and only one specialist was below the equity standards in the proposed rule. Telephone conversation between George W. Mann, Jr., Senior Vice President and General Counsel, BSE, and Louis A. Randazzo, Attorney, Commission, on June 23, 1993.

[23] 15 U.S.C. 78f(b)(1), (6) and (7), 78f(d)(1) and 78s(d) (1988).

[24] See Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23838 (June 8, 1984).

[25] See Securities Exchange Act Release No. 26737 (April 17, 1989), 54 FR 16438–I (April 24, 1989) (File No. SR–BSE–88–2).

[26] Pursuant to paragraph (c)(1) of Rule 19d–1, an SRO is required to file promptly with the Commission notice of any "final" disciplinary action taken by the SRO. Pursuant to paragraph (c)(2) of Rule 19d–1, any disciplinary action taken by the SRO for violation of an SRO rule that has been designated a minor rule violation pursuant to the Plan shall not be considered "final" for purposes of section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his or her administrative remedies. By deeming unadjudicated minor violations as not final, the Commission permits the SRO to report violations on a periodic (quarterly), as opposed to immediate, basis.

[27] See Securities Exchange Act Release No. 13726 (July 8, 1977), 42 FR 36411 (July 14, 1977).

[28] See Securities Exchange Act Release No. 32333 (May 19, 1993), 58 FR 30079 (May 25, 1993).

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 BSE. All submissions should refer to File No. SR–BSE–93–7 and should be submitted by July 29, 1993.

It is therefore ordered, pursuant to section 19(b)(2) and Rule 19d–1(c)(2) under the Act,[29] that the capital portion of the proposed rule change is approved on a temporary basis through January 2, 1994, and the remainder of the rule change (SR–BSE–93–7) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16113 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32555; File No. SR–CBOE–93–20]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Firm Quotations and Retail Automatic Execution System

June 30, 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 the Chicago Board Options Exchange, Inc. ("CBOE"), on April 21, 1993, 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 amend CBOE Rules 6.8, 8.51, and 24.15 to define and specify the circumstances in which an order is to be deemed a "public customer order" for purposes of determining whether the order will be afforded the benefits provided by the Exchange's firm quote rule and its rules relating to the Exchange's Retail Automatic Execution System ("RAES").

The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of 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.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CBOE Rule 8.51 generally requires the trading crowd at a post to sell (buy) at least 10 contracts at the offer (bid) which is displayed when a buy (sell) order reaches that trading station. The CBOE earlier submitted a proposal to amend CBOE Rule 8.51 to require members of the trading crowd in receipt of customer orders for more than 10 contracts either to satisfy the orders at the disseminated quote or to update the market quote.[1] The CBOE states that the purpose of that proposal is to limit the incidence of actual or apparent trade-throughs, thereby facilitating orderly trading in multiple listed options.

The CBOE is concerned, however, that developments in the marketplace, including, but not limited to, the multiple trading of equity options, have made it more difficult for market-makers to honor their firm quotation obligations. The Exchange states that CBOE Rule 8.51 (the "Firm Quote Rule"), like the Exchange's RAES systems, is intended to provide certain protections to public customers in connection with the execution of small (ten lots or less) orders. The Exchange believes that market-makers must have sufficient time to adjust their quotes to reflect changes in the markets in the underlying securities, other options and markets, and other options series if they are to be expected to participate in RAES and to meet the requirements of the Firm Quote Rule.

In view of these considerations, the CBOE currently proposes to amend its Firm Quote Rule and RAES rules to define a "public customer order" and thereby better identify the persons whose orders are intended to be served by the provisions of those rules. Specifically, the CBOE is proposing to amend Rule 6.8(h) to define "public customer order" to specify that this term does not include any order that is for a "professional trading account." The proposed amendment defines a professional trading account as either (1) an account of a registered broker-dealer pursuant to the Act, (2) an account of a person engaged in business or employed as a professional trader in securities, (3) an account of a person whose orders are computer-generated and automatically transmitted to the Exchange, (4) an account of a person who has been determined by the Exchange's Market Performance Committee ("MPC") to have engaged in a pattern of trading that has the effect of abusing the purposes of the Exchange's RAES systems,[2] or an account with respect to which any of the foregoing persons exercises investment discretion. The proposal provides, however, that an account of an individual who is a registered representative or other employee of a broker-dealer but who is not referred to in clauses (1) through (4) would not be deemed to be a "professional trading account."

The CBOE also proposes to add a new Interpretation and Policy .01 to Exchange Rule 6.8 which provides that in evaluating whether a person has engaged in a pattern of trading that has the effect of abusing the Exchange's RAES systems, the MPC would deem concentrated or aggressive use of those systems by persons seeking to profit from the inability of market-makers to alter their posted quotes instantaneously to be such an abuse. Similarly, the new Interpretation and Policy further provides that since the RAES systems are designed for small orders, persons who place a number of small orders within a relatively short period of time would be deemed to have abused those systems. The proposal states, however, that these criteria are not exclusive, and the MPC would be authorized (subject to review pursuant to Chapter XIX of the CBOE Rules) to determine that other patterns of trading are an abuse of RAES after considering such factors as the frequency of transactions in an account; whether the account has direct access to electronic order entry, delivery, and

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[29] 15 U.S.C. 78s(b)(2) (1988) and 17 CFR 240.19d–1(c)(2) (1991).

[30] 17 CFR 200.30–3(a)(12) (1991).

[1] See Securities Exchange Act Release No. 32406 (June 3, 1993).

[2] A decision of the MPC that an account is a "professional trading account" would be subject to review pursuant to Chapter XIX of the CBOE Rules.

execution systems of the Exchange; and whether participants in the account have access to non-public market information.

The current proposal also amends Exchange Rules 8.51 and 24.15 to incorporate the definition of "public customer order" from Rule 6.8(h) in those rules. In addition, the CBOE proposes to modify its policies with respect to RAES operations in OEX options similarly to reflect this definition of "public customer order."

Additionally, the CBOE proposes to amend Exchange Rule 8.51 to establish procedures that will assist it in conducting surveillance for violations of that Rule. Specifically, the proposal provides that only those public customer orders that are present in the trading crowd and which are clearly marked with the proper account origin code will be accorded preferential treatment under Rule 8.51.[3] The proposal further provides that it is the responsibility of the member or associated person entering a public customer order to identify accurately the order's account origin on the order ticket prior to execution of the order. Moreover, the proposal requires that members seeking such preferential treatment for an order to confirm, at the request of any member of the trading crowd or at the request of the Exchange, that the order has in fact been submitted by a public customer.

Finally, the proposal provides that persons violating Rule 8.51 may be subject to a fine pursuant to Exchange Rule 17.50, which is the CBOE's plan for minor rule violations.[4] In addition, if a member or associated person fails to furnish the Exchange, upon request, with adequate verification of the account origin of an order for the customer-omnibus account of a non-member broker-dealer, all orders entered or executed on behalf of the account will be classified as a non-public customer order, and will not be entitled to the benefits of Rule 8.51, until the Exchange receives verification of the account origin.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, in that clarifying the applicability of the CBOE's Firm Quote Rule and RAES rules will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and promote just and equitable principles of trade. Specifically, the CBOE believes that the proposed rule change represents an appropriate balancing of the objectives that are designed to be served by the Firm Quote Rule and are consistent with the policies that have been articulated by the Commission in its evaluation of similar issues in the context of the National Association of Securities Dealers' Small Order Execution System ("SOES").

The Exchange further believes that the current proposal is consistent with the requirements of, and the policies underlying, Commission Rule 11Ac1–1. In support of this proposition, the Exchange cites the Commission's order approving the rules relating to SOES, in which the Commission noted that the policies underlying the Firm Quote Rule can be "eviscerated" by an automatic execution requirement if market-makers are not afforded some relief with respect to orders originating with "professional traders."[5] In that order the Commission stated:

> The requirement that quotations be "firm" is an essential component of the enhancement of market efficiency offered by quoted dissemination * * * Equally important is the accuracy of the information disseminated. Toward this end, the Firm Quote Rule recognizes the legitimate purpose of allowing market makers "sufficient time to update their quotations."
>
> The introduction of an automatic execution facility upsets this balance [between the need for time quotations and the need of market makers to have time to update their quotes]. Automatic and instantaneous execution of trades deprives market makers of the legitimate and reasonable update period that the Firm Quote Rule is designed to permit.[6]

Finally, the CBOE previously submitted to the Commission a proposed rule change (File No. SR–CBOE–92–03) that the Exchange believes addresses substantially the same subject matter as the current proposal. Since the provisions of that proposed rule change would effectively be superseded by the current proposal, the Exchange has determined to withdraw File No. SR–CBOE–92–03.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Only "professional trading accounts" would be affected by the proposed rule change and the CBOE believes that any incidental burden on such accounts is justified by the more than countervailing benefits to public customers and others that would result from the adoptions of these amendments.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 29, 1993.

[3] The Exchange represents that it will distribute to the membership a circular describing the appropriate account origin code for public customer orders upon approval of this proposed rule change.

[4] The Exchange represents that it will file an amendment to Rule 17.50 to establish a schedule of fines for violations of Rule 8.51.

[5] Securities Exchange Act Release No. 32092 (April 1, 1993), 58 FR 18279, 18279 (April 8, 1993).

[6] 58 FR at 18280 quoting Securities Exchange Act Release No. 14415, 43 FR 4342, 4344 (February 1, 1978).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16114 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

(Release No. 34–32564; International Series Release No. 560; File No. SR–ISCC–93–1)

Self-Regulatory Organizations; International Securities Clearing Corporation; Order Approving Proposed Rule Change Relating to a Data Transmission Link With Euroclear

June 30, 1993.

On March 1, 1993, International Securities Clearing Corporation ("ISCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The Commission published notice of the proposed rule change in the Federal Register on April 6, 1993.[2] On May 5, 1993, ISCC filed Amendment No. 1 to the proposed rule change ("Amendment No. 1").[3] On May 26, 1993, ISCC filed Amendment No. 2 to the proposed rule change ("Amendment No. 2").[4] Amendment No. 1 and Amendment No. 2 were technical amendments that did not require republication of notice. No comments were received on the notice. As discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change implements a data transmission link with Euroclear Systems ("Euroclear"), a clearance and settlement system for internationally traded securities, located in Brussels, Belgium.[5] This link is established pursuant to ISCC Rule 40 which provides that ISCC may establish links with foreign financial institutions and may require members to enter into such agreements as ISCC deems necessary in order to use a link.

The Euroclear link will provide ISCC members with the opportunity to have access to Euroclear's clearance and settlement services. ISCC members will transmit instructions to ISCC through a service bureau approved by ISCC.[6] After editing and formatting the instructions, ISCC will re-transmit the information to Euroclear. ISCC will not guarantee the transactions, will have no obligation to settle any transaction in the ISCC member's account, and will not maintain a securities or cash account at Euroclear.

Each participating ISCC member must be approved as a customer by Euroclear because payment obligations for use of the services, such as settlement amounts necessary to conduct the clearance and settlement of transactions, will remain an obligation between the member and Euroclear and will be processed without ISCC intermediation. ISCC is responsible to Euroclear only for payment of the Euclid 90 data transport fees that arise from Euroclear's transmission of data to ISCC, which fees will be passed through to participating ISCC members.

The link procedures provide that the service bureau will submit to ISCC on the member's behalf, in a standard format known as Universal Trade Record ("UTR") via the service bureau's computer, instructions concerning the member's securities account at Euroclear including, but not limited to, instructions to receive or deliver securities against payment or for no value. Each member will have a unique identifier code which will be maintained by ISCC in a master file. ISCC will validate instructions received from a service bureau on behalf of members against the master file and the number of records transmitted by each member. Confirmations of accepted data will be transmitted to the service bureau.

All pending file data will be edited for completeness and alpha/numeric accuracy. Rejected data will be written to a pending file for subsequent transmission to the service bureau. If the data passes the edit, ISCC will reformat the data into Euroclear formats and transmit the data to Euroclear via the General Electric Information Services Company's ("GEISCO") telecommunications network or another Euroclear approved transmission vehicle.[7] Euroclear will confirm receipt to ISCC via their computer system.[8] ISCC will retain a copy of the number of records successfully transmitted. ISCC also has represented that it will capture all information transmitted through the link.[9]

Euroclear will process the instructions and make status codes of transactions available directly to ISCC

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[7] 17 CFR 200.30–3(a)(12) (1992).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 32075, International Series Release No. 529 (March 31, 1993), 58 FR 17920.

[3] Letter from Karen Saperstein, General Counsel, ISCC, to Christine Sibille, Attorney, Commission (May 5, 1993). Amendment No. 1 discussed some of the conditions under which the link would be operated. Specifically, it clarified that, with the exception of "Yankee Bonds" (bonds issued by non-U.S. issuers, usually de-nominated in dollars, generally registered under the Securities Act of 1933, and issued in the U.S. market) traded between one U.S. and one non-U.S. entity, transactions in securities eligible for safekeeping services at The Depository Trust Company ("DTC") will not be transmitted through the link; ISCC will monitor the previous restriction to non-DTC eligible securities through monthly sampling; ISCC will notify the Commission of any transmission delays exceeding two hours; each month ISCC will provide the Commission with certain information about member usage of the link; and ISCC will not maintain any accounts at Euroclear.

[4] Letter from Karen Saperstein, General Counsel, ISCC to Judith Poppalardo, Assistant Director, SEC (May 20, 1993). Amendment No. 2 requested that transactions between a U.S. and a non-U.S. entity with respect to Global Bonds and Global Depository Receipts be permitted to be transmitted through the link.

[5] Euroclear was founded in 1968 by the Brussels office of Morgan Guaranty Trust Company of New York ("MGT"). The rights to the system were acquired in 1972 by the company now known as Euroclear Clearance System, Public Limited Company ("ECS–PLC"). Such rights are currently licensed by ECS–PLC to Euroclear Clearance System Société Cooperative (the "Co-op"). The services, accounts, and relationships of Euroclear are performed or maintained by the Euroclear Operations Centre ("EOC") of the Brussels office of MGT, pursuant to an operating agreement with the Co-op.

EOC is located in and manages all its business from Brussels, Belgium, and the contractual relationship between it and Euroclear participants is governed by Belgian law. The Co-op has no contractual relationship with participants as such. Participants are offered the opportunity of becoming members of the Co-op, but are not required to do so. The Board of Directors of the Co-op determines certain policy matters under the operating agreement with MGT.

Because EOC is the entity that performs or maintains the services, accounts, and relationships of Euroclear, it is the entity that is regulated with respect to the system. As a bank branch operating in Brussels, it is regulated by the Belgian Banking Commission. As part of a U.S. bank, it is also regulated by the New York Banking Department and U.S. Federal Reserve System. Finally, it is authorized as a services company by the Securities Investment Board in London. EOC is not registered under the Act in any capacity. As of Autumn of 1992, Euroclear had over 2,600 participants worldwide, and accepted over 40,000 different securities including debt instruments issued by sixteen countries and equity issues from seventeen markets. Group of Thirty Clearance and Settlement Project, Euroclear Autumn 1992 Status Report 1 (1992) [hereinafter "G–30 Report"].

[6] Automatic Data Processing, Inc. is the first service bureau to be approved to process these transactions. All members who wish to access this link will be required to enter into a supplemental Member's Agreement amendment (the "Amendment"). The Amendment will authorize ISCC to accept data from the service bureau on behalf of the member, and will limit the liability of ISCC for the errors or omissions of the service bureau.

[7] ISCC has a dedicated phone line to GEISCO and an alternate phone line available as a back-up system.

[8] If there is an error in transmission, ISCC will attempt to remedy any transmission problem and retransmit the data.

[9] Telephone conversation between Karen Saperstein, General Counsel, ISCC, and Christine Sibille, Staff Attorney, Commission (April 19, 1993).

members through their offices' central processing unit or personal computer. Euroclear will immediately notify members of any rejected data. Any instructions forwarded to Euroclear will be processed in accordance with Euroclear's Operating Procedures. Euroclear matches transactions continuously through the day.[10] Unmatched trades are retained in an inventory of valid instructions and continue to be compared until matched or cancelled.[11] Transactions are settled only if the seller has sufficient unencumbered securities in its account (owned outright or borrowed) to make delivery and the buyer has sufficient cash in its account or available credit facilities to pay for the securities.[12] Members remain obligated for unsettled transactions.[13] Output from Euroclear will not flow through ISCC, but will go directly to the ISCC member from Euroclear.

ISCC will operate the Euroclear link subject to certain limitations. First, ISCC will not transmit information about transactions in securities which are eligible for safekeeping services at DTC to Euroclear for processing through the link, except for transactions in Yankee bonds, Global Bonds,[14] or Global Depository Receipts[15] traded between a U.S. entity and a non-U.S. entity. Based on a reasonable sample of link transactions, ISCC will monitor members' link activity on a monthly basis for compliance with this limitation. If ISCC determines that information regarding DTC eligible securities has been transmitted through the link, it will notify the Commission.[16]

In addition, ISCC will notify the Commission of any transmission delays or service problems, including, but not limited to, system down-time of more than two hours, lost data between ISCC and Euroclear, and lost data between ISCC and the member. On a monthly basis, ISCC will provide the Commission with information regarding the total quantity and value of deliver or receive against payment instructions submitted for settlement, by currency, by value date or settlement date through the link.[17]

II. Discussion

The Commission believes the proposed rule change is consistent with Section 17A of the Act, and, therefore, is approving the proposal. Specifically, the Commission believes the proposal is consistent with Section 17A(b)(3)(F)[18] of the Act in that it promotes the prompt and accurate clearance and settlement of securities transactions and fosters cooperation and coordination with persons engaged in clearance and settlement of securities transactions. The link with Euroclear will permit ISCC members, using standardized input format, to obtain through ISCC foreign clearing, settlement, and custody services offered by Euroclear. Currently, broker-dealers who wish to use Euroclear's settlement system must transmit instructions both to its service bureau and directly to Euroclear. The ISCC link will reduce the time and expense of such activity, by allowing the member to transmit the information once to the service bureau for transmission to Euroclear, In addition, the link should reduce input errors, because data is input only once by the member and reviewed for errors by ISCC before transmission to Euroclear.

The Commission believes that ISCC's processing of the Euroclear link transactions will provide a record-keeping benefit over the current system. ISCC will preserve transaction records in accordance with United States laws and Commission regulations and standards. This should result in more complete records, providing the Commission with a source of information about transactions settling outside the United States that involve U.S. broker-dealers.

The data format used by members, the UTR, will conform to current United States and international standards for transmission of data relating to the execution of international securities transactions. Participating members will therefore receive the benefits of being able to process and enter their trade data in a standard international format, eliminating the need to accommodate their back office systems to the Euroclear format. In addition, because the data elements of the UTR will conform to both United States and international standards, the Commission believes the Euroclear link will provide a further step in the standardization of international clearance of trades.

III. Conclusion

For the reasons stated above, the Commission finds that the proposed rule change is consistent with Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–ISCC–93–01) 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. 93–16055 Filed 7–7–93; 8:45 am]

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[Release No. 34–32568; File No. SR–NASD–93–26]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Accelerated Approval of Proposed Rule Change

July 1, 1993.

In the Matter of Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Accelerated Approval of Proposed Rule Change Relating to Release of Additional Information Regarding Disciplinary History of Members and Their Associated Persons Via Toll-Free Telephone Listing.

On June 15, 1993, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change[1] pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[2] and Rule 19b–4 thereunder.[3] The proposal

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[10] G–30 Report at 2. During the matching process, Euroclear will compare account numbers, settlement date, nominal amount, security code number of the issue, and currency and cash countervalue. *Id.*

[11] *Id.*

[12] Federal Reserve Bank of New York, Clearing and Settling the Euro-Securities Market: Euro-Clear and Cedel 3 (March 1989).

[13] *Id.* at 4.

[14] Global Bonds are bonds issued in registered form for trading on a fungible basis in and between the major world securities markets. The bonds are issued generally by supranational agencies, such as the World Bank, but also may be issued by governments and governmental agencies and corporations. Issuers of global debt securities are registered with the Commission under the Securities Act of 1933 or are exempted from registration.

[15] Global Depository Receipts are Depository Receipts structured like global debt issues to facilitate trading on an international basis. The receipts are made up of two fungible tranches held in DTC for book-entry settlement: a U.S. portion for Qualified Institutional Buyers trading in compliance with Rule 144A, and an international tranche issued under Regulation S.

[16] Telephone conversation between Karen Saperstein, General Counsel, ISCC, and Christine Sibille, Staff Attorney, Commission (April 29, 1993).

[17] Telephone conversation between Karen Saperstein, General Counsel, ISCC, and Christine Sibille, Staff Attorney, Commission (May 6, 1993).

[18] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[1] The NASD filed the initial rule on April 26, 1993. The current amendment replaced the original rule filing in its entirety. Subsequently on June 16, 1993, the NASD made a technical amendment to the rule filing. See letter from Craig Landauer, Associate General Counsel, NASD to Selwyn Notelovitz, Branch Chief, SEC, dated June 16, 1993.

[2] 15 U.S.C. 78s(b)(1) (1988).

[3] 17 CFR 240.19b–4 (1992).

amends the Resolution of the Board of Governors concerning Notice to Membership and Press of Suspensions, Expulsions, Revocations and Sanctions at Article V, Section I of the NASD Rules of Fair Practice.

Notice of the proposed rule change, together with the substance of the proposal was provided by issuance of a Commission release (Securities Exchange Act Release No. 32473, June 16, 1993) and by publication in the Federal Register (58 FR 33963, June 22, 1993). To this date the Commission has not received any comment letters. For the reasons stated herein the Commission is accelerating approval of the proposed rule change.

I. Background

The Securities Enforcement Remedies and Penny Stock Reform Act of 1990 ("Penny Stock Reform Act") was enacted on October 15, 1990, with the intention of curbing pervasive fraud and manipulation in the penny stock market. In order to achieve this result the Penny Stock Reform Act, among other things, mandated that the NASD establish a toll-free telephone number to receive customer inquiries concerning the disciplinary history of its members and their associated persons.[4] The NASD began its 800 number service on October 1, 1991.[5] Through this service the NASD reports: (1) past and present employment history of NASD members, (2) all final disciplinary actions[6] taken by federal, state, or self-regulatory organizations which relate to securities or commodities transactions and (3) all criminal convictions reported on Form BD or Form U–4.

In July of 1992 the House Subcommittee on Telecommunications and Finance requested that the Government Accounting Office ("GAO") conduct a review of the rules, procedures, facilities, and oversight and enforcement activities with respect to the Penny Stock Reform Act. One of the areas Congress specifically asked for a review of was the NASD's toll-free number.[7] In response to the Congressional request, the GAO undertook a study of the implementation of the Penny Stock Reform Act. At the completion of its study, the GAO recommended, among other things, that there be improvements in the NASD's procedures for informing investors of broker-dealers' and their associated persons' disciplinary history and arbitration award history. Specifically, the GAO recommended that the NASD be required to "provide public investors who request information via the NASD's toll-free service with information on final arbitration awards."[8] Both the Commission and the NASD concurred in this recommendation.[9] Thereafter, the NASD filed the proposed rule change, which is being approved today, as described below.

II. Description

The proposed rule change will permit the NASD to release certain additional information contained in the Central Registration Depository ("CRD")[10] system regarding the disciplinary history of its members and their associated persons in response to telephonic inquiries from the general public via its existing toll-free telephone listing service plan. The proposed rule change will allow the NASD to release information on all: (1) Pending formal disciplinary proceedings initiated by federal or state securities agencies and self-regulatory organizations,[11] as well as pending and final disciplinary actions taken by foreign governments or foreign regulatory authorities; (2) criminal indictments or informations; (3) civil judgments; and (4) arbitration decisions in securities and commodities disputes involving public customers.

The NASD will disclose final arbitration decisions involving only public customers that are reported on Form U–4 that are available through the NASD's existing arbitration data base. This data base captures all member and associated person arbitration decisions issued by the NASD arbitrators after May 10, 1989. On July 1, 1993, the NASD will make available arbitration decisions disclosed on Form U–4 and only those arbitration decisions from the data base that date back to August 6, 1990. On September 1, 1993, the NASD will add arbitration decisions from the data base that date back to May 10, 1989.[12] Until then the public can seek that information by calling the NASD's office of Administrative Services at (301) 590–6708.

The NASD procedures call for a copy of the information requested to be sent to the person requesting it and to the subject of the request, *i.e.* the member firm or an associated person. Each NASD member firm receives a monthly print-out with the number of requests that have been made concerning the firm and its associated persons, as well as the names of those associated persons on whom the requests have been made. In addition, each such associated person receives a report with all the information that has been sent out by the NASD to the requestor. The name and address of the requestor is redacted from these reports and is not revealed to either the member firm or its associated person.

III. Discussion

The Commission finds the proposed rule change is consistent with sections 15A(i)[13] and 15A(b)(6)[14] of the Act. Section 15A(b)(6) provides, in pertinent part, that the rules of a national securities association shall be designed to promote just and equitable principles

[4] The legislative history of the Penny Stock Reform Act states that Congress expects that "the Commission, the state regulators, and registered securities associations will consult with one another to try and develop a common approach to this issue, *one which fulfills the informational needs of the customers and assures the maximum level of investor protection.*" H.R. Rep. No. 617, 2d Sess. (1990) (emphasis added).

[5] The NASD presently has in place its 800 Number Service plan which was approved by the Commission in April 1992. See Securities Exchange Act Rel. No. 30629 (April 23, 1992), 57 FR 18535 (April 30, 1992) (approving File No. SR–NASD–91–39).

[6] The term disciplinary action as used by the NASD includes, but is not limited to, the information provided in response to questions 7 B, C, D, E, and F on Form BD; and questions 22 C, D, E, F, and G on Form U–4.

[7] See letter from Edward J. Markey, Chairman of the Subcommittee on Telecommunications and Finance to Charles A. Bowsher, Comptroller General of the United States dated July 17, 1992. Section 510 of the Penny Stock Reform Act directs the Comptroller General to conduct a review of the implementation of the Penny Stock Reform Act, and to submit a report to Congress with any recommendations.

[8] See GAO, Penny Stocks: Regulatory Actions to Reduce Potential for Fraud and Abuse (February 1993), at 48. ("GAO Report").

[9] See letter from William Heyman, Director, Division of Market Regulation, SEC, to Richard Fogel, Assistant Comptroller General, General Accounting Office dated November 27, 1992, GAO Report at 60; and letter from John E. Pinto, Executive Vice President, Compliance Division, NASD, to R. Fogel, GAO, dated November 27, 1992, GAO Report at 65.

[10] Developed jointly by the North American Securities Administrators Association ("NASAA") and the NASD in 1981, the CRD, which the NASD operates, is an on-line data base which contains information pertaining to broker-dealers and their associated persons. Information contained in the CRD is provided by the NASD, SEC, some exchanges, the Commodity Futures Trading Commission, the National Futures Association, state securities commissions, and the Federal Bureau of Investigation. The CRD data base includes about 5,500 broker-dealers and 420,000 active registered persons.

[11] In addition to the information disclosed on Forms BD or U–4, all pending NASD initiated disciplinary actions whether or not disclosed on Forms BD or U–4 also will be provided through the toll-free number.

[12] The NASD notified its membership, through Notice to Members 93–37 (June 1993), that all arbitration decisions will not be disclosed effective July 1, 1993, but that the disclosure of information will be phased in over time. In addition, the NASD's toll-free number operators will alert callers to this fact.

[13] U.S.C. 78*o*–3(i) (1988 & Supp. 1992).

[14] 15 U.S.C. 78*o*–3(b)(6) (1988).

of trade. Section 15A(i) mandates that the NASD (1) establish and maintain a toll-free telephone listing to receive inquiries regarding disciplinary actions involving its members and their associated persons, and (2) promptly respond to such inquiries in writing. The Commission believes the proposed rule change furthers the goals of this section of the Act inasmuch as the increased disclosure will enhance the access of members of the public to information that will help them to determine whether or not to conduct or continue to conduct business with an NASD member or any of the member's associated persons. The Commission has long believed that investors need access to reliable information in order to protect themselves against fraud. Adding information on pending disciplinary actions and other matters to the NASD's toll-free number is a positive step in keeping with this policy of providing information to investors.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing. The Commission finds that accelerated approval will allow the NASD to provide additional information in response to customer inquiries concerning broker-dealer firms and their associated persons which is not currently available. The additional information is already in the NASD's system and as noted above, the NASD is prepared to make this information available as of July 1, 1993. Providing this information furthers the legislative intent of developing a toll-free number "which fulfills the informational needs of the customers and assures the maximum level of investor protection." To delay implementation of this rule would hinder attempts by the public to get full and accurate information about brokerage firms and their associated persons.

The Commission does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change, SR–NASD–93–26 be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16115 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32570; File No. SR–NASD–93–17]

Self Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to Quotation Size Requirements for Market Makers in OTC Equity Securities

July 1, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1) (1988), on March 24, 1993, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to revise the minimum size requirement applicable to market makers utilizing the OTC Bulletin Board Service ("OTCBB") or any comparable inter-dealer quotation system to quote firm markets in OTC Equity Securities.

Notice of the proposal appeared in the **Federal Register** on April 7, 1993.[1] The Commission received no comment letters regarding the proposed rule change. This order approves the proposed rule change.

I. Description of the Proposed Rule Change

Currently, if an NASD member enters and displays a firm quotation in the OTCBB for a domestic OTC Equity Security,[2] the bid or offer must be firm for at least one trading unit (typically 100 shares), regardless of the price of the shares quoted. The proposed rule change will replace the standard one-trading-unit requirement with a tiered structure of minimum size requirements that is based on the price of the bid or offer.[3] Each registered market maker that publishes a firm bid or offer in a domestic OTC Equity Security will be required to honor its bid or offer for individual orders up to the size prescribed for the particular price range.[4] These requirements will apply to members' quotes on the OTCBB and any other inter-dealer quotation system that permits quotation updates on a real-time basis. The NASD intends to put the new size requirements into effect within 90 days after the date of the Commission's approval of the proposed rule change.

Once the NASD completes necessary system enhancements, the OTCBB will be capable of displaying size for quotations, and will have a default feature to ensure display of the correct minimum size if a market maker neglects to enter that size while updating its quotes.[5] Nevertheless, each market maker will be responsible for determining the minimum size requirement applicable to its bid or offer, and must honor the quote for the specified size.[6]

The NASD stated in the notice for the proposed rule change that based on input from market makers using the OTCBB, it has determined that the 100-share minimum is no longer appropriate for the vast majority of issues quoted in the OTCBB, especially the lower priced issues. The NASD believes that the proposed rule change will result in quotation size requirements that correspond more closely to the trading practices of market makers that actively use the OTCBB.

II. Discussion

The Commission believes that approval of this proposed rule change is consistent with the provisions of the Act and the rules and regulations thereunder, and, in particular with the requirements of section 15A(b)(6) and 15A(b)(11) of the Act. Section 15A(b)(6) states that an association of brokers and dealers, such as the NASD, may not be registered as a national securities association unless the Commission determines that "the rules of the association are designed to prevent fraudulent and manipulative acts and practices, [and] to promote just and equitable principles of trade." Section 15A(b)(11) states that the association rules must "include provisions

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[1] See Securities Exchange Act Release No. 32077 (March 31, 1993), 58 FR 18126.

[2] The proposed rule change states that for purposes of this rule, the term "OTC Equity Security" means any equity security not classified as a "designated security" for purposes of Parts XII or XIII of Schedule D to the NASD By-Laws, or as an "eligible security," for purposes of Schedule G to the NASD By-Laws. The term does not include restricted securities, as defined by Rule 144(a)(3) under the Securities Act of 1933, or any securities designated in the PORTAL Market. The new size requirement will not apply to any foreign/ADR issue in which firm quotations are not permitted to be entered into the OTCBB.

[3] Bids or offers for 0¢ to .50¢ must be firm for 5,000 shares. Bids or offers for .51¢ to $1.00 must be firm for 2,500 shares. Bids or offers for $1.01 to $10.00 must be firm for 500 shares. Bids or offers for $10.01 to $100 must be firm for 200 shares. Bids or offers for $100.01 to $200.00 must be firm for 100 shares. Bids or offers for $200.01 and above must be firm for 50 shares.

[4] The proposed rule change does not require market makers to publish two-sided firm quotes for OTC Equity securities. Market makers may, therefore, continue to publish unpriced indications of interest, or one-sided quotations for such securities.

[5] The NASD anticipates that the OTCBB will have size display capability and the minimum size default feature by the end of the first half of 1994.

[6] A table setting forth the tiered minimum size requirements will be reproduced in a newsframe accessible to OTCBB market makers on the workstations they use to enter and update their quotations.

governing the form and content of quotations * * * [and] be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations."

The Commission believes that replacing the current one-trading-unit size requirement for firm quotes in OTC Equity Securities with size requirements that are based on bid or offer prices should provide investors with a more accurate picture of the actual size of execution available and the depth of the market in each security. Moreover, the proposed rule change should enhance the quality, liquidity, and depth of the OTCBB market and provide greater information to investors. Market makers currently are willing to execute trades in many of the OTC Equity Securities well in excess of the 100-share size that is currently required to be honored. The Commission has favored realistic display of size at least since the early 1980s.[7]

III. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with sections 15A(b)(6) and 15A(b)(11) of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16116 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32573; File No. SR–NASD–93–10]

Self-Regulatory Organizations; Notice of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Participation in the Intermarket Trading System by Third Market Makers

July 1, 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 March 1, 1993, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The purpose of the proposed rule change is to require third market makers in exchange-listed securities and register and participate in the Computer Assisted Execution System ("CAES") and the Intermarket Trading System/Computer Assisted Execution System ("ITS/CAES"). On June 10, 1993, the NASD amended the proposed rule change to clarify that only third market makers registered as CQS market makers must register an ITS/CAES market makers.[1] 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 NASD is proposing amendments to Schedules D and G to the NASD By-Laws and to the Rules of Practice and Procedure for the ITS/CAES Automated Interface to require third market makers registered as CQS market makers in exchange-listed securities to register and participate in CAES and ITS/CAES.[2]

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 NASD 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 NASD 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 Association is proposing amendments to Schedules D and G to the NASD By-Laws and amendments to the Rules of Practice and Procedures for the ITS/CAES Automated Interface ("ITS/CAES Rules") to require market makers in exchange-listed securities that register as Consolidated Quotation System ("CQS") market makers to participate in CAES and in ITS/CAES. The amendments will require registration as a CAES market maker for those members registered in CQS for non-Rule 19c–3 securities and registration as an ITS/CAES market maker and participation in the ITS/CAES system by CQS market makers in Rule 19c–3 securities traded in the ITS linkage.[3] The proposal also will require CQS market makers to input minimum sizes of 200 or 500 shares in their quotations (depending on trading characteristics of the securities), and will require CQS market makers to abide by excess spread parameters as established for the Nasdaq market in Part VI of Schedule D to the By-Laws. The NASD is also modifying the operation of CAES to permit market maker-to-market maker transactions through the system.

The NASD is proposing the rule change to enhance the quality and liquidity of the third market and to improve opportunities for customers to receive automated executions of their orders through CAES.

Additionally, the NASD believes that requiring market makers in ITS/CAES eligible securities to participate in the linkage will make ITS a more effective national market linkage, and will help eliminate confusion by exchange participants and others between linked and non-linked market makers. Participation in the ITS/CAES linkage will enhance the quality of the third market by making the quotations by third market makers in Rule 19c–3 exchange-listed stocks accessible to other exchange participants. Currently, the quotes of all Nasdaq market makers in exchange-listed securities are consolidated into a composite third market quote and disseminated to vendors and to the floors of competing exchanges on CQS. The quotes of Nasdaq market makers that are not ITS linked are included in the consolidated quote, but are not accessible through the facilities of ITS or ITS/CAES to other ITS participants or ITS market makers. ITS has its own display of quotations, available only to ITS participants, and this dual system of quotation information is sometimes confusing. When other market centers send ITS commitments to the NASD in response to non-ITS market maker quotes seen through CQS, the commitments expire

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[7] See Securities Exchange Act Release No. 16590 (February 19, 1980), 45 FR 12391. See also Securities Exchange Act Release No. 28450 (September 18, 1990), 55 FR 39221.

[1] Letter from Robert Aber, Vice President, General Counsel/Corporate Subsidiaries, NASD, to Elizabeth MacGregor, Branch Chief, National Market System, Division of Market Regulation, Commission, (June 10, 1993).

[2] Third market makers make over-the-counter markets in securities that are also listed and traded on an exchange.

[3] Rule 19c–3 under the Act precludes off-board trading restrictions from applying, with certain exceptions, to any reported security which was not traded on an exchange on April 26, 1979, or which was traded on an exchange on April 26, 1979, but which ceases to be traded on an exchange for any period of time thereafter.

unexecuted and the other market centers may believe that the NASD market maker is backing away from its quotes. The NASD believes that it is desirable to remedy this confusion and to enhance the quality of the third market by providing access to all third market quotes through the ITS/CAES linkage.

Additionally, the non-ITS market makers are not presently bound by the ITS Plan or operating procedures. The ITS Plan contains provisions regarding treatment of trade-through occurrences, block trades, pre-opening procedures, and resolution of obvious errors and intermarket disputes. Having some NASD market makers obliged to follow the Plan and others outside the scope of its application causes confusion and disparate regulatory treatment that will be cured by the instant rule proposal.

The NASD is also proposing to require CQS market makers to input size in their quotations of 200 or 500 shares depending on trading characteristics of the securities, such as price, volume, and number of market makers in the security, and to impose excess spread parameters comparable to those in the Nasdaq market. The NASD believes that the benefits of adopting quality of market standards related to size of displayed quotations and excess spread parameters are invaluable to the development and maintenance of a quality marketplace for exchange-listed securities.

Finally, the NASD is modifying the operation of CAES to permit market maker-to-market maker executions within the system. Currently the system is available only for agency orders, and the NASD believes that with mandatory participation in the system, it is appropriate for market makers to be able to access each other through the system, reducing reliance on telephone contact, especially in times of market stress.

The NASD analyzed the effects of the rule proposal on the market makers trading exchange-listed securities but not participating in ITS/CAES and believes that the costs to participants in joining the ITS/CAES link and the regulatory burdens incumbent on members to comply with the ITS Plan and rules thereunder are outweighed by the benefits to the market as a whole and to the continuing development of a national market system, as described in Section 11A of the Act. The NASD met with a number of non-linked market makers to discuss the proposal and has received indications that at least half of the market makers would participate in the linkage, and the more active market makers (those trading more than 50 securities) would most likely participate. Accordingly, the NASD believes that the proposal is appropriate and the burdens on firms in complying with the proposal are outweighed by the positive impact on the market for listed trading.

The NASD believes the proposed rule change is consistent with sections 11A(a)(1)(D), 11A(a)(2) and 15A(b)(6) of the Act. Section 11A(a)(1)(D) of the Act states that the linking of all markets for qualified securities through communications and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers and investors, facilitate the offsetting of investor's orders and contribute to best execution of such orders, and subsection (a)(2) thereunder directs the SEC to facilitate the establishment of a national market system for qualified securities. Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. The proposal to require all CQS market makers to participate in CAES and ITS/CAES will enhance the national market system for listed securities to the benefit of market participants and investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

As discussed above, the NASD believes that any burdens imposed by the proposed rule change are far outweighed by the benefits obtained from the changes. Accordingly, the NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by July 29, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16117 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32551; File No. SR–NSCC–93–5]

Self-Regulatory Organizations; National Securities Clearing Corporation; Filing and Order Granting Accelerated Approval on a Temporary Basis of a Proposed Rule Change Relating to the Use of Letters of Credit To Collateralize Clearing Fund Contributions

June 29, 1993.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on June 7, 1993, the National Securities Clearing Corporation ("NSCC") filed

[1] 15 U.S.C. 78s(b)(1) (1988).

with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–NSCC–93–5) as described below. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change through June 30, 1994.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies the minimum cash Clearing Fund contribution for members that deposit letters of credit as part of their Clearing Fund contributions and limits the percentage of a member's required Clearing Fund contribution that may be collateralized with letters of credit.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC 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 proposed rule change modifies the minimum cash contribution for NSCC clearing members that use letters of credit as part of their Clearing Fund contributions from $50,000 to the greater of $50,000 or 10% of their required Clearing Fund deposit up to a maximum of $1,000,000. In addition, the proposal provides that only 70% of a member's required deposit may be collateralized with letters of credit.[3] The rule change also makes certain nonsubstantive drafting changes, such as adding headings to the Clearing Fund formula section, for purposes of clarity. The effect of the proposed rule change should be to increase the liquidity of the Clearing Fund and to limit NSCC's exposure to risks associated with reliance on letters of credit.

Since obtaining temporary approval of the original filing, NSCC has filed Clearing Fund composition reports with the Commission. Since December 31, 1989, NSCC has observed the following changes in the composition of the Clearing Fund as a result of the new requirements:

1. Cash deposits have increased by approximately 175%;

2. Securities deposits have increased in value by approximately 120%;[4] and

3. Letter of credit deposits have declined by approximately 51%.[5]

NSCC states that the proposal is consistent with its requirements under Section 17A of the Act because it enhances NSCC's ability to safeguard securities and funds in its custody or under its control.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No new written comments have been solicited or received.[6] NSCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(F) of the Act requires that a clearing agency's rules be designed, among other things, to protect investors and the public interest.[7] As discussed below, NSCC's proposal to limit the use of letters of credit to collateralize clearing fund obligations will make NSCC's clearing fund more liquid. A liquid clearing fund is necessary to ensure the safety and soundness of a clearing agency, particularly in times of market stress when the risk of member default is greatest. Thus, the proposal is consistent with NSCC's requirements under the Act with regard to protecting the interests of investors and of the public.

Although letters of credit are a useful means of funding clearing agency guarantee deposits, their unrestricted use may present risks to clearing agencies. Because letters of credit reflect the issuer's promise to pay funds upon presentation of stipulated documents by the holder (*i.e.*, the clearing agency), a clearing agency holding letters of credit will be exposed to risk should the issuer default, become insolvent, or simply refuse to honor its promise to pay.[8] Furthermore, because the issuer may defer honoring a payment request until the close of business on the third banking day following receipt of the required documents,[9] the clearing agency either may have to await payment or may have to seek alternative short-term financing pending the issuer's payment. This waiting period could compromise a clearing agency's liquidity and thereby could hinder its ability to meet its payment obligations on a timely basis. Overreliance on letters of credit to collateralize clearing fund obligations was cited in the 1990 GAO Report on the national clearance and settlement system as a factor that is

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[2] The proposed rule change originally was filed in October of 1989 and was approved temporarily through December 31, 1990. Securities Exchange Act Release No. 27664 (January 31, 1990), 55 FR 4297 [File No. SR–NSCC–89–16]. Subsequently, the Commission granted three extensions to the temporary approval to provide the Commission and NSCC sufficient time to review and to assess the use of letters of credit as Clearing Fund collateral. Securities Exchange Act Release Nos. 28727 (December 31, 1990), 56 FR 716 [File No. SR–NSCC–90–27]; 29389 (June 28, 1991), 56 FR 30953 [File No. SR–NSCC–91–04]; and 30883 (July 1, 1992), 57 FR 30521 [File No. SR–NSCC–92–05].

[3] Prior to this rule filing, NSCC's rules contained no provision limiting the percentage of a Clearing Member's required Clearing Fund deposit that could be collateralized with letters of credit.

[4] Securities eligible for deposit as Clearing Fund collateral include U.S. or municipal bonds in the first or second rating of any nationally known statistical service. NSCC Rule 4, Section 1.

[5] In October of 1989 when the Commission initially granted temporary approval of NSCC's proposal, letters of credit accounted for 76% of the total dollar value of required Clearing Fund deposits. By May 28, 1993, letters of credit accounted for less than 30%. During the period from June 1, 1992, to May 28, 1993, letters of credit accounted for an average of 30.49% of the total dollar value of required Clearing Fund deposits, and for no month during that period did the portion of letters of credit used for required Clearing Fund deposits rise above 34%. Letter from Karen L. Saperstein, Vice President/Director of Legal & Associate General Counsel, NSCC, to Jerry W. Carpenter, Branch Chief, Division, Commission (June 10, 1993).

[6] In a previous filing of this proposal, NSCC received a letter from Wedbush Morgan Securities, Inc. Wedbush opposed the proposal because it believed the proposal would increase its cost of posting collateral. Letter from Edward W. Wedbush, President, Wedbush Morgan Securities, Inc., to David F. Hoyt, Assistant Secretary, NSCC (November 9, 1989).

[7] 15 U.S.C. 78q-1(b)(3)(F) (1988).

[8] This problem was discussed by the General Accounting Office ("GAO") in a report on clearance and settlement reform. The GAO noted: "Letters of credit are considered less liquid than cash or cash equivalents because banks that issue letters of credit may choose not to honor them." GAO Report, Clearance and Settlement Reform: The Stock, Options, and Futures Markets are Still at Risk 33 (April 1990) [hereinafter GAO Report"]. A bank's failure to honor a letter of credit, of course, could have dire consequences for its reputation and credit standing.

[9] For example, pursuant to New York's codification of Uniform Commercial Code ("U.C.C." section 5–112(a)(1), a bank to which a demand has been made for payment under a letter of credit may, without breaching its duty under the letter of credit, defer payment until the third banking day after receipt of the required documents. N.Y. U.C.C. 5–112(1)(a) (NY CLS 1993).

putting the markets at risk.[10] The GAO noted proposals, however, including the one approved herein, that are designed to ameliorate the problem.[11]

As indicated above, since the proposal first received temporary approval, NSCC has experienced significant increases in the use of cash and eligible securities as required Clearing Fund deposits. Because cash and eligible securities are more liquid than letters of credit, the enhanced level of such deposits helps to ensure the liquidity of NSCC's Clearing Fund in the event of a major member insolvency, catastrophic loss, or major settlement loss. By reducing reliance on letters of credit and thereby increasing the liquidity of its Clearing Fund, NSCC's proposal should help it to fulfill its responsibilities under the Act to protect investors and the public. Therefore, the Commission is approving the proposal.

NSCC 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. The Commission finds good cause for so approving because accelerated approval of the proposal will keep effective NSCC's rules that help reduce the exposure of NSCC's Clearing Fund to the potential liquidity risks associated with using letters of credit to collateralize members' Clearing Fund obligations. Moreover, since it was first introduced in 1989, NSCC's proposal has been open for public comment and has elicited only one opposing comment. Thus, the Commission does not foresee that approval of the proposal will elicit further opposition.

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 provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–93–5 and should be submitted by July 29, 1993.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule filing is consistent with the Act and in particular with section 17A of the Act.

It is therefore ordered, pursuant to section 19(b(2) of the Act,[12] that the proposed rule change (File No. SR–NSCC–93–5) be, and hereby is, approved through June 30, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16056 Filed 7–7–93; 8:45 am]

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[10] See GAO Report, *supra* note 7 at 33–34.

[11] *Id.* at 34.

[12] 15 U.S.C. 78s(b)(2) (1988).

[13] 17 CFR 200.30–3(a)(12) (1992).

[Rel. No. IC–19555; 812–8344]

Ranson Equity and Treasury Securities Trust, Series 1 and Subsequent Series, et al.; Notice of Application

July 1, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Ranson Equity and Treasury Securities Trust, Series 1 and Subsequent Series (the "Trust"), and Ranson Capital Corporation ("Ranson") or a sponsor controlled by or under common control with Ranson (collectively with Ranson, the "Sponsor").

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an exemption from sections 14(a) and 19(b) of the Act and rule 19b–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order (a) exempting the Sponsor from having to take for its own account or place with others $100,000 worth of units in the Trust and (b) permitting the Trust to distribute capital gains dividends within a reasonable time after receipt.

FILING DATE: The application was filed on April 9, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 26, 1993, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 120 South Market, Suite 450, Wichita, Kansas 67202.

FOR FURTHER INFORMATION CONTACT: Felicia H. Kung, Senior Attorney, at (202) 504–2803 or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust will consist of a series of unit investment trusts, each of which will be similar but separate and designated by a different series number ("Trust Series"). The objective of each Trust Series is to protect capital, and to provide income and/or capitol appreciation through investments in equity securities and zero coupon obligations. Each Trust Series will be registered under the 1940 Act, and under the Securities Act of 1933 by a registration statement on Form S–6.

2. Each Trust Series will be created pursuant to a trust agreement which will contain information specific to that Trust Series and which will incorporate by reference a master trust indenture between the Sponsor and a financial institution that is a bank within the meaning of section 2(a)(5) of the Act and that satisfies the criteria of section 26(a) of the Act (trust agreement and master trust indenture collectively, the "Trust Agreement").

3. Each Trust Series will be sponsored by the Sponsor. The Sponsor will deposit zero coupon obligations and equity securities (collectively with the zero coupon obligations, "Securities") in the Trust Series at the price determined by an independent evaluator. The Sponsor expects to deposit in each Trust Series

substantially more than $100,000 aggregate value of Securities. All zero coupon obligations in any one Trust Series will have essentially identical maturities, and the Sponsor will purchase all Securities from third parties.

4. Simultaneously with the deposit of Securities in a Trust Series, the Trustee will deliver to the Sponsor registered certificates for units ("Units") which will represent the entire ownership of the Trust Series (owners of such Units are hereinafter referred to as "Unitholders"). The Units in turn will be offered for sale to the public by the Sponsor following the effectiveness of the registration statement relating to the Trust Series, and clearance by the securities authorities of the various states. Applicants intend to offer each Trust Series to the Public initially at prices based on the closing sale prices of listed equity securities and the ask prices of over-the-counter traded equity securities selected for deposit in the Trust Series, plus the offering side value of the zero coupon obligations contained therein, plus a sales charge.

5. On the initial date of deposit of the Securities in a Trust Series, the Sponsor will establish a proportionate relationship between the zero coupon obigations and the equity securities in the Trust Series. This percentage relationship will be set forth in the prospectus and in each Trust Agreement. Under the Trust Agreement, the Sponsor may deposit additional Securities in the Trust Series, which additional deposit will maintain the proportionate relationship between the zero coupon obligations and the equity securities in the Trust Series. A deposit of additional Securities subsequent to the initial date of deposit may result in a potential corresponding increase in the number of Units outstanding. Such Units may be offered for sale to the public continuously by means of the prospectus.

6. Each Trust Series will consist of the Securities, accrued and undistributed income, dividends, and undistributed cash. The Trust will be structured so that, on the specified maturity date for each Trust Series, the initial Unitholders (investors who purchased Units on the first date they are offered for sale) will receive back at least the total amount of their original investment in the Trust Series, including the sales charge. To that end, the principal value of the maturing zero coupon obligations in each Trust Series will at least equal the original purchase price of the Units of the Trust Series

7. The Trust will redeem Units at prices based on the aggregate bid side evaluation of the zero coupon obligations, the closing sale prices of listed equity securities, and the bid prices of over-the-counter traded equity securities.

8. Although not obligated to do so, the Sponsor intends to maintain a secondary market for Units of each Trust Series. The secondary market will be based on the aggregate bid side evaluation of the zero coupon obligations, the closing sale prices of listed equity securities, and the bid prices of over-the-counter traded equity securities, plus a sales charge. Such a secondary market will reduce the number of Units tendered to the Trustee for redemption and alleviate the need to sell portfolio securities to raise the cash necessary to meet such redemptions. In the event that the Sponsor does not maintain a secondary market, the Trust Agreement will provide that the Sponsor will not instruct the Trustee to sell zero coupon obligations from any Trust Series until equity securities have been liquidated in order not to impair the protection provided by the zero coupon obligations, unless the Trustee is able to sell such zero coupon obligations and still maintain at least the original proportional relationship to Unit value, and that zero coupon obligations may not be sold to meet Trust expenses.

Applicants' Legal Analysis

1. Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company (a) has a net worth of at least $100,000 or (b) ensures to the satisfaction of the SEC and as a condition of registration of its securities under the Securities Act of 1933 that: (i) After the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription for any security until not more than 25 responsible persons have made firm agreement to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (ii) such amount will be paid into such company before subscriptions will be accepted from any persons in excess of 25; and (iii) arrangements will be made whereby any amount paid in, as well as any sales load, will be refunded to any subscriber on demand without any deduction in the event that the net proceeds received by the company do not result in the company having a net worth of at least $100,000 within 90 days after such registration statement becomes effective.

2. Applicants contend that, because the Sponsor will deposit substantially more than $100,000 of Securities in each Trust Series, applicants will comply with section 14(a) of the Act. However, applicants acknowledge that the Commission has interpreted section 14(a) as requiring that the initial capital investment in an investment company be made without any intention to dispose of the investment. Under this interpretation, a Trust Series would not satisfy section 14(a) because of the Sponsor's intention to sell all the Units thereof. Applicants request an exemption to the extent that section 14(a) would require the Sponsor to take $100,000 worth of Units either for its own account or under an investment letter.

3. Applicants will comply in all respects with the requirements of rule 14a–3, which provides an exemption from section 14(a), except that the Trust will invest in equity securities, and hence will not restrict its portfolio investments to "eligible trust securities."

4. Section 19(b) of the Act and rule 19b–1 thereunder provide that no registered investment company may distribute long-term capital gains more than once every twelve months. Applicants state that the provisions of section 19(b) and rule 19b–1 thereunder were designed to remove the temptation to realize capital gains on a frequent and regular basis, and to eliminate attempts by investment advisers to time distributions to be advantageous to shareholders. Applicants also contend that there was concern that investors would be confused by a failure to distinguish between regular distributions of capital gains and distributions of investment income.

5. Rule 19b–1(c), under certain circumstances, excepts a unit investment trust investing in "eligible trust securities," as defined in rule 14a–3(b) of the Act, from the requirements of rule 19b–1. Applicants assert that this exception recognizes that the danger of making manipulative capital gains distributions which are detrimental to Unitholders is largely eliminated for unit investment trusts. For such trusts, the conditions under which capital gains are realized are beyond the Sponsor's control, and the capital gains are identified clearly. However, the exception provided by rule 19b–1(c) does not apply to the Trust because the Trust does not intend to invest in "eligible trust securities." Applicants request an exemption from rule 19b–1 to the extent necessary to permit capital gains earned in connection with the sale of equity securities to be distributed to

Unitholders along with the Trust's regular distributions.

6. Applicants submit that the dangers which section 19(b) and rule 19b–1 are designed to prevent do not exist in the Trust. Any gains from the sale of equity securities would be triggered by the need to meet Trust expenses or by requests to redeem Units, events over which the Sponsor and Trust have no control. Applicants state that the Sponsor has control over the actual redemption of Units to the extent it makes a market in Units. However, applicants further state that the Sponsor has no incentive to redeem or to permit the redemption of Units in order to generate capital gains for the purpose section 19(b) and rule 19b–1 were designed to protect against. Aside from the facts that the Sponsor intends to maintain a secondary market and that the current realization and distribution of gains is not an objective of the Trust, applicants assert that cash generated from the sale of equity securities will be used to pay expenses and to meet redemptions and will not generate distributions to Unitholders. Moreover, applicants contend that because principal distributions are indicated clearly in accompanying reports to Unitholders as a return of principal and are relatively small in comparison to normal distributions, there is a little danger of confusion from failure to differentiate among distributions. Applicants also assert that any retention of capital gains until year-end would be to the detriment of Unitholders.

7. Applicants contend that the requested exemption is consistent with the purposes and policies of the Act, and would be in the best interests of the Unitholders.

Applicants' Conditions

Applicants agree that, as a condition of the order, applicants will comply in all respects with the requirements of rule 14a–3, except that the Trust will not restrict its portfolio investments to "eligible trust securities."

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–16118 Filed 7–7–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 93–7–3]

Fitness Determination of Northwest Seaplanes, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination—order to show cause.

SUMMARY: The Department of Transportation is proposing to find that Northwest Seaplanes, Inc., is fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P–56, room 6401, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than July 16, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Lawyer, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–1064.

Dated: July 1, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–16092 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

[Summary Notice No. PE–93–29]

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 28, 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).

Issued in Washington, DC, on July 1, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 117CE.

Petitioner: Cessna Aircraft Company.

Sections of the FAR Affected: 14 CFR 23.181(b).

Description of Relief Sought: To allow amendment of the Model 525 type certificate utilizing the direction stability damping criterion of § 25.181 in lieu of the dampening criterion of § 23.181(b).

Docket No.: 18114.

Petitioner: Federal Express Corporation.

Sections of the FAR Affected: 14 CFR 121.547 and 121.583.

Description of Relief Sought: To extend Exemption No. 2600 to allow Federal Express Corporation to carry reporters, photographers or journalists aboard its Boeing B–747 aircraft without complying with the passenger carrying requirements of part 121 of the FAR.

Docket No.: 21780.

Petitioner: Civil Air Patrol.

Sections of the FAR Affected: 14 CFR 61.118.

Description of Relief Sought: To extend Exemption No. 4042 to allow the Civil Air Patrol, Inc. (CAP) to continue to be reimbursed for fuel, oil and maintenance expenses while serving on official CAP missions.

Docket No.: 27155.
Petitioner: Saab Aircraft AB.
Sections of the FAR Affected: 14 CFR 25.562.
Description of Relief Sought: To extend Exemption No. 5623 to allow for the Saab 2000 airplane, relief for the HIC requirements for front row passenger seats, and from the floor deformation requirements for cockpit seats.

Docket No.: 27325.
Petitioner: United States Parachute Association.
Sections of the FAR Affected: 14 CFR 105.43(b) (2)(ii) and (3).
Description of Relief Sought: To allow United States Parachute Association individual and group members to jump, using ram-air canopies, in static line direct deployment, without the aid of the assist device prescribed in the regulations.

Docket No.: 27329.
Petitioner: Comair Airlines.
Sections of the FAR Affected: 14 CFR 135.167 (a)(2), (b) and (c).
Description of Relief Sought: To allow Comair to conduct extended over water operations on Gulf Route 26 and Jet Route 58 (or as modified by the FAA) on scheduled revenue flights, without certain emergency survival equipment currently required by the regulation i.e. life rafts, pyrotechnic signaling devices, survival kits, emergency food and water rations and an emergency locator transmitter.

Dispositions of Petitions

Docket No.: 24770.
Petitioner: Flight Safety International.
Sections of the FAR Affected: 14 CFR 61.55(b)(2); 61.56(b)(1); 61.57 (c) and (d); 61.58 (b)(2) and (c)(1); 61.63 (c)(2), (d)(2) and (3); 61.65 (d) and (g); 61.67(d)(2); 61.163(a); 61.919(c); and Appendix B of part 61.
Description of Relief Sought/ Disposition: To extend Exemption No. 5324 to allow Flight Safety International (FSI) to use FAA-approved simulators to meet certain training requirements of the affected regulations.
Grant, June 25, 1993, Exemption No. 5324A.

Docket No.: 26419.
Petitioner: DHL Airways, Inc.
Sections of the FAR Affected: 14 CFR 121.503, 121.505, and 121.511.
Description of Relief Sought/ Disposition: To extend Exemption No. 5296 to permit DHL Airways, Inc. (DHL), a supplemental air carrier, to operate in accordance with § 121.471, which specifies flight and duty time limitations applicable to a domestic air carrier.
Grant, June 23, 1993, Exemption No. 5296B.

[FR Doc. 93–16097 Filed 7–7–93; 8:45 am]
BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Key Field, Meridian, MS

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Key Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before August 9, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA/Airports District Office, 120 North Hangar Drive, Suite B, Jackson, Mississippi 39208–2306.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Tom Williams, Executive Director of the Meridian Airport Authority at the following address: Meridian Airport Authority, Post Office Box 4351, Meridian, Mississippi 39304–4351.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Meridian Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Elton E. Jay, Principal Engineer, FAA Airports District Office, 120 North Hangar Drive, Suite B, Jackson, Mississippi 39208–2306, telephone number 601–965–4628. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Key Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 29, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Meridian Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 19, 1993.

The following is a brief overview of the application.
Level of the proposed PFC: $3.00
Proposed charge effective date: June 1, 1994
Proposed charge expiration date: July 9, 1996
Total estimated PFC revenue: $158,973
Brief description of proposed project(s):
1—Overlay Runway 4/22
2—Overlay north 1500 feet of taxiway B
3—Overlay terminal aircraft parking apron
4—Renovate terminal building—phase 2A
5—Acquire security vehicle
6—Install runway/taxiway guidance signs
7—Acquire passenger access lift
Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the office of the Meridian Airport Authority, Terminal Building, Key Field, 2811 Highway 11 South, Meridian, Mississippi 39304.

Issued in Atlanta, Georgia, on June 29, 1993.

Dell T. Jernigan,
Manager, Planning and Development Branch, Airports Division, Southern Region.

[FR Doc. 93–16098 Filed 7–7–93; 8:45 am]
BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at McGhee Tyson Airport, Knoxville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the

application to impose and use the revenue from a PFC at McGhee Tyson Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before August 9, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2851 Directors Cove, suite #3, Memphis, TN 38131–0301.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Terry Igoe, Executive Director of the Metropolitan Knoxville Airport Authority at the following address: McGhee Tyson Airport, P.O. Box 15600, Knoxville, Tennessee 37901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Metropolitan Knoxville Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Memphis Airports District Office; ATTN: Mr. Jerry O. Bowers, Planner; 2851 Directors Cove, suite #3; Memphis, Tennessee 38131–0301; Telephone number (901) 544–3495. The application may be reviewed in person at this location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at McGhee Tyson Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 22, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Metropolitan Knoxville Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 6, 1993.

The following is a brief overview of the application:

Level of the proposed PFC: $3.00
Proposed charge effective date: October 1, 1993
Proposed charge expiration date: September 30, 1996
Total estimated PFC revenue: $5,681,615

Brief description of proposed project(s):
"IMPOSE-ONLY" PROJECTS:
4—Acquire property for future runway development.
5B&5C—Terminal Improvements (Restroom expansion and rehabilitation and roadway retaining wall stabilization).
6E—Strengthen Taxiway "A".
9—Expand snow removal equipment maintenance and storage building.
10—Replace 4 snow removal/ice control vehicles.
"IMPOSE AND USE" PROJECTS:
1—Reconstruct/overlay terminal access roads.
2—Conduct update to master plan and FAR Part 150 noise compatibility study.
3—Implement existing Noise Compatibility Program.
5A—Install wheel chair lifts on each concourse.
6A—Reconstruct Taxiway "B–2".
6B—Replace Runway 5L/23R lighting.
6C—Reseal Air Carrier Apron expansion joints.
6D—Pave Taxiway "B" shoulders.
7A, B, C—Strengthen Runway 5R/23L, Update lighting to Cat II, and lower TVA transmission towers.
8A&B—Refurbish 2 ARFF vehicles and replace the dedicated security vehicle.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: On-demand air taxi/commercial (part 135) operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Metropolitan Knoxville Airport Authority.

Issued in East Point, Georgia on June 24, 1993.

Stephen A. Brill,
Manager, Airports Division, Southern Region.

[FR Doc. 93–16099 Filed 7–7–93; 8:45 am]
BILLING CODE 4910–13–M

Notice of Intent to Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Orlando International Airport, Orlando, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Orlando International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before August 9, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gary LeTellier, Executive Director of the Greater Orlando Aviation Authority, at the following address: Greater Orlando Aviation Authority, Orlando International Airport, One Airport Boulevard, Orlando, Florida 32827–2001.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Greater Orlando Aviation Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Federal Aviation Administration, Southern Region, Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–5397, Attn: Pablo G. Auffant, Civil Engineer, Telephone: (407) 648–6583.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Orlando International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation regulations (14 CFR part 158).

On June 28, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by The Greater Orlando Aviation Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 24, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00
Proposed charge effective date: February 1, 1993

Proposed charge expiration date:
February 1, 1998
Total estimated PFC revenue:
$12,957,000
Brief description of proposed project(s):
Impose and Use:
A. New East Airfield Land Purchase.
B. Interest on Existing Land Acquisition Funding.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: NONE

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Greater Orlando Aviation Authority:

Issued in Atlanta, Georgia on June 29, 1993.

Dell T. Jernigan,

Manager, Planning and Development Branch, Airports Division, Southern Region.

[FR Doc. 93–16100 Filed 7–7–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

July 1, 1993.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0067
Form Number: IRS Form 2555
Type of Review: Revision
Title: Foreign Earned Income
Description: This form is used by U.S. citizens and resident aliens who qualify for the foreign earned income exclusion and/or the foreign housing exclusion or deduction. This information is used by the Service to determine if a taxpayer qualifies for the exclusion(s) or deduction.
Respondents: Individuals or households
Estimated Number of Respondents/ Recordkeepers: 165,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—2 hours, 11 minutes
Learning about the law or the form—26 minutes
Preparing the form—1 hour, 40 minutes
Copying, assembling, and sending the form to the IRS—49 minutes
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 839,850 hours
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–16143 Filed 7–7–93; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

July 1, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: None
Type of Review: New collection
Title: Small Business Newsletter ("Tax Tips") Focus Groups
Description: Research Division facilitators will conduct focus group interviews regarding the "Tax Tips" Newsletter mailed to small business owners in the Southeast and Southwest Regions. The focus group facilitators will evaluate how the newsletter helped small business owners with their recordkeeping, filing and deposit requirements.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents: 650
Estimated Burden Hours Per Respondent:
Focus Group Screening Calls—5 minutes
Focus Group Sessions (plus travel time—3 hours
Frequency of Response: Other (one-time study)
Estimated Total Reporting Burden: 324 hours
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–16144 Filed 7–7–93; 8:45 am]

BILLING CODE 4830–01–P

Departmental Offices; Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Public Law 92–463, that a meeting will be held at the U.S. Treasury Department in Washington, DC on August 3 and 4, 1993, of the following debt management advisory committee:

Public Securities Association
Treasury Borrowing Advisory Committee

The agenda for the Public Securities Association Treasury Borrowing Advisory Committee meeting provides for a working session on August 3 and the preparation of a written report to the Secretary of the Treasury on August 4, 1993.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Public Law 92–463, and vested in me by Treasury Department Order 101–05, I hereby determine that this meeting is concerned with information exempt from disclosure under subsection 552b(c)(9)(A) of title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have

been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Public Law 92–463.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings fall within the exemption covered by subsection 552b(c)(9)(A) of title 5 of the United States Code.

The Office of the Under Secretary for Domestic Finance shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of title 5 of the United States Code.

Dated: June 29, 1993.

Frank N. Newman,

Under Secretary for Domestic Finance.

[FR Doc. 93–16078 Filed 7–7–93; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 129
Thursday, July 8, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:10 a.m. on Tuesday, July 6, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Reports of the Office of Inspector General.

Matters relating to the probable failure of certain insured banks.

Matters relating to the Corporation's corporate and supervisory activities.

Recommendation concerning an administrative enforcement proceeding.

In calling the meeting, the Board determined, on motion of Director Eugene A. Ludwig (Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, NW, Washington, DC.

Dated: July 6, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–16367 Filed 7–6–93; 3:40 pm]

BILLING CODE 6714–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

July 2, 1993.

TIME AND DATE: 10:00 a.m., Thursday, July 15, 1993.

PLACE: Room, 600 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Secretary of Labor on behalf of Donald L. Gregory et al. v. Thunder Basin Coal Co.*, Docket No. WEST 92–279–D, etc. (Issues include whether the judge erred in dismissing these proceedings because the Secretary refused to provide Thunder Basin with certain documents during discovery.)

Any person attending this oral argument 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).

TIME AND DATE: Immediately following oral argument.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Secretary of Labor on behalf of Donald L. Gregory et al. v. Thunder Basin Coal Co.*, Docket No. WEST 92–279–D, etc. (See Oral Argument Listing)

It was determined by unanimous vote of Commissioners that this meeting be held in closed session.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

[FR Doc. 93–16294 Filed 7–6–93; 12:29 pm]

BILLING CODE 6735–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10 a.m. July 19, 1993.

PLACE: 4th Floor, Conference Room, 1250 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the last meeting.

2. Thrift Savings Plan activity report by the Executive Director.

3. Review of KPMG Peat Marwick audit report entitled "Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Loan Operations at the United States Department of Agriculture, Office of Finance and Management, National Finance Center."

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: July 6, 1993.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 93–16368 Filed 7–6–93; 3:46 pm]

BILLING CODE 6760–01–M

STATE JUSTICE INSTITUTE

TIME AND DATE:

9:00 a.m. to 5:00 p.m., July 29, 1993
9:00 a.m. to 5:00 p.m., July 30, 1993
9:00 a.m. to 2:00 p.m., July 31, 1993

PLACE: The Inn at Semiahmoo, 9565 Semiahmoo Parkway, Blaine, Washington 98230.

MATTERS TO BE CONSIDERED: FY 1993 grants; FY 1994 Grant Guideline; internal Institute business.

PORTIONS OPEN TO THE PUBLIC: All grant discussions and internal business other than Institute personnel discussions.

PORTIONS CLOSED TO THE PUBLIC: Personnel discussions.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314, (703) 684–6100.

David I. Tevelin,

Executive Director.

[FR Doc. 93–16249 Filed 7–6–93; 11:04 am]

BILLING CODE 6820–SC–M

federal register

Thursday
July 8, 1993

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 1, et al.
Improved Standards for Determining Rejected Takeoff and Landing Requirements; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 25, 91, 121, and 135

[Docket No. 25471; Notice No. 93–8]

RIN 2120–AB17

Improved Standards for Determining Rejected Takeoff and Landing Performance

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice, applicable to transport category airplanes, proposes revised standards for determining the runway length that must be available for takeoff and landing. The current standards would be amended to: (1) Revise the method of accounting for pilot reaction time used in determining the runway length that must be available in the event of a rejected takeoff; (2) account for the effect of wet runways on takeoff performance; and (3) account for the reduced capability of worn brakes on takeoff and landing performance. This action is being taken to improve the current standards, reduce the impact of the standards on the competitiveness of new versus derivative airplanes without adversely affecting safety, and harmonize with proposed standards for the European Joint Aviation Requirements (JAR). The revised standards would not be applied retroactively to either airplanes currently in use or airplanes of existing approved designs that will be manufactured in the future.

DATES: Comments must be received on or before November 5, 1993.

ADDRESSES: Comments on this notice may be mailed in triplicate to: Federal Aviation Administration (FAA), Office of the Chief Counsel, Attention: Rules Docket (AGC–10) Docket No. 25471, 800 Independence Avenue SW, Washington, DC 20591; or delivered in triplicate to: Room 915G, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked Docket No. 25471. Comments may be examined in Room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Assistant Chief Counsel (ANM–7), FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments in the information docket may be examined in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Don Stimson, FAA, Flight Test and Systems Branch (ANM–111), Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–1129.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to any environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenter should identify the regulatory docket or notice number and submit comments in triplicate to the Rules Docket address above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available in the Rules Docket for examination by interested persons both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 25471." The postcard will be date stamped and returned to commenter.

Availability of NPRM

Any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–230, 800 Independence Avenue SW., Washington, DC 20591; or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future rulemaking documents should also request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Before a takeoff may be started with a turbine-powered transport category airplane, the operator must determine that the length of the runway to be used, plus any "stopway" and "clearway" that may be available, is adequate to either safely continue the takeoff from a defined go/no-go decision point in the takeoff roll, or reject the takeoff from that point and bring the airplane to a complete stop. The go/no-go decision point occurs during the takeoff roll when the airplane reaches a speed known as the "takeoff decision speed," or "V_1 speed."

To assure that there is adequate runway to continue the takeoff from the go/no-go decision point, the runway plus any clearway at the end must be long enough for the airplane to first accelerate to the V_1 speed and then to continue the takeoff to a height of 35 feet, even if a total loss of power from the most critical engine occurs just before reaching the V_1 speed. This distance for the airplane to reach a height of 35 feet following a total loss of power from the most critical engine is defined as the "takeoff distance."

To provide for a possible need to reject the takeoff, the runway plus any stopway area must also be long enough to accelerate the airplane to the V_1 speed and then bring the airplane to a complete stop. This distance to reject a takeoff is called the "accelerate-stop" distance. A "balanced field length" exists when V_1 is selected such that the accelerate-stop distance is equal to the takeoff distance. In general, the balanced field length is the minimum runway length required for takeoff.

The V_1 speed selected for any takeoff depends on several variables, including the airplane's takeoff weight and configuration (flap setting), the runway length, the air temperature, and the runway surface elevation (airport altitude), etc. The takeoff performance and limitation charts in the Airplane Flight Manual (AFM) are developed in accordance with the FAA airworthiness standards in subpart B of the Federal Aviation Regulations (FAR), part 25—"Airworthiness Standards: Transport Category Airplanes," using data gathered during comprehensive flight tests completed as a part of the FAA's approval of the airplane's type design.

Part 25 of the FAR, subpart B, also prescribes the FAA airworthiness standards for determining the length of runway required for safe landing under various airplane and atmospheric conditions. Landing performance charts are also published in the AFM, to be used by the operator to determine whether a particular runway is long enough for landing.

The general operating rules contained in parts 91, 121, and 135 of the FAR require operators to plan takeoffs and

landings using the appropriate performance and limitation charts published in the AFM.

Part 1 of the FAR defines terms and explains abbreviations used in parts 25, 91, 121, and 135.

This notice proposes amendments to several sections of parts 25, 91, 121, and 135 of the FAR that provide the methods for determining and applying the takeoff and landing performance standards for turbine-powered transport category airplanes. Also, this notice proposes to amend Part 1 to add a definition of the term "takeoff decision speed" and an explanation for the abbreviation "V_{EF}." This nomenclature is currently used in FAA airworthiness standards and operating rules, and is also commonly used in the aviation industry.

It is fundamental to operational safety that the pilot should be able to either safely complete the takeoff or bring the airplane to a complete stop if a decision is made to reject the takeoff no later than the V_1 speed, even if power is lost from the most critical engine just before V_1. This principle has been used as the basis for the takeoff performance standards required for the type certification of turbine-powered transport category airplanes since the issuance of Special Civil Air Regulation No. SR–422, effective August 27, 1957. The amendments proposed in this notice would not change that principle. Proposals are made, however, to change some aspects of implementing that principle by amending the current part 25 airworthiness standards. These proposed amendments would provide a more rational (i.e., explicitly address the specific elements affecting the takeoff distance rather than applying more restrictive standards to all takeoffs) method of accounting for various operational aspects of takeoff and landing, and would affect the takeoff and landing runway lengths required by the Part 91, 121, and 135 operating rules.

The takeoff performance standards of part 25 define how the takeoff performance and limitation contained in the AFM must be determined. The information provided in the AFM accounts for various operational factors affecting how long the runway must be for airplanes to be operated in accordance with the principle stated in the above paragraph. The operator is not permitted to take off from a runway that is shorter than the airplane requires for the given conditions. Since actual runway lengths are fixed, the operator, using the performance information contained in the AFM, may have to reduce the airplane's takeoff weight in order to take off from a given runway. Reducing the takeoff weight shortens the distance required for takeoff. The more restrictive the airworthiness standards for takeoff runway length are, the more the takeoff weight may have to be reduced to be able to take off from a given runway.

To reduce the airplane's takeoff weight, the operator must either reduce the amount of fuel to be carried, or reduce the number of passengers or amount of cargo to be transported. Since the amount of fuel to be carried is dictated primarily by the route being flown, sometimes the operator's only option is to reduce the number of passengers or amount of cargo to be transported. When the number of passengers or amount of cargo must be reduced for a given flight, the airplane operator can suffer a loss of revenue.

Amendment 25–42, which became effective on March 1, 1978, revised the takeoff performance standards to make them more restrictive. Prior to Amendment 25–42, the accelerate-stop distance shown in the AFM accounted for variations in pilot reaction time by generally adding two seconds to the time required for pilots to take the actions necessary to stop the airplane during flight tests (e.g., reduce power, apply the brakes, and raise the spoilers). During this two second time delay, the airplane is assumed to be travelling at a constant speed.

The revised standards of Amendment 25–42 require the accelerate-stop distance to include two seconds of continued acceleration beyond V_1 speed before the pilot takes action to begin stopping the airplane. This revision results in longer accelerate-stop distances being required for airplanes whose application for a type certificate was made after Amendment 25–42 became effective. Consequently, turbine-powered transport category airplanes that are currently being manufactured under a type certificate that was applied for prior to March 1, 1978, have a significant operational economic advantage over airplanes whose type certificate was applied for after that date. This competitive disparity resulting from applying different performance standards has created a compelling need to amend the takeoff performance standards of part 25 without adversely affecting safety.

Amendment 25–42 was a broad brush approach, applying to all takeoffs, to increase the required accelerate-stop distance. This broad brush approach was taken because the takeoff performance standards do not explicitly account for many of the important operational factors that may affect takeoff performance. For example, the standards do not currently distinguish between dry and wet runways, nor are the effects of worn brakes taken into account. Wet runways and worn brakes would result in an airplane requiring a longer accelerate-stop distance than with new brakes on a dry runway. By proposing to account for wet runways and to base stopping performance on brakes that are completely worn, these amendments would provide additional accelerate-stop distance for the conditions where it is specifically needed in operational service.

Because wet runways and worn brakes would be accounted for in the proposed new standards, the FAA also proposes to replace the two seconds of continued acceleration beyond V_1 with a distance equal to two seconds at constant V_1. The distance equal to two seconds at constant V_1, while shorter than that resulting from the continued acceleration beyond V_1 required by Amendment 25–42, is a distance margin that must be added to the accelerate-stop distance demonstrated during flight testing for type certification. This distance margin, based on the V_1 speed and a time "delay" of two seconds, accounts for variability in the time it takes for pilots, in actual operations, to accomplish the procedures for stopping the airplane.

Amendment 25–42 required the two seconds of time delay to be applied prior to the pilot taking any action to stop the airplane. This more restrictive approach causes the airplane to reach a higher speed during the accelerate-stop maneuver and results in a longer distance than the distance equal to two seconds at constant V_1 speed. Inserting the time delay before the pilot takes any action to stop the airplane, however, does not accurately reflect the procedures that pilots are trained to use in operational service. Also, V_1 is intended to be the speed by which the pilot has made the decision to reject the takeoff and has begun taking action to stop the airplane. The time it takes for the pilot to recognize the need for a rejected takeoff, which no longer exists once V_1 is reached, is considered separately within the airworthiness standards. Therefore, the proposed amendments more accurately reflect rejected takeoff procedures and the intended use of V_1 speed, and account for variability in the time it takes for pilots, in actual operations, to accomplish the procedures for stopping the airplane.

The purpose of the proposed amendments to the takeoff performance standards of parts 25, 91, 121, and 135 is to more rationally reflect the

operational factors involved and thus reduce the impact of the standards on the competitiveness of new versus derivative airplanes. The amendments proposed would require more restrictive standards to be met for takeoffs from wet runways than for takeoffs from dry runways. In addition, the accelerate-stop distance, which must be provided as an AFM takeoff limitation, would be based on worn brakes rather than new brakes. Lastly, the airplane would be assumed to maintain a constant velocity for the two second time delay after reaching V_1 speed (instead of accelerating). Overall, the amended standards would be more rational and less restrictive than the existing standards, even though they would remain slightly more restrictive than the standards that existed before Amendment 25–42 became effective.

This notice also proposes to amend the landing distance determination standards of part 25 to account for the diminished stopping capability of having brakes that are worn within the brake wear limits allowed without overhauling the brakes. This proposal is made to be consistent with the proposed requirements that worn brakes be taken into account when determining the accelerate-stop distance for establishing takeoff performance limitations. Because airplanes generally require more distance to take off than to land, and a landing will be followed by a subsequent takeoff, this proposed landing distance rule change is not expected to cause the allowable landing weight to limit the number of passengers or amount of cargo that can be carried.

International Harmonization of Airworthiness Standards

For more than ten years, the FAA has been cooperating with the Joint Aviation Authorities (JAA) of Europe to promote harmonization between the FAR, particularly the airworthiness standards, and the European Joint Aviation Requirements (JAR). The aircraft certification authorities of 19 European countries are members of JAA. An annual meeting is held between FAA senior management officials and senior management officials of the JAA member authorities to identify technical subject areas where cooperation is needed to promote greater harmonization between the FAR of the United States and the European JAR. A large portion of these meetings have been open to the public. A comprehensive study of this activity was completed by Professor George A. Bermann, Columbia University School of Law, in May 1991 as a Conference Consultant to the Administrative Conference of the United States (ACUS). A copy of Professor Bermann's final report to ACUS, titled: "Regulatory Cooperation with Counterpart Agencies Abroad: The FAA's Aircraft Certification Experience," dated May 1991, is included in the docket. Based on Professor Bermann's report, ACUS has confirmed the administrative appropriateness of this effort and has indicated strong support for this activity in their Recommendation 91–1, titled "Federal Agency Cooperation with Foreign Government Regulators," adopted June 13, 1991.

At the annual FAA/JAA meeting in June 1989, the FAA and JAA discussed the competitive disparity caused by the differences between the takeoff performance standards applied to airplanes that met the later standards of Amendment 25–42, as compared with airplanes that were only required to meet the takeoff performance standards that preceded Amendment 25–42. Even though the airplane types were originally type certificated at different times, thus allowing the use of different amendments, both groups of airplanes are continuing in production and both are competing for sales and for use over some common routes. Airplanes whose designs were type certificated to the standards introduced by Amendment 25–42 could be penalized in terms of the number of passengers or amount of cargo they can carry over a common route, even though the airplane's takeoff performance might be better from a safety perspective than a competing airplane design that was not required to meet the later standards. Currently, the only transport category airplane types that have been required to meet the later standards of Amendment 25–42 were designed and manufactured outside the U.S. (mostly in Europe). These airplanes are competing for sales against airplanes that were designed and manufactured in the U.S. that were not required to meet the standards of Amendment 25–42. This situation has led to claims by a major European manufacturer of transport category airplanes that this disparity in the airworthiness standards has created an unfair international trade situation affecting the competitiveness of their airplane types of a later design.

At the June 1990 annual meeting, the FAA and JAA agreed to jointly review the current takeoff performance standards and their applicability with respect to airplanes currently in use and airplanes produced in the future under existing approved designs. The goal was to reduce the inequities described above without adversely affecting safety. The study consisted of two parts: first, the current takeoff performance standards were reviewed to determine if they were too restrictive; and second, the merits of making the resulting standards apply retroactively were considered for both airplanes currently in use and airplanes produced in the future under existing approved designs. The FAA and JAA also agreed to initiate substantively the same rulemaking within their respective systems to harmonize the takeoff performance standards of the FAR and the JAR.

The FAA has concluded that the takeoff performance standards of part 25 can be made more rational, and thus less restrictive overall, without adversely affecting safety and proposes to amend the standards accordingly by this notice. However, with the safety benefits and economic impact information available at this time, the FAA cannot support a recommendation to make the standards proposed by this notice retroactive to either airplanes currently in use or future production airplanes of designs that have already been type certificated. If additional information to support making these proposed standards retroactive becomes available at a later date, the FAA will review such information and determine if further rulemaking is appropriate.

In March 1992, the JAA issued its Notice of Proposed Amendment (NPA) 25 B, D, G–244: "Accelerate-Stop Distances and Related Performance Matters" to change the takeoff performance standards of JAR 25. The amendments proposed in this notice are substantively the same as the amendments proposed by the JAA NPA for the JAR. The JAA NPA is included in the docket for this rulemaking.

On November 30, 1987, the FAA published NPRM 87–13 (52 FR 45578) proposing to amend parts 25, 121, and 135 of the FAR by adding new standards for transport category airplanes to increase the safety of takeoffs from wet and contaminated runways. After further study of rejected takeoff safety, the FAA began drafting a supplemental notice of proposed rulemaking (SNPRM 87–13A), revising NPRM 87–13.

During internal coordination, a draft copy of SNPRM 87–13A was obtained by persons outside the Federal government. Based on that copy, Delta Air Lines and the Air Transport Association of America (ATA) claimed, in letters dated December 27, 1991, and December 10, 1991, respectively, that the FAA underestimated the cost of compliance with the proposed rulemaking. This claim was repeated in a similar letter dated June 5, 1992 from the law firm of Galland, Kharasch, Morse & Garfinkle, P.C., on behalf of

American Trans Air, Inc., American International Airways, Air Canada, and Cathay Pacific Airway. The assertions made in the three letters reiterated cost estimates include in a cost study presented to the FAA by the ATA in May, 1991. The earlier estimates were reviewed at that time and determined by the FAA to contain significant flaws. Nevertheless, the FAA again reviewed the regulatory analysis in light of President Bush's January 28, 1992, memorandum on "Reducing the Burden of Government Regulation" and the three letters mentioned above. As a result of this review and due to the increasing emphasis placed on harmonizing certification standards with the JAA, the FAA has determined that this revised NPRM is necessary. By a separate notice to be published simultaneously with this NPRM, the FAA is withdrawing the original NPRM 87-13. The three letters referenced above have been added to the docket for this rulemaking. This NPRM also will give the public a chance to comment on the subject of those ex parte communications.

Discussion of the Proposals

The FAA proposes the following rule changes:

1. Replace the two seconds of continued acceleration beyond V_1 (mandated by Amendment 25-42) with a distance margin equal to two seconds at V_1 speed;

2. Require that the runway surface condition (dry or wet) be taken into account when determining the runway length that must be available for takeoff; and

3. Require that worn brakes be taken into account when determining the capability of the brakes to absorb energy and provide a stopping force for takeoff and landing.

Proposal 1. The FAA proposes to amend the method of determining the accelerate-stop distance prescribed in § 25.109 by replacing the two seconds of continued acceleration after reaching V_1 with a distance equal to two seconds at V_1 speed. This proposal would reduce the accelerate-stop distance that must be available for a rejected takeoff because the airplane would be assumed to begin stopping from a lower speed (V_1, rather than the speed reached after two seconds of acceleration beyond V_1).

This proposal replaces the most costly and controversial aspect of Amendment 25-42 with a requirement that closely represents the pre-Amendment 25-42 criteria of § 25.109, as applied to the certification of recent U.S.-manufactured airplanes.

Proposal 2. The FAA proposes to amend § 25.105 to require that airplane takeoff performance data be based on wet, in addition to dry, runways. Section 25.1587(b) would be amended to require that performance information for wet runways be included in the Airplane Flight Manual (AFM). (The AFM contains, along with other information, all of the performance information computed under the provisions of part 25.) Sections 91.605, 121.189, and 135.379 of the operating rules would be amended to require that wet runways be taken into account when determining the runway length that must be available for takeoff, if wet runway performance information exists in the AFM. Thus, this rule would apply only to airplanes whose application for type certification occurs after the rule becomes effective.

Section 25.109 would be revised to provide the details of how the accelerate-stop distance would be calculated for a wet runway. This proposal contains a rational approach that includes consideration of the major variables affecting the stopping performance on a wet runway. This approach to determining the wet runway rejected takeoff performance would include: (1) Taking into account the reduced braking force due to the wet surface; (2) permitting performance credit for using available reverse thrust as an additional stopping force; and (3) permitting a lower minimum airplane height over the end of the runway after takeoff. This approach would reduce the risk of overruns during rejected takeoffs on wet runways while retaining safety margins for continued takeoffs similar to those required for dry runways.

The reduced braking force available is the most significant variable affecting the stopping performance on a wet runway. Section 25.109 would be revised to specify that the wet runway braking force is proposed to be one-half the dry runway braking force, unless the applicant demonstrates a higher wet runway braking force. This braking force level would apply regardless of whether the dry runway braking force is limited by the torque capability of the brake, which is the friction force generated within the brake, or the friction capability of the runway surface. Although it can be argued that the torque capability of a brake is independent of the runway surface condition, the proposed use of this simple relationship between wet and dry runway braking capability depends on using the same relationship throughout the braking phase.

Data published in Engineering Science Data Unit (ESDU) 71026, entitled "Frictional and Retarding Forces on Aircraft Types—Part II: Estimation of Braking Force," shows that the relationship between wet and dry braking coefficient varies significantly with speed. At high speeds, the wet runway braking coefficient is typically less than one-half the dry runway braking coefficient. At low speeds, the wet runway braking coefficient is typically more than one-half the dry runway braking coefficient. Used over the entire speed range for the stopping portion of a rejected takeoff, however, the wet runway braking coefficient can justifiably be approximated as one-half the dry braking coefficient. The ESDU report is included in the docket.

Section 25.109 would also be revised to permit the use of available reverse thrust when determining the accelerate-stop distance for a wet runway. "Available" reverse thrust is interpreted as meaning the thrust from engines with thrust reversers that are operating during the stopping portion of the rejected takeoff. Allowance for reverse thrust has been included in this proposal because the most significant variable that affects the stopping performance on a wet runway, reduced braking friction, has been accounted for as part of the rational approach to wet runway rejected takeoff.

On dry runways, the current practice of not permitting credit for reverse thrust when calculating the accelerate-stop distance would be made explicit. Permitting accelerate-stop performance calculations for dry runways to be based on the use of reverse thrust would reduce the level of safety that currently exists by allowing operations at increased takeoff weights. Service experience, as indicated by the rejected takeoff accident record, does not support such a reduction in the level of safety. Although reverse thrust should and probably would be used during most rejected takeoffs, the FAA believes that the additional safety provided by not accounting for reverse thrust in calculating the accelerate-stop distance on a dry runway is necessary to offset other variables that can significantly affect the dry runway accelerate-stop performance determined under the current standards. For wet runways, credit for reverse thrust would be permitted because taking into account the reduced braking force available on the wet surface, as proposed in this notice, greatly outweighs and more than adequately addresses the effects of these other variables. Examples of variables than can significantly affect the dry runway accelerate-stop performance include: runway surfaces that provide

poorer friction characteristics than the runway used during flight tests to determine stopping performance, worn tires, dragging brakes, brakes whose stopping capability is reduced because of heat retained from previous braking, etc.

Section 25.113 would be revised to allow the distance required for a continued takeoff from a wet runway to include taking off and climbing to a height of 15 feet, rather than the 35 feet required on a dry runway. This lower "screen height" (which is the height of an imaginary screen that the airplane would just clear with the wings in a level attitude when taking off or landing) would reduce the balanced field length V_1 speed, thereby reducing the number of high-speed rejected takeoffs on wet runways. The FAA considers lowering the screen height to be an acceptable method of reducing the risk of overruns on wet runways because of the similarity to current rules when operating from dry runways that have a clearway. The minimum height permitted over the end of the runway for current dry runway takeoffs may be 13 to 17 feet, depending on the airplane, when a clearway is present. In addition, a 15-foot minimum screen height and vertical obstacle clearance distance has been allowed for many years by the British Civil Aviation Authority for wet runway operations without any problems being reported.

The combination of a clearway with the proposed 15-foot screen height for wet runways could result in a minimum height over the end of the runway of near zero (i.e., liftoff very near the end of the runway), if clearway credit were to be permitted for wet runways in the same manner that it is currently permitted for dry runways. The FAA considers this situation to be unacceptable. The possible presence of standing water or other types of precipitation (e.g., slush or snow) and numerous operational factors (e.g., late or slow rotation to liftoff attitude) emphasize the need to provide more of a safety margin than would be present if liftoff were permitted so near the end of the runway. Therefore, § 25.113 would not permit the combination of clearway credit and a 15-foot screen height. Section 25.113 would be clarified, however, to ensure that for wet runways the presence of a clearway does not result in the anomaly of requiring longer runway lengths than if there were no clearway.

In addition to the reduced screen height for wet runways, the minimum vertical distance required between the takeoff flight path defined in § 25.115 and obstacles (e.g., trees, hills, buildings, etc.) would be reduced by a corresponding amount. To accomplish this, § 25.115 would be revised to state that the takeoff flight path shall be considered to begin at a height of 35 feet at the end of the takeoff distance.

This revised definition of the takeoff flight path would apply equally to dry and wet runways, even through the height at the end of the takeoff distance (i.e., screen height) for wet runways is proposed to be only 15 feet. The effect of this proposal is to permit the flight path information currently contained in the AFM for dry runways to also be used for wet runways. Because of the reduced screen height, at a given point in the flight path the height of an airplane taking off from a wet runway will be approximately 20 feet lower than the height of that airplane taking off from a dry runway. Therefore, using the flight path information currently in the AFM will reduce the airplane's actual height over obstacles by approximately 20 feet when that airplane takes off from a wet runway.

Under the current regulations, the airplane's flight path must be higher than any obstacles by a combination of an increment of height and an increment of gradient (i.e., the slope of the flight path). This proposal reduces the height increment by approximately 20 feet, but the gradient increment is not changed. As the distance from the end of the takeoff distance increases, the gradient increment provides an increasingly greater portion of the total height difference between the airplane and the obstacle. Therefore, the effect of reducing the height increment over obstacles by 20 feet diminishes as the distance from the end of the takeoff distance increases.

Proposal 3 The FAA proposes to amend § 25.101(i) to require that accelerate-stop and landing distances must be determined with all the airplane brakes at the fully worn limit of their allowable wear range. Section 25.735 would be revised to require that the brake energy capacity rating must be determined with each brake at the fully worn limit of the allowable wear range. In addition, § 25.735 would be amended to add a requirement for a flight test demonstration of the maximum kinetic energy rejected takeoff with not more than 10 percent of the allowable brake wear range remaining.

Manufacturers or operators of previously certificated airplanes may elect to comply with these proposed later amendments by a change to the type design, and thus the benefits of the revision to the time delay criteria of § 25.109 would be available to relieve the economic burden imposed by Amendment 25–42. The more rational accounting for reduced stopping capability on wet runways during rejected takeoff and for the reduced capability of worn brakes would also be included in such a recertification. It is expected that, for airplanes whose certification basis includes Amendment 25–42, applicants will elect to comply with this proposal because it will be economically beneficial for them to do so.

Miscellaneous. Additionally, it is proposed that one new definition and one new abbreviation be added to Part 1 of the FAR, Definitions and Abbreviations.

As a result of their special investigation of rejected takeoff accidents, the National Transportation Safety Board (NTSB) recommended that the FAA clearly define the term "takeoff decision speed" (V_1) in part 1. This recommendation is contained in the Special Investigative Report, "Runway Overruns Following High Speed Rejected Takeoffs," published on February 27, 1990. A copy of this report is included in the docket.

The FAA concurs with the NTSB recommendation and proposes adding a definition of takeoff decision speed to § 1.1 in order to remove apparent confusion over the meaning of this term. The proposed definition would make it clear that the decision to reject the takeoff, indicated by the pilot activating the first deceleration device, must be made by V_1 for the airplane to be stopped within the accelerate-stop distance.

The abbreviation V_{EF} is used in several places within part 25. The FAA proposes to amend § 1.2 to define V_{EF} as the speed at which the critical engine is assumed to fail during takeoff.

Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State and local governments, as well as anticipated benefits.

Executive Order 12291, dated 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 order also 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.

The FAA has determined that this proposed rule is not "major" as defined in the executive order; therefore, a full regulatory analysis, which includes the identification and evaluation of cost-reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation that analyzes only this rule without identifying alternatives. In addition to a summary of the draft regulatory evaluation, this section also contains the initial regulatory flexibility determination required by the Regulatory Flexibility Act and an International Trade Impact Assessment. If more detailed economic information is desired, the reader may refer to the full regulatory evaluation contained in the docket.

Economic Evaluation

The FAA has determined that the potential benefit of these proposals would exceed the expected costs. The proposal would change the conditions that must be considered in the calculation of accelerate-stop distances by replacing the provision for two seconds of continued acceleration beyond V_1 with a provision for two seconds at constant V_1. Certification substantiation, manual revisions, and airport analysis revision costs would only be incurred by those manufacturers who choose to recertify their airplanes and by the operators who choose to take advantage of the reduced requirement. These costs are estimated to total $185,235 per airplane model, but it is unlikely that a manufacturer or operator would elect to incur those costs unless it resulted in a net reduction when reduced operating costs are considered.

The immediate potential benefit of this provision would be gained by the operators of the existing airplane models that were certificated under the Amendment 25–42 standards, assuming that the manufacturers of these airplanes would voluntarily elect to recertificate under the proposed rule. The two large airplane models (above 75,000 lbs. maximum takeoff weight) that were subject to Amendment 25–42 in 1991 performed an estimated 114,300 takeoffs during the year. Using this basis, an average of 57,150 takeoffs per model per year can be expected. It is estimated that the additional 150 foot field length requirement that would be removed under this proposal would affect 0.69 percent or 394 departures per model. The weight reductions that would be averted by avoiding these field length limited incidents are valued at $495 per occurrence. Accordingly, the potential annual benefit of this provision for an existing airplane model that was certificated under Amendment 25–42 standards is valued at $195,030 at current operation levels (394 affected departures times $495 per departure).

The potential benefit for future airplane models that would otherwise be certificated to the existing standards cannot be predicted. To the extent that such models would be affected in the absence of this proposed provision, it is estimated that a benefit rate of $341,550 per 100,000 departures would be realized (100,000 departures, times 0.69% of departures affected, times $495 per affected departure). No incremental certification costs would be attributed to this provision for newly certificated airplane models.

The proposal also includes provisions for newly certificated airplane models that would require accountability for: (1) Worn brake assemblies in the determination of stopping performance, and (2) wet runway conditions in the calculation of necessary takeoff distance.

The expected costs of these provisions are summarized below.

Provision	Percent of departures affected	Cost per affected departure	Cost per 100,000 departures	Average cost per departure
Worn brakes	.39	$495	$193,050	$1.93
Wet runways	.05	726	36,300	.36

It should be noted that this evaluation only quantifies the proposal's impact on takeoffs. It is possible that the proposed rule could induce a field-length-limited landing situation, but such an occurrence would be so infrequent that the relative costs and benefits would be negligible. It should also be emphasized that the above cost and incidence rates for the worn brake provision would generally be limited to airplanes with steel brakes that are certificated in the future. Wear is considered to have a negligible effect on the braking force of carbon brakes, and the trend in brake design for future transport category airplanes is toward carbon brakes.

The potential benefit of the worn brake and wet runway provisions is a reduction in the risk of accidents that might otherwise occur by not considering the reduced braking performance of worn brakes and the reduced braking that exists on wet runways in determining the field length necessary for a safe takeoff.

The average economic valuation of recent rejected takeoff accidents incurred by U.S. operators is $17.8 million per accident. The expected incremental cost of the worn brake provision would be recovered if the added field length afforded by the provision averted one such accident over an exposure period of 9.2 million departures. The wet runway proposal would prove to be cost beneficial by itself if one accident were prevented during an exposure of 49 million departures. The FAA has determined that the potential benefit of these proposals would exceed the expected costs.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule has a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes threshold cost values and small entity size standards for complying with RFA review requirements in FAA rulemaking actions.

The economic costs of any weight reductions that would be necessitated by this proposal would be incurred by the operators of transport category airplanes. The FAA size threshold for this category is the ownership of nine airplanes. The annualized cost threshold for the determination of what constitutes a significant impact on small

entity airplane operators varies by category:

(1) $112,600 for scheduled carriers whose airplanes have seating capacities greater than sixty, and (2) $63,000 for all other scheduled operators. FAA calculations project that the annualized economic impact of this proposed rule would be less than the threshold values. Accordingly, it is determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Trade Impact Assessment

The proposed changes would collectively place U.S. and foreign transport airplanes on a more equitable basis regarding their marketability. The standardization of certification criteria between the FAA and the Joint Aviation Authorities of Europe, and the equalization of safety levels for pre- and post-Amendment 25–42 airplanes would eliminate the slight comparative disadvantage experienced by certain foreign airplanes. The proposal regarding the two-second margin would allow European-produced airplanes certificated under Amendment 25–42 to become slightly more competitive against current production U.S. airplanes that were not certificated under Amendment 25–42 (all current production aircraft) by marginally expanding their takeoff envelope.

Federalism Implications

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.

Conclusion

Because this proposal is intended to enhance the net safety of transport airplane operations and is not expected to result in a substantial economic cost, the FAA has determined that this is not a major regulation as defined in Executive Order 12291. Because this is an issue on which there is substantial public interest both in the United States and Europe, the FAA has determined that this proposal is significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Additionally, based on the economic assumptions discussed previously, the FAA certifies, under the criteria of the Regulatory Flexibility Act, that this proposed rule, if adopted, will not have a significant economic impact, positive or negative, on a substantial number of small entities. An initial regulatory evaluation of the proposal, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects

14 CFR Part 1

Air carriers, Air transportation, Aircraft, Aircraft pilots, Airplanes, Aviation safety, Flights, Pilots, Safety, Transportation.

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 91

Air carriers, Air transportation, Aircraft, Aircraft pilots, Aviation safety, Safety.

14 CFR Part 121

Air carriers, Air transportation, Aircraft, Aircraft pilots, Airplanes, Airworthiness directives and standards, Aviation safety, Common carriers, Pilots, Safety, Transportation.

14 CFR Part 135

Air carriers, Air taxi, Air transportation, Aircraft, Airplanes, Airports, Airworthiness, Aviation safety, Pilots, Safety, Transportation.

The Proposed Amendments

Accordingly, the Federal Aviation Administration (FAA) proposes to amend 14 CFR parts 1, 25, 91, 121, and 135 of the Federal Aviation Regulations (FAR) as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

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

Authority: 49 U.S.C. app. 1347, 1348, 1354(a), 1357(d)(2), 1372, 1421 through 1430, 1432, 1442, 1443, 1472, 1510, 1522, 1652(e), 1655(c), 1657(f), and 49 U.S.C. 106(g).

2. By amending § 1.1 by adding a new definition to read as follows:

§ 1.1. General definitions.

* * * * *

Takeoff decision speed means a speed in the takeoff at which, if the pilot activates the first deceleration device at this speed, the airplane can be stopped within the accelerate-stop distance, and alternatively, if the takeoff is continued beyond this speed with the critical engine failed at V_{EF}, the airplane can achieve the required height above the takeoff surface within the takeoff distance.

* * * * *

3. By amending § 1.2 by adding a new abbreviation to read as follows:

§ 1.2 Abbrevations and symbols.

* * * * *

V_{EF} means the speed at which the critical engine is assumed to fail during takeoff.

* * * * *

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

4. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. app. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g); and 49 CFR 1.47(a).

5. By amending § 25.101 by adding a new paragraph (i) to read as follows:

§ 25.101 General.

* * * * *

(i) The accelerate-stop and landing distances prescribed in §§ 25.109 and 25.125, respectively, must be determined with all the aircraft brake assemblies at the fully worn limit of their allowable wear range.

6. By amending § 25.105 by revising paragraph (c)(1) to read as follows:

§ 25.105 Takeoff.

* * * * *

(c) * * *

(1) Smooth, dry and wet, hard-surfaced runways, in the case of land planes and amphibians;

* * * * *

7. By amending § 25.109 by revising paragraph (a), redesignating paragraphs (c) and (d) as paragraphs (e) and (f), redesignating paragraph (b) as paragraph (c) and revising the introductory text, and adding new paragraphs (b) and (d) to read as follows:

§ 25.109 Accelerate-stop distance.

(a) The accelerate-stop distance on a dry runway is the greater of the following distances:

(1) The sum of the distances necessary to—

(i) Accelerate the airplane from a standing start with all engines operating to V_{EF} for takeoff from a dry runnway;

(ii) Accelerate the airplane from V_{EF} to V_1, assuming the critical engine fails at V_{EF}; and

(iii) Come to a full stop on a dry runway from the point reached at the end of the acceleration period

prescribed in paragraph (a)(1)(ii) of this section, assuming that the pilot does not apply any means to retard the airplane until that point is reached; plus

(iv) A distance equivalent to 2 seconds at V_1 for takeoff from a dry runway.

(2) The sum of the distances necessary to—

(i) Accelerate the airplane from a standing start with all engines operating to V_1 for takeoff from a dry runway; and

(ii) Come to a full stop on a dry runway from the point reached at the end of the acceleration period prescribed in paragraph (a)(2)(i) of this section, assuming that the pilot does not apply any means to retard the airplane until that point is reached and that all engines are still operating; plus

(iii) A distance equivalent to 2 seconds at V_1 for takeoff from a dry runway.

(b) The accelerate-stop distance on a wet runway is the greater of the following distances:

(1) The accelerate-stop distance on a dry runway determined in accordance with paragraph (a) of this section; or

(2) The accelerate-stop distance determined in accordance with paragraph (a) of this section, except that the runway is wet and the corresponding values of V_{EF} and V_1 are used. Unless a higher wet runway braking coefficient of friction or wheel braking force has been demonstrated, the wet runway stopping requirements of this paragraph must be determined assuming—

(i) When the wheel braking force determined in meeting the requirements of § 25.101(i) and paragraph (a) of this section does not correspond to the maximum torque limit, a braking coefficient of friction equal to one-half the demonstrated braking coefficient determined in meeting the requirements of § 25.101(i) and paragraph (a) of this section; and

(ii) When the wheel braking force determined in meeting the requirements of § 25.101(i) and paragraph (a) of this section corresponds to the maximum torque limit, the wet runway wheel braking force shall not exceed one-half the dry runway torque-limited value.

(c) Except as provided in paragraph (d)(1) of this section, means other than wheel brakes may be used to determine the accelerate-stop distance if that means—

* * * * *

(d) The effects of available reverse thrust—

(1) Shall not be included as an additional means of deceleration when determining the accelerate-stop distance on a dry runway, and

(2) May be included as an additional means of deceleration using recommended reverse thrust procedures when determining the accelerate-stop distance on a wet runway, provided the requirements of paragraph (c) of this section are met.

* * * * *

8. By amending § 25.113 by revising the introductory text of paragraph (a) and paragraph (a)(1), redesignating paragraph (b) as paragraph (c) and revising newly designated paragraph (c)(1), and adding a new paragraph (b) to read as follows:

§ 25.113 Takeoff distance and takeoff run.

(a) Takeoff distance on a dry runway is the greater of—

(1) The horizontal distance along the takeoff path from the start of the takeoff to the point at which the airplane is 35 feet above the takeoff surface, determined under § 25.111 for a dry runway; or

* * * * *

(b) Takeoff distance on a wet runway is the greater of—

(1) The takeoff distance on a dry runway determined in accordance with paragraph (a) of this section; or

(2) The horizontal distance along the takeoff path from the start of the takeoff to the point at which the airplane is 15 feet above the takeoff surface, but not beyond the end of the runway, achieved in a manner consistent with the achievement of V_2 before reaching 35 feet above the takeoff surface, determined under § 25.111 for a wet runway.

(c) * * *

(1) The horizontal distance along the takeoff path from the start of the takeoff to a point equidistant between the point at which V_{LOF} is reached and the point at which the airplane is 35 feet above the takeoff surface, as determined under § 25.111, except that, in the case of takeoff on a wet runway, this distance need not be greater than the horizontal distance determined in accordance with paragraphs (b)(1) and (b)(2) of this section; or

* * * * *

9. By amending § 25.115 by revising paragraph (a) to read as follows:

§ 25.115 Takeoff Flight Path.

(a) The takeoff flight path shall be considered to begin 35 feet above the takeoff surface at the end of the takeoff distance determined in accordance with § 25.113 (a) or (b), as appropriate for the runway surface condition.

* * * * *

10. By amending § 25.735 by revising paragraph (f) introductory text, redesignating paragraph (g) as (h), and adding a new paragraph (g) to read as follows:

§ 25.735 Brakes.

* * * * *

(f) The brake kinetic energy capacity rating of each main wheel-brake assembly that is at the fully worn limit of its allowable brake wear range may not be less than the kinetic energy absorption requirements determined under either of the following methods:

* * * * *

(g) In addition, a flight test demonstration of the maximum kinetic energy rejected takeoff shall be conducted with not more than 10 percent of the allowable brake wear range remaining.

* * * * *

11. By amending § 25.1587 by revising paragraph (b) introductory text to read as follows:

§ 25.1587 Performance information.

* * * * *

(b) Each Airplane Flight Manual must contain the performance information computed under the applicable provisions of this part for the weights, altitudes, temperatures, wind components, runway gradients, and runway surface conditions (dry and wet), as applicable, within the operational limits of the airplane, and must contain the following:

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

12. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; and 49 U.S.C. 106(g).

13. By amending § 91.605 by revising paragraph (b)(3) to read as follows:

§ 91.605 Transport category civil airplane weight limitations.

* * * * *

(b) * * *

(3) The takeoff weight does not exceed the weight shown in the airplane Flight Manual to correspond with the minimum distances required for takeoff considering the elevation of the airport, the runway to be used, the effective runway gradient, the ambient temperature and wind component at the time of takeoff, and, if the Airplane Flight Manual contains wet runway

performance information, the runway surface condition (dry or wet); and

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

14. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355, 1356, 1357, 1401, 1421 through 1430, 1472, 1485, and 1502; 49 U.S.C. 106(g); and 49 CFR 1.47(a).

15. By amending § 121.189 by revising paragraph (e) to read as follows:

§ 121.189 Transport category airplanes: Turbine engine powered; takeoff limitations.

* * * * *

(e) In determining maximum weights, minimum distances, and flight paths under paragraphs (a) through (d) of this section, correction must be made for the runway to be used, the elevation of the airport, the effective runway gradient, the ambient temperature and wind component at the time of takeoff, and, if the Airplane Flight Manual contains wet runway takeoff performance information, the runway surface condition (dry or wet).

* * * * *

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

16. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g); and 49 CFR 1.47(a).

17. By amending § 135.379 by revising paragraph (e) to read as follows:

§ 135.379 Transport category airplanes: Turbine engine powered; Takeoff limitations.

* * * * *

(e) In determining maximum weights, minimum distances, and flight paths under paragraphs (a) through (d) of this section, correction must be made for the runway to be used, the elevation of the airport, the effective runway gradient, the ambient temperature and wind component at the time of takeoff, and, if the Airplane Flight Manual contains wet runway takeoff performance information, the runway surface condition (dry or wet).

* * * * *

Issued in Washington, DC, on June 25, 1993.

Thomas E. McSweeny,

Acting Director, Aircraft Certification Service.

[FR Doc. 93–15854 Filed 7–7–93; 8:45 am]

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federal register

Thursday
July 8, 1993

Part III

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[BPD–779–NC]

RIN 0938–AG24

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1993

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice with comment period.

SUMMARY: This notice sets forth a revised schedule of limits on home health agency costs that may be paid under the Medicare program. As required by section 1861(v)(1)(L)(iii) of the Social Security Act (the Act), these limits are based on the current hospital wage index.

DATES: *Effective date:* The schedule of limits is effective for cost reporting periods beginning on or after July 1, 1993.

COMMENT DATE: Written comments will be considered if we receive them at the appropriate address, as provided below, and must be received by 5 p.m. on September 7, 1993.

ADDRESSES: Mail comments (an original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPD–779–NC, P.O. Box 7517, Baltimore, MD 21207–0517.

If you prefer, you may deliver your comments (an original and three copies) to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC 20201, or,

Room 132, East High Rise Building 6325 Security Boulevard Baltimore, MD 21207.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD–779–NC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in room 309–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone: 202–690–7890).

Copies: To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 783–3238 or by faxing to (202) 275–6802. The cost for each copy is $4.50. As an alternative, you may view and photocopy the **Federal Register** document at most libraries designated as U.S. Government Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Michael Bussacca (410) 966–4602.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1861(v)(1)(A) of the Act authorizes the Secretary to establish limits on allowable costs incurred by a provider of services that may be paid under the Medicare program, based on estimates of the costs necessary in the efficient delivery of needed health services. Under this authority, we have maintained limits on home health agency (HHA) per-visit costs since 1979. The limits may be applied to direct or indirect overall costs or to the costs incurred for specific items or services furnished by the provider. This statutory provision is implemented in the regulations at 42 CFR 413.30. Additional statutory provisions, specifically governing the limits applicable to HHAs, are contained at section 1861(v)(1)(L) of the Act.

On November 5, 1990, the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), Public Law 101–508, was enacted. Section 4207(d)(1) of OBRA '90 amended section 1861(v)(1)(L)(iii) of the Act to require that in establishing the HHA schedule of limits we are to use the current hospital wage index. However, to lessen the effect on individual HHAs that would have been caused by changing from the 1982 hospital wage data to the 1988 hospital wage data, section 4207(d)(3) of OBRA '90 provided for a 2-year transition period during which we would use a blend of 1982 and 1988 hospital wage data, based on hospital wages and wage-related costs, in calculating the wage index for HHAs. For cost reporting periods beginning on or after July 1, 1991, and before June 30, 1992, the applicable wage indices consisted of a blend of 67 percent of the area wage index using 1982 hospital wage survey data and 33 percent of the area wage index using 1988 hospital wage survey data. For cost reporting periods beginning on or after July 1, 1992, and before June 30, 1993, the blend was based on 33 percent of the 1982 hospital wage survey data and 67 percent of the 1988 hospital wage survey data. On July 1, 1992, we published a schedule of HHA cost limits in the **Federal Register** (57 FR 29410) based on the latter blend.

This notice sets forth cost limits for cost reporting periods beginning on or after July 1, 1993. As required by section 1861(v)(1)(L)(iii) of the Act, we are using the current hospital wage index, that is, the hospital wage index effective for hospital discharges on or after October 1, 1992 (Federal fiscal year (FY) 1993), which is based on 1988 wage survey data (See September 1, 1992 **Federal Register**, 57 FR 39746). As also provided in the statute, in applying the hospital wage index to HHAs, no adjustments are to be made to account for rural counties that have been deemed urban counties under section 1886(d)(8)(B) of the Act. In addition, no adjustments are to be made for any reclassifications resulting from decisions of the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Act.

II. Application of Cost Limits on a Budget-Neutral Basis

Section 4207(d)(2) of OBRA '90 requires that, in updating the wage index, aggregate payments to HHAs will remain the same as they would have been if the wage index had not been updated. Therefore, overall payments to HHAs are not affected by the changes in the wage index values.

In order to ensure budget neutrality, an adjustment must be made to the payments that would otherwise be made to HHAs for the period beginning July 1, 1993. We determine the amount of the budget neutrality adjustment by first computing the amount of program savings that would have resulted from the cost limits effective July 1, 1993, if a hospital wage index based on 1982 wage data were used. Then, program savings were computed using the current wage index (based on 1988 wage data). The use of the current wage index resulted in higher savings, and therefore, lower program payments. To ensure that aggregate payments to HHAs are not affected by changes to the wage index, we determined that it is necessary to apply a budget neutrality adjustment factor of 1.027 to the labor-related portion of the cost limits. That is, an increase of 2.7 percent to the labor-related portion of the limits results in the same program savings as would have been realized had we used a

hospital wage index based on 1982 wage data to calculate the limits. (See the example in section VI.A below regarding the adjustment of cost limits by the wage index and the budget neutrality factor.)

We note that, for this notice, we are continuing to use a wage index based on 1982 wage data as our basis of comparison in determining budget neutrality. Section 1861(v)(1)(L)(iii) of the Act specifies the use of the applicable hospital wage index for establishing the cost limits for HHAs. Since the passage of OBRA '90, the applicable hospital wage indices that we have used to establish the HHA cost limits have been indices based on 1982 and 1988 hospital wage data. (In accordance with section 4207(d)(3) of OBRA '90, the wage indices that have applied to HHAs were calculated based on blends of the 1982 and 1988 hospital wage data and now based on 1988 data entirely.) We have not used the blended wage index as the basis of comparison in determining the budget neutrality adjustment because the blended index was artificially derived from the 1982 and 1988 wage data. The transition (blended) wage index was for the benefit of the home health agencies, so those agencies whose payments were adversely effected by the change to the wage index based on 1988 wage data could make a gradual adjustment to the full implementation of the wage index values. Because the blended wage index was only a temporary transitional measure from the index based on 1982 wage data to the index based on 1988 wage data, and because the index based on 1982 wage data was the basic underlying value, we believe that it is appropriate to calculate the budget neutrality adjustment by comparing the index based on 1982 wage data with the index based on 1988 wage data.

Beginning in FY 1994, however, section 1886(d)(3)(E) of the Act requires that the hospital wage index be updated annually. Therefore, in setting future HHA limits, our basis of comparison for the budget neutrality adjustment will be the current hospital wage index and the hospital wage index used in the previous HHA notice. Accordingly, we anticipate that in next year's HHA notice, the budget neutrality factor will reflect a comparison of the FY 1994 hospital wage index (based on 1990 survey data) with the FY 1993 wage index (based on 1988 survey data). As discussed above, the wage index applicable to HHAs is different from the hospital wage index because the HHA wage index does not reflect geographic reclassifications of hospitals.

III. Update of Limits

The methodology used to develop the schedule of limits set forth in this notice is the same as that used in setting the limits effective July 1, 1992. As discussed in the July 1, 1992 notice (57 FR 29411), we will continue to use the latest settled cost report data to develop the HHA cost limits. The cost limits have been updated to reflect the expected cost increases occurring between the cost reporting periods for the data contained in the data base and December 31, 1993, the midpoint of the first cost reporting period to which the limits apply.

A. Data Used

To develop the schedule of limits effective July 1, 1992, we extracted actual cost per-visit data from settled Medicare cost reports for periods ending on or after October 31, 1987, and before October 1, 1988. We then adjusted the data using the latest available market basket indexes to reflect expected cost increases occurring between the cost reporting periods contained in our data base and December 31, 1992. In this notice, we have updated the limits by using the data from cost reporting periods ending on or after June 30, 1989, and before May 31, 1991, as adjusted by the most recent market basket factors, to reflect expected cost increases occurring between the cost reporting periods contained in the data base and December 31, 1993, the midpoint of the first cost reporting period to which these July 1, 1993 limits apply.

Even though these are the most recent data available at this time, we recognize that the provisions of section 1891(a)(3) of the Act, which require changes in home health aide training and certification effective July 1, 1989, will result in some HHAs incurring costs that will not be reflected in the cost limits. It is not possible for us to estimate the overall impact, if any, this provision will have on an HHA's total costs. However, if the additional home health training and certification requirements result in an HHA's costs exceeding the cost limits, the HHA may present documentation justifying payment of additional amounts in excess of the cost limits, as we indicated in our June 30, 1989 notice concerning HHA cost limits (54 FR 27742), under the exceptions process outlined in § 413.30.

When HCFA updates the HHA cost limits in the future, using a later data base that includes the costs of home health training and certification requirements, an add-on will no longer be needed because the updated limits would include those costs in the basic cost limits.

In addition, we also are aware that HHAs will be incurring additional costs due to the universal precaution requirements of the Occupational Safety and Health Administration (OSHA). OSHA published a final rule in the **Federal Register** on December 6, 1991 (56 FR 64004) that set forth a standard under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) to eliminate, or minimize, occupational exposure to bloodborne pathogens. The rule includes requirements relating to employee vaccinations against bloodborne diseases, staff training on universal precautions, and the use of protective equipment (gloves, aprons, masks, etc.). While the limits set forth in this notice use the most recent cost report data available, we recognize that the OSHA standards, which were effective March 6, 1992, will result in some HHAs incurring costs that are not reflected in the cost limits.

In the July 1, 1992 notice (as corrected at 57 FR 43004 (September 17, 1992)) we provided an add-on to the HHA cost limits of $.16 per visit for those HHAs that incurred costs associated with the additional requirements of the OSHA regulation. The add-on was necessary because the data base used to calculate the HHA cost limit did not reflect the costs associated with the new OSHA requirements. In this notice, we will continue to provide an add-on to the cost limits to account for the additional costs HHAs will incur due to the universal precaution requirements. Based upon our review of the OSHA regulation, OSHA data, and additional information obtained from OSHA staff, we have determined that for cost reporting periods beginning on or after July 1, 1993, HHAs will incur average costs of $.18 per visit in meeting the OSHA requirements. We determined this amount by inflating $.16 (the per-visit add-on for cost reporting periods beginning on or after July 1, 1992) by the HHA market basket index described in this notice. Thus, we are providing for an add-on to the HHA cost limits of $.18 per visit for those HHAs that incur costs associated with the additional requirements of the OSHA regulation.

If, as a result of the additional OSHA requirements, an HHA's costs still exceed the cost limits after the add-on, the HHA may apply for an exception to the cost limits under the exceptions process outlined in § 413.30. This situation could be recognized as an "extraordinary circumstance" as defined at § 413.30(f)(2). We will grant an exception to the extent that the costs,

in excess of the limit, are reasonable; incurred in the implementation of the additional requirements; separately identified by the HHA; and verified by the intermediary.

As with home health training and certification requirements, we anticipate that using a later data base that includes the costs of complying with the OSHA standards eventually will preclude the need for an add-on.

B. Wage Index

The wage index is used to adjust the labor-related portion of the limits, and the administrative and general (A&G) add-on, to reflect differing wage levels among areas. In setting this schedule of limits, we used the HCFA FY 1993 hospital wage index that was developed based on 1988 hospital salary data.

Each HHA's labor market area is determined based on the definitions of Metropolitan Statistical Areas (MSAs) issued by the Office of Management and Budget (OMB). We note that on December 28, 1992, OMB announced in OMB bulletin 93–05 the revised statistical definitions for metropolitan areas based on the results of the 1990 census. The revised definitions were effective on December 31, 1992. However, as noted above, section 1861(v)(1)(L) of the Act requires that we use the current hospital wage index (that is, the FY 1993 hospital wage index, which was published in the **Federal Register** on September 1, 1992 (57 FR 39746)) to establish the HHA cost limits. Therefore, this schedule of limits reflects the MSA definitions that are in effect under the hospital prospective payment system. We now plan to implement OMB's revised MSA definitions based on the 1990 census data in the schedule of HHA cost limits that is to take effect on July 1, 1994.

We are continuing to incorporate exceptions to the MSA classification system for certain New England counties that were identified in the July 1, 1992 notice. These exceptions have been recognized in setting hospital cost limits for cost reporting periods beginning on and after July 1, 1979 (45 FR 41218), and were authorized under section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21). Section 601(g) of Public Law 98–21 requires that any hospital in New England that was classified as being in an urban area under the classification system in effect in 1979 will be considered urban for the purposes of the hospital prospective payment system. This provision is intended to ensure equitable treatment under the hospital prospective payment system. Under this authority, the following counties have been deemed to be urban areas for purposes of payment under the inpatient hospital prospective payment system:

- Litchfield County, CT in the Hartford, CT MSA.
- York County, ME and Sagadahoc County, ME in the Portland, ME MSA.
- Merrimack County, NH in the Boston-Brockton-Nashua, MA–NH MSA.
- Newport County, RI in the Providence-Fall River-Warwick, RI MSA.

We are continuing to grant these urban exceptions for the purpose of applying the HCFA hospital wage index to the HHA cost limits. These exceptions result in the same New England County Metropolitan Area (NECMA) definitions for hospitals, SNFs, and HHAs. In New England, MSAs are defined on town boundaries rather than on county lines. NECMAs are defined on county lines but exclude parts of the four counties cited above that would be considered urban under the MSA definition. Under this notice, those four counties are urban under either definition, NECMA or MSA.

We note that HCFA is considering a proposal from the Prospective Payment Assessment Commission (ProPAC) to establish hospital-specific wage index values that would not rely on the use of MSAs and NECMAs. A full description of the ProPAC proposal is set forth in the hospital prospective payment system (PPS) proposed rule for FY 1994 (See May 26, 1993 **Federal Register**, 58 FR 30222.) It is unclear what the impact of ProPAC's proposal would be for the establishment of HHA cost limits. However, we have indicated in the prospective payment system proposed rule that under no circumstances would we propose to implement this change before FY 1995; therefore, it has no effect on this notice.

IV. Provisions of the HHA Schedule of Limits

The schedule of limits set forth below was calculated using 112 percent of the mean per-visit costs of free-standing HHAs and is adjusted by the latest estimates in the market basket index.

The schedule of limits effective for cost reporting periods beginning on or after July 1, 1993 is based on the latest settled cost data available and provides for the following:

- A classification system based on whether an HHA is located within an MSA, a NECMA, or a non-MSA area. (See Tables IIIa and IIIb in section VIII, below, for the listing of MSAs, NECMAs, and rural areas.)
- The use of a single schedule of limits for hospital-based and free-standing agencies. This single limit is based on the cost experience of free-standing agencies. For each hospital-based discipline, we are providing for an add-on adjustment to the free-standing HHA limit (which is equal to 11.4 percent of the mean cost for the MSA hospital-based group and 12.5 percent for the non-MSA hospital-based group) to account for the higher administrative and general (A&G) costs resulting from Medicare cost allocation requirements, as explained in section VI.C below. The labor-related portion of the add-on, adjusted by the appropriate wage index, plus the nonlabor portion, is added to each free-standing limit to determine the per discipline limits for hospital-based agencies. We are currently evaluating the utility of differential payments to home health agencies.
- The use of the following market basket index, which was developed from the price of goods and services purchased by HHAs to account for the impact of changing wage and price levels on HHA costs. The limit values contained in this schedule reflect the latest available actual and projected rates of inflation in HHA expenses. The categories used were identified through an analysis of 1976 Medicare cost reports and other available home health industry surveys. The categories of expenses are weighted according to the estimated proportion of HHA costs attributable to each category. The categories used in the market basket contained in this schedule have not changed from those used for the July 1, 1992 schedule. However, the relative cost shares used change over time because of differences in the rate of increase in the various price variables. Categories with higher rates of price increases receive higher weights and categories with lower rates of price increases receive lower weights.

In developing the relative weights used in the market basket index contained in this schedule, we obtained historical and projected rates of increase in the resource prices for each category. The price variables source of the forecast for calendar years 1989 through 1995 is identified in the third column of the following Home Health Agency Input Price Index chart.

HOME HEALTH AGENCY INPUT PRICE INDEX: COST CATEGORIES, RELATIVE IMPORTANCE, FORECASTERS, AND PRICE VARIABLES USED

Cost categories	Relative[1] importance 1994	Forecaster of[2] percent (1989–1995)	Price variables used
Wages and Salaries	68.6	DRI–CFS	Average hourly earnings of nonsupervisory private hospital workers (SIC 806). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, Employment and Earnings (Monthly).
Employee benefits	7.6	DRI–TL	Supplements to wages and salaries per worker in nonagriculture establishments. Source: For supplements to wages and salaries-U.S. Dept of Commerce, Bureau of Economic Analysis, Survey of Current Business (monthly). For total employment-U.S. Department of Labor. Bureau of Labor Statistics, Monthly Labor Review.
Transportation	3.8	DRI–TL	Transportation component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, Monthly Labor Review.
Office Costs	2.7	DRI–TL	Services Component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, Monthly Labor Review.
Medical Nursing	2.4	HCFA–HHS	Medical equipment and supplies component of the supplies and rental Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, Monthly Labor Review.
Rent	1.1	DRI–CFS	Residential rent component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor Statistics, Monthly Labor Review.
Nonrental Space	1.0	DRI–TL	Composite Fuel and utilities index. Source: HHS–HCFA Community Hospital Price Index.
Miscellaneous	5.9	DRI–TL	Consumer Price Index for all items, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, Monthly Labor Review.
Contract Services	6.9		Weighted mean of price variables for the preceding eight items.
Total	100.0		

[1] Relative cost weights were derived initially from special studies by HCFA using data primarily from 1976 HCFA Medicare cost reports and data from the Council of Home Health Agencies and Community Health Services. A Laspeyres price index was constructed using these 1976 weights and the price variables indicated in this table. The relative importance values have changed over time in accordance with price changes for each price variable. Cost categories with relatively higher price increases get higher relative importance values and vice versa.
[2] DRI–TL refers to Data Resources, Inc., Trendlong (TL 1192), 29 Hartwell Avenue, Lexington, Massachusetts 02173. DRI–CFS refers to Data Resources, Inc., Cost Forecasting Services (CFS–924), 1750 K Street NW., Washington, DC 20006.

- An adjustment to the limits if the estimated market basket rate of increase differs from the actual rate of increase by more than 3/10 of one percentage point (higher or lower).
- The use of the current hospital wage index. The wage index is used to adjust the labor-related portion of the limits and the A&G add-on to reflect differing wage levels among the areas (MSA or NECMA and non-MSA) in which HHAs are located. The employee wage portion of the market basket index (68.6 percent) and the employee benefits portion (7.6 percent), plus a factor representing a proportionate share of contract services (5.6 percent), are used to determine the labor component (81.8 percent) of all HHA per-visit costs used to set the limits.
- Separate treatment of the labor-related and nonlabor components of per-visit costs. The separate components of costs are calculated by obtaining actual HHA cost data for each agency for cost periods ending on or after June 30, 1989 and before May 31, 1991, and increasing those data by the actual and projected increases in the HHA market basket index. We then separate each HHA's per-visit costs into labor and nonlabor portions, and divide the labor portion by the wage index value for the agency's location to control for the effect of geographic variations in prevailing wage levels. Separate means are computed for the labor and nonlabor components of per-visit costs. For each comparison group, the resulting amounts are shown in Table I of section VII, below.
- The application of a cost-of living adjustment to the nonlabor portion of the limit for HHAs located in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.
- Limits that are determined for the per-visit cost of each type of home health service: skilled nursing care, physical therapy, speech pathology, occupation therapy, medical social services, and home health aide.
- Application of the limits in the aggregate after the HHA's actual costs are adjusted. An HHA's actual costs are adjusted for individual items of cost that are found to be excessive under Medicare principles of provider payment and for costs that are not included in the limitation amount. The limits are applied in the aggregate to the costs remaining after these adjustments are made. Payment is limited to the lower of the actual costs or the cost limits.

V. Methodology for Determining Cost-per-Visit Limits

A. Data

For this notice, the cost-per-visit limit values were determined by extracting settled actual cost-per-visit data from Medicare cost reports for periods ending on or after June 30, 1989, and before May 31, 1991. We then adjusted the data using the latest available market basket factors to reflect expected cost increases occurring between the cost reporting periods contained in our data base and December 31, 1993, the midpoint of the first cost reporting period to which these limits apply. The following annual percentage increases were used to compute the per-visit costs:

Calendar year	Percent increase
1990	[1] 5.3
1991	[1] 5.7
1992	[2] 4.1
1993	[2] 4.8
1994	[2] 5.1
1995	[2] 5.3

[1] Final rate of increase.
[2] Forecasted increases. The projected rate of increase in the market basket index will be adjusted to the actual inflation rate if the actual rate of increase differs from the estimated rate by more than 3/10 of one percentage point. We will notify the Medicare intermediaries of the actual rate of increase and advise them to adjust each HHA's cost limit.

B. Standardization for Wage Levels

After adjustment by the market basket index, we divided each HHA's per-visit costs into labor and nonlabor portions. The labor portion of costs (81.8 percent

as determined by the market basket) represents the 76.2 percent employee wage and benefit factor plus the 5.6 percent contract services factor from the market basket. We then divided the labor portion of per-visit costs by the wage index applicable to the HHA's location to arrive at an adjusted labor cost.

C. Adjustment for "Outliers"

We transformed all per-visit cost data into their natural logarithms and grouped them by type of service and MSA, NECMA, or non-MSA location, in order to determine the mean cost and standard deviation for each group. We then eliminated all "outlier" costs, retaining only those per-visit costs within two standard deviations of the mean in each service.

D. Basic Service Limit

A basic service limit equal to 112 percent of the mean labor and nonlabor portions of the per-visit costs of free-standing HHAs was calculated for each type of service. (See Table I in section VII.)

VI. Computing the Adjusted Limit

3. Adjustment of Cost Limits by Wage Index

To arrive at the adjusted limit, which is to be applied to each service furnished by an HHA, the HHA's intermediary first determines the adjusted labor-related component by multiplying the labor-related component of the limit by the appropriate wage index. (See example below and Tables IIIa and IIIb in section VIII.) The sum of the nonlabor component plus the labor-related component is the adjusted limit applicable to an HHA.

EXAMPLE—CALCULATION OF ADJUSTED OCCUPATIONAL THERAPY LIMIT FOR A FREESTANDING HHA IN DALLAS, TX

Labor component (Table I)	$76.27
Wage index value (Table III)	×0.9599
Labor portion	73.21
Special labor adjustment for budget neutrality	×1.027
Adjusted labor portion	$75.19
Nonlabor component (Table I)	+16.68
OSHA adjustment	+0.18
Adjusted occupational therapy limit	92.05

B. Adjustment for Reporting Year

If an HHA has a cost reporting period beginning on or after August 1, 1993, the adjusted per-visit limit for each service is again revised by an adjustment factor from Table IV that corresponds to the month and year in which the cost reporting period begins. Each factor represents the compounded rate of monthly increase derived from the projected annual increase in the market basket index, and is used to account for inflation in costs that will occur after the date on which the limits become effective.

For example, if an HHA's cost reporting period begins January 1, 1994, as calculated in the example in section VI.A above, the labor-adjusted per-visit limit for occupational therapy for a freestanding HHA in Dallas, Texas is $92.05.

Computation of Revised Limit for Occupational Therapy	
Adjusted per-visit limit	$92.05
Adjustment factor from Table IV	×1.0254
Revised per-visit limit	94.39

In this example, the revised adjusted per-visit limit for occupational therapy applicable to this HHA for the cost reporting period beginning January 1, 1994, is $94.39 per visit.

If an HHA uses a cost reporting period that is not 12 months in duration, a special calculation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of the cost reporting period. For cost reporting periods other than 12 months in duration, the calculation must be made for the midpoint of the specific cost reporting period. In such cases, the intermediary for the HHA must obtain this adjustment factor from HCFA.

C. Adjustment for Hospital-Based Agencies

If an HHA participates in the Medicare program as part of a hospital and is required to file Form HCFA–2552 (hospital cost report), and qualifies as hospital-based in accordance with the requirements specified in the schedule of limits published June 5, 1980 (45 FR 38014), the HHA is entitled, under section 1861(v)(1)(L)(ii) of the Act, to an adjustment of the per-visit limit to account for higher A&G costs resulting from the Medicare cost allocation requirements. The intermediary will compute the adjusted cost limit as described in the example following Table II, section VII.

VII. Schedule of Limits

The schedule of limits set forth below applies to cost reporting periods beginning on or after July 1, 1993 and before July 1, 1994. The intermediaries will compute the adjusted limits using the wage index published in Tables IIIa and IIIb of section VIII and will notify each HHA they service of its applicable cost per-visit limits for each type of service. Each HHA's aggregate limit cannot be determined prospectively, but depends on each HHA's Medicare visits for each type of service and actual costs for the cost reporting period subject to this notice.

The HHA costs that are subject to the limits include the cost of medical supplies routinely furnished in conjunction with patient care. Durable medical equipment, orthotics, prosthetics, and other medical supplies directly identifiable as services to an individual patient are excluded from the per-visit costs and are paid without regard to this schedule of limits. (See Chapter IV of the Home Health Agency Manual (HCFA Pub. 11).)

The intermediary will determine the limit for each HHA by multiplying the number of Medicare visits for each type of service furnished by the HHA by the respective per-visit cost limit. The sum of these amounts is compared to the HHA's total allowable cost.

Example: HHA X, a free-standing agency located in Richmond, VA, furnishes 5,000 covered skilled nursing visits, 2,000 covered physical therapy visits, and 4,000 covered home health aide visits to Medicare beneficiaries during its 12-month cost reporting period beginning on July 1, 1993.

THE AGGREGATE COST LIMIT IS DETERMINED AS FOLLOWS

Type of visit	Visits	Nonlabor portion	Adjusted labor portion	Adjusted limit [1]	Aggregate limit
Skilled nursing	5,000	$16.04	$71.66	$87.88	$439,400
Physical therapy	2,000	16.53	74.03	90.74	181,480
Home health aide	4,000	8.09	35.98	44.25	177,000
Total Visits	11,000				
Aggregate cost limit					797,880

[1] Includes special labor adjustments of 1.027 for budget neutrality and $0.18 per visit for OSHA adjustment.

As noted above in section III.A. of this preamble, in order to account for OSHA's universal precaution requirements, we are providing for an additional adjustment to the aggregate cost limit of $.18 per visit for those HHAs that incur costs in complying with these requirements.

Before the limits are applied during settlement of the cost report, the HHA's actual costs are reduced by the amount of individual items of cost (for example, administrative compensation and contract services) that are found to be excessive under the Medicare principles of provider payment. That is, the intermediary reviews the various reported costs, taking into account all the Medicare payment principles; for example, the cost guidelines for physical therapy furnished under arrangements (see 42 CFR 413.106) and the limitation on costs that are substantially out of line with those of comparable home health agencies (see 42 CFR 413.9).

TABLE I—PER VISIT LIMITS FOR HOME HEALTH AGENCIES

Type of visit	Limit	Labor portion	Nonlabor portion [1]
MSA (NECMA) location:			
Skilled nursing care	$90.44	$74.40	$16.04
Physical therapy	93.39	76.86	16.53
Speech pathology	94.68	77.84	16.84
Occupational therapy	92.95	76.27	16.68
Medical social services	129.56	106.41	23.15
Home health aide	45.44	37.35	8.09
Non-MSA location:			
Skilled nursing care	99.08	84.39	14.69
Physical therapy	105.57	89.92	15.65
Speech pathology	110.43	93.98	16.45
Occupational therapy	106.48	90.40	16.08
Medical social services	165.60	140.98	24.62
Home health aide	46.04	39.21	6.83

[1] Nonlabor portion of limits for HHAs located in Alaska, Hawaii, Puerto Rico, and the Virgin Islands are increased by multiplying them by the following cost-of-living adjustment factors:

Location	Adjustment factor
Alaska	1.250
Hawaii:	
Oahu	1.225
Kauai	1.175
Maui, Lanai, and Molokai	1.200
Hawaii (island)	1.150
Puerto Rico	1.100
Virgin Islands	1.125

TABLE II—ADD-ON AMOUNTS FOR HOSPITAL-BASED HOME HEALTH AGENCIES

Type of visit	A&G add-on	Labor portion	Nonlabor
MSA (NECMA) location:			
Skilled nursing care	$12.17	$9.95	$2.22
Physical therapy	11.52	9.41	2.11
Speech pathology	11.55	9.43	2.12
Occupational therapy	11.68	9.50	2.18
Medical social services	18.87	15.32	3.55
Home health aide	5.47	4.46	1.01
Non-MSA location:			
Skilled nursing care	$14.42	$12.26	$2.16
Physical therapy	15.92	13.55	2.37
Speech pathology	15.58	13.24	2.34

TABLE II—ADD-ON AMOUNTS FOR HOSPITAL-BASED HOME HEALTH AGENCIES—Continued

Type of visit	A&G add-on	Labor portion	Nonlabor
Occupational therapy	15.97	13.50	2.47
Medical social services	24.04	20.30	3.74
Home health aide	5.76	4.90	0.86

Example: A hospital-based agency in State College, PA, has a wage index value of 0.9861. It provides skilled nursing, physical therapy, and home health aide services. The published limits for that agency are:

	Limit		Add-on	
	Labor portion	Nonlabor portion	Labor portion	Nonlabor portion
Skilled nursing	$74.40	$16.04	$9.95	$2.22
Physical therapy	76.86	16.53	9.41	2.11
Home health aide	37.35	8.09	4.46	1.01

CALCULATION OF HOSPITAL-BASED LIMIT WITH ADD-ON

	SN	PT	HHA
Limit labor portion	$74.40	$76.86	$37.35
Add-On labor portion	+9.95	+9.41	+4.46
Total labor portion	$84.35	$86.27	$41.81
Wage index value	×0.9861	×0.9861	×0.9861
Labor portion	$83.18	$85.07	$41.23
Budget neutrality adjustment	×1.027	×1.027	×1.027
Adjusted labor	$85.43	$87.37	$42.34
Limit nonlabor portion	$16.04	$16.53	$8.09
Add-On nonlabor portion	+2.22	+2.11	+1.01
OSHA adjustment	+0.18	+0.18	+0.18
Adjusted limits	$103.87	$106.19	$51.62

VIII. Wage Indexes

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS

Urban area (constituent counties or county equivalents)	Wage index
Abilene TX	0.9183
Taylor, TX	
Aguadilla, PR	0.4549
Aguada, PR	
Aguadilla, PR	
Isabella, PR	
Moca, PR	
Akron, OH	0.9455
Portage, OH	
Summit, OH	
Albany, GA	0.8017
Dougherty, GA	
Lee, GA	
Albany-Schenectady-Troy, NY	0.8887
Albany, NY	
Greene, NY	
Montgomery, NY	
Rensselaer, NY	
Saratoga, NY	
Schenectady, NY	
Albuquerque, NM	1.0083
Bernalillo, NM	
Alexandria, LA	0.8242
Rapides, LA	
Allentown-Bethlehem, PA–NJ	0.9957

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Warren, NJ	
Carbon, PA	
Lehigh, PA	
Northampton, PA	
Altoona, PA	0.9201
Blair, PA	
Amarillo, TX	0.8703
Potter, TX	
Randall, TX	
Anaheim-Santa Ana, CA	1.2217
Orange, CA	
Anchorage, AK	1.4119
Anchorage, AK	
Anderson, IN	0.9544
Madison, IN	
Anderson, SC	0.7229
Anderson, SC	
Ann Arbor, MI	1.1815
Washtenaw, MI	
Anniston, AL	0.7899
Calhoun, AL	
Appleton-Oshkosh-Neenah, WI	0.9142
Calumet, WI	
Outagamie, WI	
Winnebago, WI	
Arecibo, PR	0.3938

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Arecibo, PR	
Camuy, PR	
Hatillo, PR	
Quebradillas, PR	
Asheville, NC	0.8760
Buncombe, NC	
Athens, GA	0.8518
Clarke, GA	
Jackson, GA	
Madison, GA	
Oconee, GA	
Atlanta, GA	0.9557

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Barrow, GA	
Butts, GA	
Cherokee, GA	
Clayton, GA	
Cobb, GA	
Coweta, GA	
De Kalb, GA	
Douglas, GA	
Fayette, GA	
Forsyth, GA	
Fulton, GA	
Gwinnett, GA	
Henry, GA	
Newton, GA	
Paulding, GA	
Rockdale, GA	
Spalding, GA	
Walton, GA	
Atlantic City, NJ	1.0464
Atlantic , NJ	
Cape May, NJ	
Augusta, GA–SC	0.9363
Columbia, GA	
McDuffie, GA	
Richmond, GA	
Aiken, SC	
Aurora-Elgin, IL	0.9626
Kane, IL	
Kendall, IL	
Austin, TX	0.9560
Hays, TX	
Travis, TX	
Williamson, TX	
Bakersfield, CA	1.0824
Kern, CA	
Baltimore, MD	1.0115
Anne Arundel, MD	
Baltimore, MD	
Baltimore City, MD	
Carroll, MD	
Harford, MD	
Howard, MD	
Queen Annes, MD	
Bangor, ME	0.9027
Penobscot, ME	
Baton Rouge, LA	0.9052
Ascension, LA	
East Baton Rouge, LA	
Livingston, LA	
West Baton Rouge, LA	
Battle Creek, MI	0.9480
Calhoun, MI	
Beaumont-Port Arthur, TX	0.9599
Hardin, TX	
Jefferson, TX	
Orange, TX	
Beaver County, PA	1.0124
Beaver, PA	
Bellingham, WA	1.0454
Whatcom, WA	
Benton Harbor, MI	0.8421
Berrien, MI	
Bergen-Passaic, NJ	1.0733
Bergen, NJ	
Passaic, NJ	
Billings, MT	0.9287
Yellowstone, MT	
Biloxi-Gulfport, MS	0.8030
Hancock, MS	
Harrison, MS	
Binghamton, NY	0.9223
Broome, NY	
Tioga, NY	
Birmingham, AL	0.8734
Blount, AL	
Jefferson, AL	
Saint Clair, AL	
Shelby, AL	
Walker, AL	
Bismarck, ND	0.8845
Burleigh, ND	
Morton, ND	
Bloomington, IN	0.8604
Monroe, IN	
Bloomington-Normal, IL	0.8723
McLean, IL	
Boise City, ID	0.9718
Ada, ID	
Boston-Lawrence-Salem-Lowell-Brockton, MA	1.1762
Essex, MA	
Middlesex, MA	
Norfolk, MA	
Plymouth, MA	
Suffolk, MA	
Boulder-Longmont, CO	1.0155
Boulder, CO	
Bradenton, FL	0.9225
Manatee, FL	
Brazoria, TX	0.9276
Brazoria, TX	
Bremerton, WA	0.9495
Kitsap, WA	
Bridgeport-Stamford-Norwalk-Danbury	1.1984
Fairfield, CT	
Brownsville-Harlingen, TX	0.8592
Cameron, TX	
Bryan-College Station, TX	0.9451
Brazos, TX	
Buffalo, NY	0.8873
Erie, NY	
Burlington, NC	0.7954
Alamance, NC	
Burlington, VT	0.9320
Chittenden, VT	
Grand Isle, VT	
Caguas, PR	0.4461
Caguas, PR	
Gurabo, PR	
San Lorenz, PR	
Aguas Buenas, PR	
Cayey, PR	
Cidra, PR	
Canton, OH	0.8776
Carroll, OH	
Stark, OH	
Casper, WY	0.8855
Natrona, WY	
Cedar Rapids, IA	0.8938
Linn, IA	
Champaign-Urbana-Rantoul, IL	0.8710
Champaign, IL	
Charleston, SC	0.8298
Berkeley, SC	
Charleston, SC	
Dorchester, SC	
Charleston, WV	0.9653
Kanawha, WV	
Putnam, WV	
Charlotte-Gastonia-Rock Hill, NC–SC	0.9432
Cabarrus, NC	
Gaston, NC	
Lincoln, NC	
Mecklenburg, NC	
Rowan, NC	
Union, NC	
York, SC	
Charlottesville, VA	0.9576
Albermarle, VA	
Charlottesville City, VA	
Fluvanna, VA	
Greene, VA	
Chattanooga, TN–GA	0.9161
Catoosa, GA	
Dade, GA	
Walker, GA	
Hamilton, TN	
Marion, TN	
Sequatchie, TN	
Cheyenne, WY	0.7876
Laramie, WY	
Chicago, IL	1.0475
Cook, IL	
Du Page, IL	
McHenry, IL	
Chico, CA	1.0937
Butte, CA	
Cincinnati, OH–KY–IN	0.9972
Dearborn, IN	
Boone, KY	
Campbell, KY	
Kenton, KY	
Clermont, OH	
Hamilton, OH	
Warren, OH	
Clarksville-Hopkinsville, TN–KY	0.7352
Christian, KY	
Montgomery, TN	
Cleveland, OH	1.0695
Cuyahoga, OH	
Geauga, OH	
Lake, OH	
Medina, OH	
Colorado Springs, CO	0.9777
El Paso, CO	
Columbia, MO	0.9468
Boone, MO	
Columbia, SC	0.8904
Lexington, SC	
Richland, SC	
Columbus, GA–AL	0.7452
Russell, AL	
Chattanoochee, GA	
Muscogee, GA	
Columbus, OH	0.9634
Delaware, OH	
Fairfield, OH	
Franklin, OH	
Licking, OH	
Madison, OH	
Pickaway, OH	
Union, OH	
Corpus Christi, TX	0.8559
Nueces, TX	
San Patricio, TX	
Cumberland, MD–WV	0.8155

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Allegany, MD	
Mineral, WV	
Dallas, TX	0.9599
Collin, TX	
Dallas, TX	
Denton, TX	
Ellis, TX	
Kaufman, TX	
Rockwall, TX	
Danville, VA	0.7476
Danville City, VA	
Pittsylvania, VA	
Davenport-Rock Island-Moline, IA-IL	0.8640
Scott, IA	
Henry, IL	
Rock Island, IL	
Dayton-Springfield, OH	0.9686
Clark, OH	
Greene, OH	
Miami, OH	
Montgomery, OH	
Daytona Beach, FL	0.8907
Volusia, FL	
Decatur, AL	0.7457
Lawrence, AL	
Morgan, AL	
Decatur, IL	0.8253
Macon, IL	
Denver, CO	1.0714
Adams, CO	
Arapahoe, CO	
Denver, CO	
Douglas, CO	
Jefferson, CO	
Des Moines, IA	0.9225
Dallas, IA	
Polk, IA	
Warren, IA	
Detroit, MI	1.0924
Lapeer, MI	
Livingston, MI	
Macomb, MI	
Monroe, MI	
Oakland, MI	
Saint Clair, MI	
Wayne, MI	
Dothan, AL	0.7524
Dale, AL	
Houston, AL	
Dubuque, IA	0.8341
Dubuque, IA	
Duluth, MN–WI	0.9479
St. Louis, MN	
Douglas, WI	
Eau Claire, WI	0.8444
Chippewa, WI	
Eau Claire, WI	
El Paso, TX	0.8679
El Paso, TX	
Elkhart-Goshen, IN	0.8913
Elkhart, IN	
Elmira, NY	0.8775
Chemung, NY	
Enid, OK	0.8877
Garfield, OK	
Erie, PA	0.9118
Erie, PA	
Eugene-Springfield, OR	1.0123
Lane, OR	
Evansville, IN–KY	0.9422
Posey, IN	
Vanderburgh, IN	
Warrick, IN	
Henderson, KY	
Fargo-Moorhead, ND–MN	0.9668
Clay, MN	
Cass, ND	
Fayetteville, NC	0.8262
Cumberland, NC	
Fayetteville-Springdale, AR	0.7958
Washington, AR	
Flint, MI	1.1506
Genesee, MI	
Florence, AL	0.7648
Colbert, AL	
Lauderdale, AL	
Florence, SC	0.8395
Florence, SC	
Fort Collins-Loveland, CO	1.0197
Larimor, CO	
Ft Lauderdale-Hollywood-Pompano Beach, FL	1.0314
Broward, FL	
Fort Myers-Cape Coral, FL	0.9759
Lee, FL	
Fort Pierce, FL	1.0996
Martin, FL	
St. Lucie, FL	
Fort Smith, AR-OK	0.7900
Crawford, AR	
Sebastian, AR	
Sequoyah, OK	
Fort Walton Beach, FL	0.8881
Okaloosa, FL	
Fort Wayne, IN	0.8967
Allen, IN	
De Kalb, IN	
Whitley, IN	
Forth Worth-Arlington, TX	0.9708
Johnson, TX	
Parker, TX	
Tarrant, TX	
Fresno, CA	1.0694
Fresno, CA	
Gadsden, AL	0.8166
Etowah, AL	
Gainesville, FL	0.8763
Alachua, FL	
Bradford, FL	
Galveston-Texas City, TX	1.0129
Galveston, TX	
Gary-Hammond, IN	0.9853
Lake, IN	
Porter, IN	
Glens Falls, NY	0.9193
Warren, NY	
Washington, NY	
Grand Forks, ND	0.9539
Grand Forks, ND	
Grand Rapids, MI	0.9813
Kent, MI	
Ottawa, MI	
Great Falls, MT	0.9951
Cascade, MT	
Greeley, CO	0.9320
Weld, CO	
Green Bay, WI	0.9547
Brown, WI	
Greensboro-Winston-Salem-High Point, NC	0.9128
Davidson, NC	
Davie, NC	
Forsyth, NC	
Guilford, NC	
Randolph, NC	
Stokes, NC	
Yadkin, NC	
Greenville-Spartanburg, SC	0.8887
Greenville, SC	
Pickens, SC	
Spartanburg, SC	
Hagerstown, MD	0.9121
Washington, MD	
Hamilton-Middletown, OH	0.9347
Butler, OH	
Harrisburg-Lebanon-Carlisle, PA	0.9879
Cumberland, PA	
Dauphin, PA	
Lebanon, PA	
Perry, PA	
Hartford-Middletown-New Britain-Bristol, CT	1.1868
Hartford, CT	
Middlesex, CT	
Tolland, CT	
Litchfield, CT	
Hickory, NC	0.8735
Alexander, NC	
Burke, NC	
Catawba, NC	
Honolulu, HI	1.1534
Honolulu, HI	
Houma-Thibodaux, LA	0.7315
Lafourche, LA	
Terrebonne, LA	
Houston, TX	1.0022
Fort Bend, TX	
Harris, TX	
Liberty, TX	
Montgomery, TX	
Waller, TX	
Huntington-Ashland, WV–KY–OH	0.9400
Boyd, KY	
Carter, KY	
Greenup, KY	
Lawrence, OH	
Cabell, WV	
Wayne, WV	
Huntsville, AL	0.8799
Madison, AL	
Indianapolis, IN	0.9665
Boone, IN	
Hamilton, IN	
Hancock, IN	
Hendricks, IN	
Johnson, IN	
Marion, IN	
Morgan, IN	
Shelby, IN	
Iowa City, IA	0.9489
Johnson, IA	
Jackson, MI	0.9625
Jackson, MI	
Jackson, MS	0.7702
Hinds, MS	
Madison, MS	
Rankin, MS	
Jackson, TN	0.7878
Madison, TN	
Jacksonville, FL	0.9122

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Clay, FL	
Duval, FL	
Nassau, FL	
St. Johns, FL	
Jacksonville, NC	0.7125
Onslow, NC	
Jamestown-Dunkirk, NY	0.7746
Chautaqua, NY	
Janesville-Beloit, WI	0.8432
Rock, WI	
Jersey City, NJ	1.0728
Hudson, NJ	
Johnson City-Kingsport-Bristol, TN–VA	0.8633
Carter, TN	
Hawkins, TN	
Sullivan, TN	
Unicoi, TN	
Washington, TN	
Bristol City, VA	
Scott, VA	
Washington, VA	
Johnstown, PA	0.8827
Cambria, PA	
Somerset, PA	
Joliet, IL	1.0237
Grundy, IL	
Will, IL	
Joplin, MO	0.7925
Jasper, MO	
Newton, MO	
Kalamazoo, MI	1.1765
Kalamazoo, MI	
Kankakee, IL	0.8454
Kankakee, IL	
Kansas City, KS–MO	0.9550
Johnson, KS	
Leavenworth, KS	
Miami, KS	
Wyandotte, KS	
Cass, MO	
Clay, MO	
Jackson, MO	
Lafayette, MO	
Platte, MO	
Ray, MO	
Kenosha, WI	0.8934
Kenosha, WI	
Killeen-Temple, TX	1.1250
Bell, TX	
Coryell, TX	
Knoxville, TN	0.8658
Anderson, TN	
Blount, TN	
Grainger, TN	
Jefferson, TN	
Knox, TN	
Sevier, TN	
Union, TN	
Kokomo, IN	0.9452
Howard, IN	
Tipton, IN	
LaCrosse, WI	0.8920
LaCrosse, WI	
Lafayette, LA	0.8194
Lafayette, LA	
St. Martin, LA	
Lafayette, IN	0.8588
Tippecanoe, IN	
Lake Charles, LA	0.8341
Calcasieu, LA	
Lake County, IL	0.9953
Lake, IL	
Lakeland-Winter Haven, FL	0.8409
Polk, FL	
Lancaster, PA	0.9221
Lancaster, PA	
Lansing-East Lansing, MI	1.0242
Clinton, MI	
Eaton, MI	
Ingham, MI	
Laredo, TX	0.7248
Webb, TX	
Las Cruces, NM	0.7877
Dona Ana, NM	
Las Vegas, NV	1.0588
Clark, NV	
Lawrence, KS	0.8901
Douglas, KS	
Lawton, OK	0.8354
Comanche, OK	
Lewiston-Auburn, ME	0.9021
Androscoggin, ME	
Lexington-Fayette, KY	0.8565
Bourbon, KY	
Clark, KY	
Fayette, KY	
Jessamine, KY	
Scott, KY	
Woodford, KY	
Lima, OH	0.8030
Allen, OH	
Auglaize, OH	
Lincoln, NE	0.8920
Lancaster, NE	
Little Rock-North Little Rock, AR	0.8373
Faulkner, AR	
Lonoke, AR	
Pulaski, AR	
Saline, AR	
Longview-Marshall, TX	0.8656
Gregg, TX	
Harrison, TX	
Lorain-Elyria, OH	0.8933
Lorain, OH	
Los Angeles-Long Beach, CA	1.2308
Los Angeles, CA	
Louisville, KY–IN	0.9291
Clark, IN	
Floyd, IN	
Harrison, IN	
Bullitt, KY	
Jefferson, KY	
Oldham, KY	
Shelby, KY	
Lubbock, TX	0.8766
Lubbock, TX	
Lynchburg, VA	0.8509
Amherst, VA	
Campbell, VA	
Lynchburg City, VA	
Macon-Warner Robins, GA	0.8768
Bibb, GA	
Huston, GA	
Jones, GA	
Peach, GA	
Madison, WI	1.0270
Dane, WI	
Manchester-Nashua, NH	1.0219
Hillsborough, NH	
Merrimack, NH	
Mansfield, OH	0.8358
Richland, OH	
Mayaguez, PR	0.4752
Anasco, PR	
Cabo Rojo, PR	
Hormigueros, PR	
Mayaguez, PR	
San German, PR	
McAllen-Edinburg-Mission, TX	0.7684
Hidalgo, TX	
Medford, OR	1.0005
Jackson, OR	
Melbourne-Titusville, FL	0.9162
Brevard, FL	
Memphis, TN–AR–MS	0.9023
Crittenden, AR	
De Soto, MS	
Shelby, TN	
Tipton, TN	
Merced, CA	1.0270
Merced, CA	
Miami-Hialeah, FL	1.0147
Dade, FL	
Middlesex-Somerset-Hunterdon, NJ	1.0903
Hunterdon, NJ	
Middlesex, NJ	
Somerset, NJ	
Midland, TX	1.0335
Midland, TX	
Milwaukee, WI	0.9680
Milwaukee, WI	
Ozaukee, WI	
Washington, WI	
Waukesha, WI	
Minneapolis-St Paul, MN-WI	1.0774
Anoka, MN	
Carver, MN	
Chisago, MN	
Dakota, MN	
Hennepin, MN	
Isanti, MN	
Ramsey, MN	
Scott, MN	
Washington, MN	
Wright, MN	
St. Croix, WI	
Mobile, AL	0.8454
Baldwin, AL	
Mobile, AL	
Modesto, CA	1.1530
Stanislaus, CA	
Monmouth-Ocean, NJ	1.0058
Monmouth, NJ	
Ocean, NJ	
Monroe, LA	0.7832
Ouachita, LA	
Montgomery, AL	0.7823
Autauga, AL	
Elmore, AL	
Montgomery, AL	
Muncie, IN	0.8397
Delaware, IN	
Muskegon, MI	0.9680
Muskegon, MI	
Naples, FL	1.0282
Collier, FL	
Nashville, TN	0.9360

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Cheatham, TN	
Davidson, TN	
Dickson, TN	
Robertson, TN	
Rutherford TN	
Sumner, TN	
Williamson, TN	
Wilson, TN	
Nassau-Suffolk, NY	1.3167
Nassau, NY	
Suffolk, NY	
New Bedford-Fall River-Attleboro, MA	0.9962
Bristol, MA	
New Haven Waterbury-Meriden, CT	1.2046
New Haven, CT	
New London, London-Norwich	1.1525
New London, CT	
New Orleans, LA	0.8967
Jefferson, LA	
Orleans, LA	
St. Bernard, LA	
St. Charles, LA	
St. John The Baptist, LA	
St. Tammany, LA	
New York, NY	1.3431
Bronx, NY	
Kings, NY	
New York City, NY	
Putnam, NY	
Queens, NY	
Richmond, NY	
Rockland, NY	
Westchester, NY	
Newark, NJ	1.1350
Essex, NJ	
Morris, NJ	
Sussex, NJ	
Union, NJ	
Niagara Falls, NY	0.8350
Niagara, NY	
Norfolk-Virginia Beach-Newport News, VA	0.8481
Chesapeake City, VA	
Gloucester, VA	
Hampton City, VA	
James City Co., VA	
Newport News City, VA	
Norfolk City, VA	
Poquoson, VA	
Portsmouth City, VA	
Suffolk City, VA	
Virginia Beach City, VA	
Williamsburg City, VA	
York, VA	
Oakland, CA	1.4225
Alameda, CA	
Contra Costa, CA	
Ocala, FL	0.8580
Marion, FL	
Odessa, TX	1.0835
Ector, TX	
Oklahoma City, OK	0.9195
Canadian, OK	
Cleveland, OK	
Logan, OK	
McClain, OK	
Oklahoma, OK	
Pottawatomie, OK	
Olympia, WA	1.0957
Thurston, WA	
Omaha, NE-IA	0.8953
Pottawattamie, IA	
Douglas, NE	
Sarpy, NE	
Washington, NE	
Orange County, NY	0.9815
Orange, NY	
Orlando, FL	0.9582
Orange, FL	
Osceola, FL	
Seminole, FL	
Owensboro, KY	0.8082
Daviess, KY	
Oxnard-Ventura, CA	1.2259
Ventura , CA	
Panama City, FL	0.8598
Bay, FL	
Parkersburg-Marietta, WV–OH	0.8505
Washington, OH	
Wood, WV	
Pascagoula, MS	0.8720
Jackson, MS	
Pensacola, FL	0.8589
Escambia, FL	
Santa Rosa, FL	
Peoria, IL	0.8704
Peoria, IL	
Tazewell, IL	
Woodford, IL	
Philadelphia, PA–NJ	1.0908
Burlington, NJ	
Camden, NJ	
Gloucester, NJ	
Bucks, PA	
Chester, PA	
Delaware, PA	
Montgomery, PA	
Philadelphia, PA	
Phoenix, AZ	1.0387
Maricopa, AZ	
Pine Bluff, AR	0.7840
Jefferson, AR	
Pittsburgh, PA	1.0087
Allegheny, PA	
Fayette, PA	
Washington, PA	
Westmoreland, PA	
Pittsfield, MA	1.0739
Berkshire, MA	
Ponce, PR	0.4583
Juana Diaz, PR	
Ponce, PR	
Portland, ME	0.9254
Cumberland, ME	
Sagadahoc, ME	
York, ME	
Portland, OR	1.1529
Clackamas, OR	
Multnomah, OR	
Washington, OR	
Yamhill, OR	
Portsmouth-Dover-Rochester, NH	1.0039
Rockingham, NH	
Strafford, NH	
Poughkeepsie, NY	1.0639
Dutchess, NY	
Providence-Pawtucket-Woonsocket, RI	1.0590
Bristol, RI	
Kent, RI	
Newport, RI	
Providence, RI	
Washington, RI	
Provo-Orem, UT	1.0189
Utah, UT	
Pueblo, CO	0.8687
Pueblo, CO	
Racine, WI	0.8814
Racine, WI	
Raleigh-Durham, NC	0.9448
Durham, NC	
Franklin, NC	
Orange, NC	
Wake, NC	
Rapid City, SD	0.8366
Pennington, SD	
Reading, PA	0.8778
Berks, PA	
Redding, CA	1.0507
Shasta, CA	
Reno, NV	1.1571
Washoe, NV	
Richland-Kennewick, WA	0.9364
Benton, WA	
Franklin, WA	
Richmond-Petersburg, VA	0.9379
Charles City Co., VA	
Chesterfield, VA	
Colonial Heights City, VA	
Dinwiddie, VA	
Goochland, VA	
Hanover, VA	
Henrico, VA	
Hopewell City, VA	
New Kent, VA	
Petersburg City, VA	
Powhatan, VA	
Prince George, VA	
Richmond City, VA	
Riverside-San Bernardino, CA	1.1391
Riverside, CA	
San Bernardino, CA	
Roanoke, VA	0.8251
Botetourt, VA	
Roanoke, VA	
Roanoke City, VA	
Salem City, VA	
Rochester, MN	1.0965
Olmsted, MN	
Rochester, NY	0.9671
Livingston, NY	
Monroe, NY	
Ontario, NY	
Orleans, NY	
Wayne, NY	
Rockford, IL	0.9245
Boone, IL	
Winnebago, IL	
Sacramento, CA	1.2280
Eldorado, CA	
Placer, CA	
Sacramento, CA	
Yolo, CA	
Saginaw-Bay City-Midland, MI	1.0452
Bay, MI	
Midland, MI	
Saginaw, MI	
St. Cloud, MN	0.9382

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Benton, MN	
Sherburne, MN	
Stearns, MN	
St. Joseph, MO	0.9376
Buchanan, MO	
St. Louis, MO–IL	0.9351
Clinton, IL	
Jersey, IL	
Madison, IL	
Monroe, IL	
St. Clair, IL	
Franklin, MO	
Jefferson, MO	
St. Charles, MO	
St. Louis, MO	
St. Louis City, MO	
Sullivan City, MO	
Salem, OR	1.0403
Marion, OR	
Polk, OR	
Salinas-Seaside-Monterey, CA	1.2988
Monterey, CA	
Salt Lake City-Ogden, UT	0.9892
Davis, UT	
Salt Lake, UT	
Weber, UT	
San Angelo, TX	0.8107
Tom Green, TX	
San Antonio, TX	0.8418
Bexar, TX	
Comal, TX	
Guadalupe, TX	
San Diego, CA	1.2095
San Diego, CA	
San Francisco, CA	1.4480
Marin, CA	
San Francisco, CA	
San Mateo, CA	
San Jose, CA	1.4840
Santa Clara, CA	
San Juan, PR	0.4967
Barcelona, PR	
Bayoman, PR	
Canovanas, PR	
Carolina, PR	
Catano, PR	
Corozal, PR	
Dorado, PR	
Fajardo, PR	
Florida, PR	
Guaynabo, PR	
Humacao, PR	
Juncos, PR	
Los Piedras, PR	
Loiza, PR	
Luguillo, PR	
Manati, PR	
Naranjito, PR	
Rio Grande, PR	
San Juan, PR	
Toa Alta, PR	
Toa Baja, PR	
Trojillo Alto, PR	
Vega Alta, PR	
Vega Baja, PR	
Santa Barbara-Santa Maria-Lompoc, CA	1.1721
Santa Barbara, CA	
Santa Cruz, CA	1.2733

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Santa Cruz, CA	
Santa Fe, NM	0.9102
Los Alamos, NM	
Santa Fe, NM	
Santa Rosa-Petaluma, CA	1.2926
Sonoma, CA	
Sarasota, FL	0.9741
Sarasota, FL	
Savannah, GA	0.8294
Chatham, GA	
Effingham, GA	
Scranton, Wilkes-Barre, PA	0.8916
Columbia, PA	
Lackawanna, PA	
Luzerne, PA	
Monroe, PA	
Wyoming, PA	
Seattle, WA	1.0827
King, WA	
Snohomish, WA	
Sharon, PA	0.9024
Mercer, PA	
Sheboygan, WI	0.8836
Sheboygan, WI	
Sherman-Denison, TX	0.9052
Grayson, TX	
Shreveport, LA	0.9262
Bossier, LA	
Caddo, LA	
Sioux City, IA–NE	0.8470
Woodbury, IA	
Dakota, NE	
Sioux Falls, SD	0.8797
Minnehaha, SD	
South Bend-Mishawaka, IN	1.0142
St. Joseph, IN	
Spokane, WA	1.0648
Spokane, WA	
Springfield, IL	0.9258
Menard, IL	
Sangamon, IL	
Springfield, MO	0.8050
Christian, MO	
Greene, MO	
Springfield, MA	1.0290
Hampden, MA	
Hampshire, MA	
State College, PA	0.9861
Centre, PA	
Steubenville-Weirton, OH–WV	0.8756
Jefferson, OH	
Brooke, WV	
Hancock, WV	
Stockton, CA	1.1566
San Joaquin, CA	
Syracuse, NY	0.9905
Madison, NY	
Onondaga, NY	
Oswego, NY	
Tacoma, WA	1.0276
Pierce, WA	
Tallahassee, FL	0.9183
Gadsden, FL	
Leon, FL	
Tampa-St. Petersburg-Clearwater, FL	0.9225

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Hernando, FL	
Hillsborough, FL	
Pasco, FL	
Pinellas, FL	
Terre Haute, IN	0.8791
Clay, IN	
Vigo, IN	
Texarkana-TX–AR	0.7860
Miller, AR	
Bowie, TX	
Toledo, OH	1.0160
Fulton, OH	
Lucas, OH	
Wood, OH	
Topeka, KS	0.9265
Shawnee, KS	
Trenton, NJ	1.0094
Mercer, NJ	
Tucson, AZ	0.9552
Pima, AZ	
Tulsa, OK	0.8542
Creeks, OK	
Osage, OK	
Rogers, OK	
Tulsa, OK	
Wagoner, OK	
Tuscaloosa, AL	0.8487
Tuscaloosa, AL	
Tyler, TX	0.9798
Smith, TX	
Utica-Rome, NY	0.8652
Herkimer, NY	
Oneida, NY	
Vallejo-Fairfield-Napa, CA	1.3150
Napa, CA	
Solano, CA	
Vancouver, WA	1.0755
Clark, WA	
Victoria, TX	0.8958
Victoria, TX	
Vineland-Millville-Bridgeton, NJ	0.9720
Cumberland, NJ	
Visalia-Tulare-Porterville, CA	1.0351
Tulare, CA	
Waco, TX	0.7783
McLennan, TX	
Washington, DC–MD–VA	1.0928
District of Columbia, DC	
Calvert, MD	
Charles, MD	
Frederick, MD	
Montgomery, MD	
Prince Georges, MD	
Alexandria City, VA	
Arlington, VA	
Fairfax, VA	
Fairfax City, VA	
Falls Church City, VA	
Loudoun, VA	
Manassas City, VA	
Manassas Park City, VA	
Prince William, VA	
Stafford, VA	
Waterloo-Cedar Falls, IA	0.8884
Black Hawk, IA	
Bremer, IA	
Wausau, WI	0.9709
Marathon, WI	
West Palm Beach-Boca Raton-Delray Beach, FL	1.0095

TABLE IIIa.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Palm Beach, FL	
Wheeling, WV–OH	0.8035
Belmont, OH	
Marshall, WV	
Ohio, WV	
Wichita, KS	0.9770
Butler, KS	
Harvey, KS	
Sedgwick, KS	
Wichita Falls, TX	0.8139
Wichita, TX	
Williamsport, PA	0.8829
Lycoming, PA	
Wilmington, DE–NJ–MD	1.0825
New Castle, DE	
Cecil, MD	
Salem, NJ	
Wilmington, NC	0.8677
New Hanover, NC	
Worcester-Fitchburg-Leominster, MA	1.0782
Worcester, MA	
Yakima, WA	1.0070
Yakima, WA	
York, PA	0.9008
Adams, PA	
York, PA	
Youngstown-Warren, OH	0.9826
Mahoning, OH	
Trumbull, OH	
Yuba City, CA	1.0220
Sutter, CA	
Yuba, CA	
Yuma, AZ	0.8850
Yuma, AZ	

TABLE IIIb. WAGE INDEX FOR RURAL AREAS

Non-urban areas	Wage index
Alabama	0.7121
Alaska	1.3372
Arizona	.8724
Arkansas	.6979
California	1.0122
Colorado	.8382
Connecticut	1.1857
Delaware	.8537
Florida	.8704
Georgia	.7769
Hawaii	.9579
Idaho	.8917
Illinois	.7696
Indiana	.7830
Iowa	.7517
Kansas	.7426
Kentucky	.7781
Louisiana	.7355
Maine	.8294
Maryland	.8029
Massachusetts	1.1607
Michigan	.8893
Minnesota	.8288
Mississippi	.6935
Missouri	.7240
Montana	.8226
Nebraska	.6967
Nevada	.9663

TABLE IIIb. WAGE INDEX FOR RURAL AREAS—Continued

Non-urban areas	Wage index
New Hampshire	.9508
New Jersey	(1)
New Mexico	.8289
New York	.8371
North Carolina	.7992
North Dakota	.7688
Ohio	.8438
Oklahoma	.7384
Oregon	.9643
Pennsylvania	.8620
Puerto Rico	2.4316
Rhode Island	(1)
South Carolina	.7678
South Dakota	.7179
Tennessee	.7316
Texas	.7578
Utah	.8977
Vermont	.8997
Virginia	.7784
Virgin Islands	21.0000
Washington	.9597
West Virginia	.8482
Wisconsin	.8459
Wyoming	.8423

[1] All counties within State are classified urban.
[2] Approximate value for area.

TABLE IV—COST REPORTING YEAR ADJUSTMENT FACTOR [1]

If the HHA cost reporting period begins	The adjustment factor is
August 1, 1993	1.0042
September 1, 1993	1.0085
October 1, 1993	1.0126
November 1, 1993	1.0169
December 1, 1993	1.0211
January 1, 1994	1.0254
February 1, 1994	1.0299
March 1, 1994	1.0340
April 1, 1994	1.0385
May 1, 1994	1.0430
June 1, 1994	1.0475

[1] Based on compounded projected market basket inflation rates of 5.10 percent for 1994 and 5.30 percent for 1995.

These adjustment factors are subject to change based on later estimates of cost increases.

If for any reason we do not publish a new schedule of limits to be effective on July 1, 1994, or do not announce other changes in the current schedule by that date, the current limits will continue in effect with the last adjustment factor above multiplied by 1.00442 once for each month between June 1, 1994 and the month in which the cost reporting period begins, until a new schedule of limits or other provision is issued. For example, if a cost reporting period begins on August 1, 1994, 1.0475 will be multiplied by 1.00442 twice and the resulting factor will equal 1.05678 (1.0475 x 1.00442 x 1.00442 = 1.05678).

IX. Regulatory Impact Statement and Flexibility Analysis

A. Executive Order 12291

Executive Order (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.

As discussed below, we have determined that the implementation of the new HHA cost limits set forth in this final notice will have an impact of more than $100 million in FY 1994. Thus, consistent with the requirements of E.O. 12291, we are providing a regulatory impact analysis. We note, however, that section 1861(v)(1)(L)(iii) of the Act (as amended by section 4207(d) of OBRA '90) requires that the Secretary establish new HHA cost limits on July 1, 1991, and annually thereafter, and also requires that we use the current hospital wage index to establish the limits. Section 4207(d) of OBRA '90 also requires that the wage index be applied on a budget neutral basis. Moreover, section 1861(v)(1)(L)(i) of the Act specifies that the cost limits are not to exceed 112 percent of the mean per-visit costs of free-standing HHAs. Thus, short of developing an entirely different approach to paying for HHA costs (which would require new legislation), there are no alternatives available for consideration other than implementing the payment methodology and limits set forth in this notice.

This notice sets forth HHA cost limits for cost reporting periods beginning on or after July 1, 1993. As required by section 1861(v)(1)(L)(iii) of the Act, we are using the current hospital wage index to calculate the HHA cost limits, that is, the hospital wage index effective for discharges on or after October 1, 1992, which is based on 1988 wage survey data. The wage index is used to adjust the labor-related portion of the limits, and the administrative and general (A&G) add-on, to reflect differing wage levels among areas. As

discussed in detail in section II of this notice, we are applying a budget neutrality adjustment factor of 1.027 to the labor-related portion of the limits to ensure that aggregate payments to HHAs are not affected by changes to the wage index.

The methodology used to develop the schedule of limits set forth in this notice is the same as that used in setting the limits effective July 1, 1992. As required by section 1861(v)(L)(i) of the Act, we calculate the cost limits based based on the mean of the labor-related and nonlabor per visits costs for free-standing home health agencies. As discussed in the July 1, 1992 notice (57 FR 29411), we will continue to use the latest settled cost report data to develop the HHA cost-per-visit limit values for each type of home health service: skilled nursing care, physical therapy, speech pathology, occupational therapy, medical social services, and home health aide. Thus, for this notice, we have updated the cost-per-visit limits by using the data from cost reporting periods ending on or after June 30, 1989, and before May 31, 1991. The data have been adjusted by the most recent market basket factors to reflect the expected cost increases occurring between the cost reporting periods for the data contained in the data base and December 31, 1993, the midpoint of the first cost reporting period to which the limits apply. The intermediary determines the aggregate cost limit for each HHA by multiplying the number of Medicare visits for each type of service furnished by the HHA by the respective per-visit cost limit. Each HHA's aggregate limit cannot be determined prospectively, but depends on each HHA's Medicare visits for each type of service and actual costs for the cost reporting period subject to this notice.

For this year's notice, the conversion from approximately 49 intermediaries to 9 regional intermediaries, coupled with the additional training of providers and intermediaries in the documenting, submittal, and review of cost reports, has resulted in tighter management controls over the cost reporting data than in past years and, we believe, more accurate data. The database used to calculate these limits consists of cost reporting data from 2600 freestanding HHAs, compared with 2389 freestanding HHAs used in calculating last year's limits. Based on this new, more extensive, and more accurate cost data, the cost-per-visit limits have increased for some services (physical therapy, occupational therapy, speech pathology, medical social services), but have decreased for the two highest volume service categories, skilled nursing care and home health aide.

We have incorporated the changes to the wage index and the updated cost report data in calculating a new set of HHA cost limits. We estimate that the revised HHA cost limits implemented in this notice with public comment period will result in the following savings to the Medicare program:

TABLE 1—HHA COST LIMITS (MEDICARE PROGRAM SAVINGS) [1]

Fiscal year	Savings (in millions)
1994	140
1995	55

[1] Figures are rounded to the nearest million.

The savings associated with the new HHA cost limits represent the difference between projected aggregate Medicare HHA expenditures under the new limits and projected aggregate Medicare HHA expenditures using last year's limits updated by the market basket increase. These savings are not the result of any changes in payment or coverage policy. Rather, the estimated aggregate savings in FY 1994 expenditures are attributable to two factors: expected significant growth in overall Medicare HHA expenditures in FY 1994, combined with the use of more accurate cost data in developing the limits. (We note that these new cost limits will also result in aggregate savings of $4 million during the last quarter of FY 1993. The estimated aggregate savings in FY 1993 expenditures are negligible because relatively few HHA cost reporting periods begin during this period.) Aggregate payments are not affected by changes to the wage index, since section 4207(d)(2) of OBRA '90 mandates that these changes be budget neutral.

As discussed above, section 1861(v)(1)(L)(iii) of the Act requires that we establish new HHA limits annually. Moreover, section 1861(v)(1)(L)(i) of the Act specifies that these limits be calculated based on the mean per-visit costs for free-standing HHAs, and we believe that we have an obligation to calculate these costs using the most accurate cost reporting data available. Thus, neither the implementation of the new limits nor the method by which we develop the limits is discretionary. It is important to recognize that the "savings" indicated in Table 1 represent an aggregate impact of only about 1 percent of the projected Medicare HHA expenditures of $13.6 billion in FY 1994. As shown in Table 2 below, the proportional effect of the cost limits has remained relatively constant in recent years.

TABLE 2—PROPORTIONAL IMPACT OF UPDATED COST LIMITS ON MEDICARE HHA EXPENDITURES

Cost reporting period effective	Percentage impact for cost reporting period
7/1/89–6/30/90	1.5 percent (savings).
7/1/90–6/30/91	No new limits.
7/1/91–6/30/92	1.4 percent (costs).
7/1/92–6/30/93	0.76 percent (savings).
7/1/93–6/30/94	1.49 percent (savings).

However, while the proportional impact of the annual update to the HHA cost limits has remained stable, the aggregate costs or savings associated with the revised limits have increased substantially, due to sustained large growth in HHA expenditures. For example, Medicare HHA expenditures have increased more than fourfold over the last 4 years (from $2.3 billion in FY 89 to a projected $10.7 billion in FY 93), and we project that this growth rate will continue at least through FY 94. Thus, small changes in the market basket factors used to adjust the limits now can result in significant spending shifts.

B. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a notice will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, all HHAs are treated as small entities.

We are providing a voluntary regulatory flexibility analysis for this notice because of the large number of HHAs that will be affected, even though the overall impact of the notice is expected to be approximately 1 percent and we have no evidence that the economic impact on most HHAs will be significant. Normally, a regulatory flexibility analysis requires the agency to discuss various alternatives to the provisions in a notice such as this. As discussed above, however, HCFA is merely implementing the provisions of section 1861(v)(1)(L)(iii) of the Act. Accordingly, no alternatives to the provisions in this notice with comment are available.

We are unable to identify the effects of changes to the cost limits on individual HHAs. Both changes in the cost data and changes to the wage index contribute to changes in the cost limits for individual HHAs, although we cannot isolate the separate impact of these factors.

The model used for purposes of our analysis was based upon data from 4,199 home health agencies, of which 1,575 (38 percent) were at or over the cost limits. A breakdown of the home health agencies used in the model and the impact of the revised cost limits is as follows:

	Number of agencies	Number over the cost limits
Urban	2499	941
Rural	1700	634
Freestanding	2600	801
Hospital-based	1599	774

Again, we do not have sufficient data to predict exactly which HHAs will be most affected by this notice nor the magnitude of the impact upon individual HHAs. As noted above, each HHA's aggregate limit depends on the number of its Medicare visits for each type of service and its actual costs for the cost reporting period subject to this notice. Thus, whether or not a given HHA exceeds its cost limit is determined largely by the types and number of services it furnishes, and we are not able to make such a determination prospectively for individual HHAs. However, it is clear that individual HHAs will be affected to a greater or lesser degree depending upon the extent to which their total payment is derived from Medicare.

C. Impact on Small Rural Hospitals

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. Such an analysis must conform to the provisions of section 604 of the Regulatory Flexibility Act (the RFA) (5 U.S.C. 601 through 612). For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 100 beds located outside an MSA.

We are not preparing a rural impact statement since we have determined, and the Secretary certifies, that this final notice will not have a significant economic impact on the operations of a substantial number of small rural hospitals.

X. Other Required Information

A. Waiver of Proposed Notice

In adopting notices, such as this, we ordinarily publish a proposed notice in the **Federal Register** with a 60-day period for public comment as required under section 1871(b)(1) of the Act.

As we discussed in section III above, we have used the same methodology to develop the schedule of limits that was used in setting the limits published on July 1, 1992. The cost limits have been updated to reflect the cost increases occurring between the cost reporting periods for the data contained in the data base and December 31, 1993. In addition, as required under section 1861(v)(1)(L) of the Act, we have updated the wage index, using the current hospital wage index, so that it is based entirely on 1988 data.

Because the methodology used to develop this schedule of limits was previously published for public comment and because we are required by section 1861(v)(1)(L)(iii) of the Act to use the current hospital wage index, which is based on 1988 wage survey data, we believe that it would be impracticable and unnecessary to request public comment before implementation of these cost limits. To do so would be contrary to the public interest. Therefore, we find good cause to waive publication of a proposed notice.

B. Waiver of 30-Day Delay in Effective Date

We normally provide a delay of 30 days in the effective date for documents such as this. However, if adherence to this procedure would be impractical, unnecessary, or contrary to the public interest, we may waive the delay in the effective date.

Section 1861(v)(1)(L)(iii) of the Act requires that the Secretary establish revised HHA cost limits for cost reporting periods beginning on or after July 1, 1991 and annually thereafter. Also, as required by section 1861(v)(1)(L)(iii) of the Act, we are using the current hospital wage index, that is, the hospital wage index for fiscal year 1993, which is based on 1988 wage survey data. If HHAs are to receive timely the benefits of the cost limits that are based on the updated wage index, it is necessary that these limits be effective for cost reporting periods beginning on or after July 1, 1993. Thus, we believe that a delay in the effective date of these cost limits would be contrary to the public interest. Therefore, we find good cause to waive the usual 30-day delay in the effective date of this notice with comment period.

C. Paperwork Reduction Act

This final notice does not impose information collection requirements. Consequently, it does not need to be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

D. Public Comments

Because of the large number of items of correspondence we normally receive on a notice with comment period, we are not able to acknowledge or respond to them individually. However, we will consider all comments concerning the provisions of this notice that we receive by the date and time specified in the "DATES" section of this notice, and, if changes are made in another notice, we will respond to these comments in that notice.

Authority: (Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)); section 4207(d) of Pub. L. 101–508 (42 U.S.C. 1395x (note)).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: June 28, 1993.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: July 1, 1993.

Donna E. Shalala,

Secretary.

[FR Doc. 93–16062 Filed 7–1–93; 4:47 pm]

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federal register

Thursday
July 8, 1993

Part IV

Federal Election Commission

11 CFR Part 4, et al.
Compliance Procedures; Proposed Rule

FEDERAL ELECTION COMMISSION

11 CFR Parts 4, 5, 7, 102 and 111

[Notice 1993–16]

Compliance Procedures

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Election Commission requests comments on proposed revisions to its regulations governing the compliance process under the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act" or "FECA"). The proposed changes would address issues that have arisen since these rules were last amended in 1980. They are intended to streamline and clarify several aspects of the compliance process. Please note that the draft rules which follow do not represent a final decision by the Commission on the issues presented in this rulemaking.

DATES: Comments must be received on or before September 24, 1993. The Commission will hold a public hearing on these proposed regulations at 10 a.m. on October 20, 1993, if requests to testify are received. Persons wishing to testify at the hearing must so indicate in their written comments.

ADDRESSES: Comments must be in writing and should be sent to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463. The hearing will be held in the Commission's ninth floor hearing room, 999 E Street, NW., Washington, DC. All comments received will be available for public inspection in the Commission's Public Records Office, 999 E Street, NW., Washington, DC from 9 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is seeking public comments on proposed revisions to 11 CFR part 111 regarding the operation of the enforcement process, and on conforming amendments to 11 CFR 4.4, 5.4, 7.14 and 102.3. The proposed changes are intended to resolve several issues which have arisen since these regulations were last revised pursuant to the 1979 Amendments to the Act. The major topics under consideration concern the requirements for filing and amending complaints, the policy regarding extensions of time, making findings against treasurers of political committees, the reporting of funds used to pay civil penalties, oral enforcement hearings, and the handling of enforcement matters that result in civil litigation.

On May 22, 1985, the Commission published an Advance Notice of Proposed Rulemaking ("ANPRM") in the **Federal Register** (50 FR 21077) seeking public comments on four general issues that could be addressed in a revision of the regulations and also requesting suggestions for revisions concerning other aspects of Part 111. The four issues raised by the Advance Notice were: (1) Providing respondents with the legal and factual basis for Commission "reason to believe" findings in externally generated complaints; (2) requests for extensions of time; (3) naming committee treasurers as respondents; and (4) procedures for requesting a stay of a final determination on repayment of Federal funds pending a petition for review. The Commission received four comments in response to the ANPRM, which are discussed more fully below. The comments have been helpful to the Commission in formulating the draft rules which follow regarding the first three of these topics. Rules regarding stays of final repayment determinations were subsequently included in revisions to 11 CFR 9007.5 and 9038.5. See Explanation and Justification, 52 FR 20864 (June 3, 1987).

The Commission is now seeking comments on both the proposed regulations which follow and on the compliance process, generally, including any issues not covered by the proposed regulations. A summary of the more significant proposed revisions follows.

A. Computation of Time

The attached draft of § 111.2(a) would add the Birthday of Martin Luther King, Jr. to the list of legal holidays. In addition, the computation of time provision would be revised to exclude Saturdays, Sundays and legal holidays when a period of time prescribed by these regulations is less than eleven days, rather than the current seven days. See attached proposed 11 CFR 111.2(b). Both of these proposals would conform to revisions to Rule 6 of the Federal Rules of Civil Procedure. F.R.C.P. 6(a), as amended April 29, 1985.

Section 111.2(c) currently adds an additional three days to time periods whenever documents are served by mail. This three day period does not include Saturdays, Sundays and legal holidays. New language would be added to this section to establish a presumption that the paper was received and service was accomplished at the end of this time period. Please note, however, that the three day rule does not apply to situations where the time runs from the actual date of receipt of a document, such as the deadline for filing a brief under 11 CFR 111.16(c).

Proposed paragraph (a) of 11 CFR 111.6 would change that time in which a respondent may file a response to a complaint from within 15 days of receiving the complaint to within 15 days from service of a copy of the complaint. Three days would be added if the complaint is served by mail under proposed § 111.2(c).

The revisions to 11 CFR 111.2 would also clarify when a document is considered to be submitted to the Commission for purposes of time limits specified in 11 CFR part 111. New paragraph (d) would indicate that a document is considered to be submitted on the day it is actually received by the Commission. However, comments are sought on whether three extra days should be added to cover situations where respondents mail documents to the Commission. This would result in different time frames for documents that are mailed and those that are hand delivered, or sent by an overnight delivery service or by facsimile machine.

B. Procedures for Filing and Amending Complaints and Notifying Respondents

The Commission proposes several revisions to streamline and clarify the procedures involved in filing complaints. First, new language would be included in § 111.3 (a) and (b) to more fully explain the ways in which compliance matters are initiated. These include referrals from other Federal and state agencies and *sua sponte* compliance matters. The revisions would clarify that an individual or political committee may notify the Commission in writing that he or she or the committee has committed a violation of the FECA.

Comments are requested as to whether additional enforcement-related materials can and should be sent to candidates when their campaign committees are involved in compliance matters. Currently, candidates are sent courtesy copies of complaints and internally generated reason to believe findings. The question is whether to send them additional documents, such as the General Counsel's briefs, probable cause findings, proposed conciliation agreements and notices of authorization to file suit. The difficulty, however, is that the confidentiality provisions of the Act and the attorney/client privilege may not permit such disclosure when the candidate has not been named as a

respondent. The proposed rules which follow do not incorporate these proposals.

The Commission is proposing to revise § 111.4(a) to provide that submitted complaints be originals, not photocopies or facsimiles. Originals are needed to ensure that the complaint is properly signed and notarized, and is legible. In addition, § 111.4(b)(2) would specify that the jurat shall state that the complaint was both sworn and subscribed. These changes are intended to decrease the number of improperly filed complaints.

A revision to § 111.4(d)(1) is proposed to encourage complainants to include, when possible, the addresses of respondents of facilitate initial complaint processing. Paragraph (d)(4) would also be revised to encourage complainants to submit originals, rather than copies, of documentation supporting their allegations.

In addition, a new paragraph (e) is proposed to set forth the Commission's policy of considering complaints based on news stories when sufficient facts are presented to satisfy the requirements of 11 CFR 111.4(d), regarding the basis for the complainant's charges. Such complaints must also comply with the notarization requirements of 11 CFR 111.4(b). One comment received in response to the ANPRM suggested that real corroborating evidence be submitted in addition to the article or that the article should set forth specific facts rather than general allegations. New § 111.4(e) is intended to address those concerns. The Commission also requests comments on the advisability of seeking clarification of a complaint or response prior to finding reason to believe, when clarification is needed.

Please note that FEC Directive 6 sets forth the Commission's established procedures for internally generating compliance matters on the basis of news articles. Comments are sought as to whether persons mentioned in news stories should be accorded an opportunity to respond to the allegations prior to the Commission's decision to find reason to believe. Currently, in these internally generated MURs, respondents do not have an opportunity to reply to the Commission regarding allegations made in the new articles until after the reason to believe finding is made.

New § 111.4(f) would explain how a complainant may submit additional information after having filed a complaint. One comment on the ANPRM suggested that the rules should contain standards and procedures for determining whether the respondent is entitled to an additional opportunity to respond to new charges. Consequently, the Commission is now proposing that the nature of the additional information submitted should determine whether the Act's notification and response time provisions are triggered by the submission.

If the additional information submitted by the complainant describes alleged violations of the FECA or Commission regulations which were not implicated by the original complaint, or if the additional information identifies individuals or entities not implicated by the original complaint, then the additional information would be treated as an amended complaint. Under the proposed rules, an amended complaint would have to comply with the requirements for filing original complaints (such as being sworn to and notarized) and would be subject to the provisions regarding initial complaint processing, notification, and the opportunity to demonstrate that no action should be taken on that complaint-generated matter.

On the other hand, if the additional information submitted by the complainant relates solely to the statutes or regulations implicated by the original complaint and to the persons or entities who, according to the original complaint, were alleged to have committed such violations, the additional information would be treated as supplemental information. Under the proposed rules, a submission of supplemental information is treated as new evidence, and need not conform to the requirements of 11 CFR 111.4 (a), (b) or (d) regarding the number of copies filed, notarization, and the inclusion of information regarding the complainant and the respondent which is already provided in the original complaint. Nor would supplemental information be subject to the provisions of §§ 111.5 and 111.6 regarding initial complaint processing, timing of notification, and the opportunity to demonstrate that no action should be taken. Thus, complainants would be able to provide the Commission with supplemental information after having filed the original complaint, but the submission would not trigger the initial complaint notification process again and the supplemental information would not be sent to the respondents. The Commission seeks comments on the appropriateness of this procedure.

Proposed new § 111.4(g) covers situations where the Commission must resolve similar, but separate, enforcement matters that would individually consume substantial time and resources. The proposed new language would explicitly allow the consolidation or severance of compliance matters which involve: (1) The same respondents; (2) substantially the same issues; (3) common questions of law or fact; or (4) other factors which would warrant a determination by the Commission that such matters should be joined or severed, such as the avoidance of unnecessary costs or delays of time.

The Commission also seeks comments on a proposed change that would delete the requirement to notify those named in an improper complaint filed with the Commission. See proposed 11 CFR 111.5(b). The resources currently devoted to notifications of improper complaints are significant, especially considering that many improper complaints are never corrected and resubmitted. The legislative history of the 1979 Amendments to the FECA suggests that such notifications are not required. H.R. Rep. No. 96–422, 96th Cong., 1st Sess. 20 (1979). The Commission is considering however, providing copies of improper complaints to the respondents upon request.

Finally, the Commission notes that if a complaint does not mention a particular person, that person may not be named as a respondent initially, and will not receive a copy of the complaint. If that person is subsequently named as an internally-generated respondent, comments are sought as to whether the person should be sent a copy of the complaint at that point.

C. The Reason To Believe Finding; Notification; Reconsideration

The Commission proposes moving a sentence from § 111.8(b) to § 111.9(a) to provide that all Commission reason to believe notifications will include the legal basis and the alleged facts which support the Commission's action. This revision would reflect changes in Commission procedure. Previously, a copy of the factual and legal analysis was only included in notifications sent in internally generated matters, as required by the Act. Proposed § 111.9(a) would reflect that factual and legal analyses are now sent to respondents in complaint-generated matters as well. The change in this procedure was discussed in the ANPRM and supported by several commenters. It is intended to provide all respondents with a clearer understanding of the factual and legal basis for the Commission's action, and should help respondents to respond directly to the alleged violations at issue.

Another change in § 111.8(a) would clarify that reason to believe determinations may be made after consideration of a Commissioner's

motion to find reason to believe or no reason to believe. The current language only mentions Commission determinations made after reviewing the General Counsel's recommendation in internally-generated matters. Similar language would also be included in § 111.9(a).

Proposed new § 111.9(b) would provide that the Commission will not entertain a respondent's request for reconsideration or rescission of a reason to believe determination, except in cases where a incurable procedural defect has occurred. Examples of incurable procedural defects include situations where the respondent was never served, or where reason to believe was found against the wrong person who happened to have the same name as the person named in the complaint. This proposal would help to insure that the compliance process moves in an efficient and timely manner. The Commission wants to make clear, however, that a refusal to entertain other requests for reconsideration or rescission does not deny respondents the opportunity to demonstrate that they did not commit the alleged violations. Respondents would continue to have opportunities throughout the compliance process to demonstrate that they did not commit the alleged violations. For example, respondents have an opportunity to reply to the charges made in the complaint. If the matter is internally generated, ordinarily there are also opportunities to respond to the concerns raised prior to the reason to believe determination. If the Commission finds reason to believe, but takes no further action, comments are sought as to whether to incorporate into the rules the current practice of permitting respondents to place a statement on the public record. Respondents may also have the opportunity to refute the charges during the investigation and in their probable cause briefs. Thus, requests for reconsideration or rescission would only duplicate the arguments to be presented to the Commission during and after the investigation.

D. Investigation

In general, the Commission may conduct an investigation in any case in which it finds reason to believe that a violation of the Act or regulations has occurred or is about to occur. Proposed changes to 11 CFR 111.10(a) would clarify that the Commission need not conduct further inquiries when information which is contained in the Commission's records or which was already made available by the respondent makes additional inquiry unwarranted. This proposed addition would promote a more efficient use of the Commission's time and resources under such circumstances. Further, it would reduce the burden which an additional inquiry would place on respondents. Please note that under both the current and the proposed versions of § 111.7(b), the General Counsel may recommend and the Commission may approve the dismissal of a complaint at any point before or after finding reason to believe, when warranted by the facts and circumstances of the case.

Proposed amendments to 11 CFR 111.9(a) and 111.10(a) would also reflect that, in an appropriate case, the Commission may send a respondent a letter of admonishment, or may exercise its prosecutorial discretion by taking no further action after making a reason to believe finding. Similarly, new language at 11 CFR 111.17(a) would indicate that after a probable cause to believe finding in an appropriate case, the Commission may send admonishment letters to respondents which warn against specific activities which constitute violations of the FECA or Commission regulations.

New language in § 111.10(b) would let respondents know that investigations may begin immediately after the Commission makes a reason to believe finding. This is intended to further the timely resolution of compliance matters.

E. Subpoenas and Depositions

The Commission is proposing several amendments to §§ 111.12 through 111.15 to address difficulties that it has experienced while conducting investigations to alleged FECA violations. For example, questions have arisen as to who may be present during a deposition. Consequently, language would be added to 11 CFR 111.12(b) stating that no person other than the witness and his or her counsel, the stenographic reporter, and members of the Commission staff shall be present or represented when a deposition is taken during the course of a Commission investigation. This proposed addition is based on the well established principle that the Constitutional rights of those being investigated by an agency do not include the right to confront witnesses or the right to be notified when the agency uses subpoenas to gather evidence adverse to the target of the investigation. *E.g., S.E.C.* v. *O'Brien*, 467 U.S. 735, 742 (1984); *Hannah* v. *Larche*, 363 U.S. 420 (1960). However, advance arrangements could continue to be made to accommodate those uncommon situations where the deponent needs the assistance of an interpreter or a personal attendant for medical reasons.

The Commission has also had some difficulties with service of documents in compliance matters where political committees have failed to note changes in their addresses and their treasurers or assistant treasurers on their Statements of Organization, as required by 11 CFR 102.2(a)(2). The Commission is proposing to add a new paragraph (e) to section 111.13 to provide that service shall be accomplished by mailing a copy to the address of the political committee, or the treasurer or the assistant treasurer, as listed in the last Statement of Organization, or as listed in the most recent report, or by hand delivering a copy to the treasurer or assistant treasurer. Also, please note that the attached rules which follow would provide for service by first class mail.

The Commission is also considering adding language to expressly permit payment of witness fees and mileage for more than one day, when necessary. See proposed 11 CFR 111.13(a). This would be consistent with fee payments in court cases under 28 U.S.C. 1821.

The draft rules which follow would amend § 111.15 to clarify that it applies to orders, well as subpoenas.

The Commission also is proposing the inclusion of a new section 111.15(b) to clearly indicate that, before challenging a Commission subpoena or order through the courts, respondents must exhaust their administrative remedies by filing a timely motion to quash or modify under this section. Any objection to a subpoena or order which is not presented in a timely motion to quash or modify would be waived for all purposes under this proposed rule.

F. Referrals to the Attorney General

The Commission is considering adding new § 111.19 to set out the procedures used if the Commission refers a knowing and willful violation of the campaign finance laws to the Attorney General of the United States. See, 2 U.S.C. 437g(a)(5)(C)). The draft regulation would indicate that these referrals can only be made after the Commission finds probable cause to believe the respondent knowingly and willfully violated the Act. In such cases, the Department of Justice decides whether to initiate a criminal action.

The proposed rules would indicate that a referral to the Attorney General will suspend the timer periods for attempting to reach conciliation agreement(s) with the respondent(s). If the Justice Department declines to pursue the criminal prosecution, or if the FEC determines that it is appropriate

to continue to pursue the enforcement action, the FEC will so inform the respondent(s) and will reactivate the time periods for conciliation efforts.

G. Civil and Criminal Penalties

Several questions have been raised regarding funds used by candidates and political committees to pay civil or criminal penalties pursuant to 2 U.S.C. 437g(a)(5), 437g(a)(6) and 437g(d). At this time, the Commission does not intend to change its current practice by limiting the sources from which respondents may obtain funds to pay civil penalties. However, candidates and political committees cannot deposit prohibited or excessive amounts in their campaign depositories (or in the legal and accounting compliance fund in the case of a publicly funded campaign committee). Consequently, the Commission is proposing that when the funds used to pay civil penalties come from prohibited sources or would be excessive, these amounts shall be reported as memo entries in accordance with 11 CFR part 104, regardless of amount. Thus, they should be listed on memo schedules for other receipts and disbursements.

This new rule would also govern situations where candidates use permissible, nonexcessive receipts expressly and exclusively to pay civil penalties. In that case, the amounts should be deposited and reported in the same way as they would report other receipts and disbursements. This proposed rule would have no effect on respondents who do not have regular reporting obligations, such as individuals and corporations. Please note that this provision would be designated as new § 111.20, and that current §§ 111.19 through 111.23 would be renumbered §§ 111.21 through 111.25, respectively.

H. Civil Suit

Several changes are proposed in the regulations explaining the procedures governing civil suits arising out of enforcement matters. First, new language would be included in renumbered § 111.21 to reflect that the General Counsel may recommend and the Commission may authorize suit for violation of a conciliation agreement. This may happen, for example, when the respondents fail to pay a civil penalty. When both the political committee and its treasurer are parties to the conciliation agreement, and both have agreed to pay the civil penalty, the Commission may proceed against either or both parties. For example, if a committee is unable to pay a civil penalty, the suit may be brought against the treasurer who signed the conciliation agreement. In such cases, respondents should also be aware that the FECA authorizes an additional civil penalty. 2 U.S.C. 437g(a) (5) and (6). Comments are sought on this policy.

New language is also included to ensure that both complainants and respondents are routinely notified when the Commission authorizes suit. Similarly, § 111.21(b) would indicate that complainants and respondents will be notified of the resolution of the litigation. As explained below, the notification of the final disposition of the court case will trigger the public disclosure of the appropriate portions of the enforcement and litigation files.

The Commission is also considering adding a sentence to 11 CFR 111.21(b) to notify respondents whenever a complainant brings suit under 2 U.S.C. 437g(a)(8) challenging a Commission decision to dismiss a complaint. The new language would also provide notification to respondents as to the final disposition of the section 437g(a)(8) suit. As discussed below, the enforcement matter resulting from the complaint will have been made public no later than 30 days after the complainant is notified of the dismissal of the complaint, which is prior to the filing of the section 437g(a)(8) suit.

I. Termination of Enforcement Matters and Public Disclosure of Commission Action

The Commission is considering amending renumbered § 111.22 to clarify several aspects of its procedures for closing enforcement files and making the results of its investigations public. First, revised language would be included in 11 CFR 111.22(a) to more clearly explain that the Commission's vote to close an enforcement file will trigger the process for making the enforcement matter public. Please note that in situations where the Commission has been unable to successfully resolve the enforcement matter, and therefore must bring civil suit, it does not vote to close the enforcement matter prior to the litigation. The enforcement files would usually remain confidential until the end of the litigation. Of course, the Federal Rules of Civil Procedure governing discovery would remain applicable in such cases. In contrast, in situations where a complainant files suite under 2 U.S.C. 437g(a)(8) challenging the Commission's decision to dismiss a complaint, the Commission may have already made the enforcement matter public before the litigation commences.

In compliance matters involving multiple respondents, proposed § 111.22(a) would specify that in general no action taken by the Commission will be made public prior to closing the enforcement file and terminating all enforcement proceedings with regard to every respondent in such matters. This policy is necessitated by the confidentiality requirement of section 437g(a)(12)(A) of the FECA. However, new language in § 111.4(g) would allow for severing part of the compliance matter and terminating proceedings relating to some respondents when appropriate. This proposal would not change the current internal procedures which can result in the closing of enforcement matters and their placement on the public record before all respondents have received notifications of these actions. The Commission seeks comment on this practice, and in particular whether it would be appropriate, as an alternative, to provide that public release will not take place before three days have elapsed after the mailing of the notification letters.

Similarly, the Commission is proposing adding language to § 111.22(b) to provide that, in general, a conciliation agreement will only be made public following the termination of all proceedings with regard to every respondent in that matter. However, if part of the compliance matter is severed, conciliation agreements for some respondents could be made public before others. This proposal seeks to strike a balance between the duties imposed by the confidentiality provision of the Act and 2 U.S.C. 437g(a)(4)(B)(ii), which requires that conciliation agreements which have been finalized be made public. It preserves that balance by requiring that an executed conciliation agreement be made public as soon as possible following the termination of all proceedings with regard to every respondent in that matter. In addition, conforming amendments to the Freedom of Information and public disclosure regulations at 11 CFR 4.4(a) (3) and (12), and 11 CFR 5.4(a) (3) and (4) are also included in the proposed amendments which follow.

The Commission also seeks comments on language that would define the date of dismissal of a complaint by the Commission as being the date on which the Commission votes to close an enforcement file with respect to all respondents. This date is significant because it triggers the 60 day time period for filing suit under 2 U.S.C. 437g(a)(8). The date of the Commission's vote to dismiss was the date relied upon in a recent Court of Appeals decision. See, *Spannaus* v.

Federal Election Commission, No. 92–5191, slip op. at 2 (D.C. Cir. April 20, 1993). In *Spannaus*, the Court of Appeals rejected a previous lower court decision which had concluded that for purposes of 2 U.S.C. 437g(a)(8), the date of dismissal of a complaint was the date the complaint actually received notification of the Commission's decision to dismiss the complaint. See, *Common Cause* v. *Federal Election Commission*. 630 F. Supp. 508,512 (D.D.C. 1985), see also, *Antosh* v. *Federal Election Commission*, 613 F. Supp. 729 (D.D.C. 1985). The rules which follow incorporate the date of the Commission's vote to dismiss since the court in *Spannaus* concluded that it is undisputed that this is the date of dismissal.

Proposed new paragraph (c) of § 111.22 would clarify that nothing in this section will preclude the Commission from making public information developed in the course of an investigation to support its position in any litigation. This proposed rule would be particularly relevant to subpoena enforcement actions or civil proceedings following the unsuccessful resolution of a matter after an investigation.

Finally, new § 111.22(d) would explain that in cases where the Commission brings civil suit, it will make the nonexempt portions of both the enforcement files and the litigation files public no later than thirty days after notifying the complainant and the respondents of the final disposition of the court case. The final disposition may consist of a court decision that is not appealed by either party, or that is not reviewed by a higher court. This approach would be consistent with the time frames employed for enforcement matters that do not result in litigation.

J. Confidentiality; Waiver

The Commission's current confidentiality regulations could be interpreted to preclude the disclosure of the fact that a complaint has been filed, as well as the substance of the complaint. However, such an interpretation may go beyond the provisions of section 437g(a)(12) of the Act and has also presented some difficulties for the Commission and potential respondents. On occasion, persons have publicly announced the filing of a complaint with the Commission against another person or entity without actually ever filing one. Consequently, the Commission's policy has been to either confirm or deny that a specific person filed a complaint against another specific person or entity. In a number of enforcement matters, the Commission has not construed the FECA to prohibit complainants from giving copies of complaints to the news media or otherwise publicizing them after the complaints have been filed with the FEC. *E.g.*, MURS 3168, 3169, & 3170, and MURs cited therein.

The Commission is now proposing to revise renumbered 11 CFR 111.23 to specifically permit the Commission to maintain a public file containing copies of property-filed complaints submitted to the FEC. Comments are requested as to whether such a file should also include the written responses of the persons alleged to have committed the violations. A conforming amendment to 11 CFR 7.14(a) is also included in the draft rules which follow. This change would not affect the confidentiality of notifications and investigations or the prohibition on ex parte communications concerning enforcement matters. The new language would be consistent with the legislative history of the statutory confidentiality provision, which has existed in a form substantially similar to its present one since the 1974 Amendments to the FECA. In 1979, Congress considered and ultimately rejected including in section 437g(a)(12) a specific prohibition on making public "[a]ny complaint filed under this section" without the written consent of "the person who is the subject of such complaint". H.R. 5010, H.R. Rept. No. 96–422, 96th Cong., 1st Sess. 22–23, 64 (1979) (passed by the House on Sept. 10, 1979); see, also, 125 Cong. Rec. 36751 (Dec. 18, 1979) (Senate passed amendment in the nature of a substitute omitting the House language); 125 Cong. Rec. 37194 (Dec. 20, 1979) (House passed Senate amendment).

In § 111.23(b), the Commission is proposing that the language be revised to more accurately reflect the procedure under which information covered by the confidentiality provisions of the Act will be made public by the Commission. As the amendment indicates, the respondent would first waive the privilege of confidentiality, and then the Commission would approve the release of the information, upon receiving a written request. Comments are sought on whether § 111.23(b) should be revised to prohibit respondents from discussing conciliation efforts. Alternatively, the regulations could treat a discussion by the respondent as a waiver of confidentiality, which would permit the Commission to discuss the conciliation process.

The Commission is also proposing the inclusion of a new sentence in 11 CFR 111.23(c) to permit the Commission to reveal information to the complainant concerning the procedural status of an ongoing enforcement matter if the efficient conduct of Commission business would be assisted by revealing the information to the complainant. This proposal would require the complainant to sign an agreement not to disclose any of the information revealed by the Commission before the enforcement matter is made public. Such an agreement would contain an acknowledgment that public disclosure by the complainant of the information provided would be a violation of the confidentiality requirements of the FECA.

This proposed addition is intended to reduce the necessity for complainants to file suit against the Commission under 2 U.S.C. 437g(a)(8)(A) to find out what actions have been taken in response to their complaints. There may be a number of different reasons why Commission action on the complaint has not been made public within the 120 day period described in 2 U.S.C. 437g(a)(8)(A), such as complex legal and factual issues, or problems in eliciting compliance with Commission subpoenas. Although the Commission is not required to conclude its actions within this period, the current regulations do not permit the Commission to make the complainant aware of those reasons. Therefore, the complainant must bring suit against the Commission simply to find out what actions have occurred. In several cases, the Commission has disclosed this information to the complainant under Court ordered seal. *E.g.*, *Common Cause* v. *Federal Election Commission*, 83 F.R.D. 410 (D.D.C. 1979). The District Court in *Common Cause* concluded that disclosure to the complainant during the course of judicial proceedings is consistent with the confidentiality provisions of 2 U.S.C. 437g because judicial proceedings do not constitute the type of publicity of concern to Congress. *Id.* at 412 (Citing H.R. Rep. No. 94–1057, 95th Cong., 2d Sess. 50 (1976)).

Under the draft amendment to § 111.23(c), the Commission would have the discretion to reveal to the complainant information deemed necessary to make the complainant aware of the status of the compliance matter, thereby eliminating the need to file a section 437g(a)(8) suit. The complainant would be required to sign a nondisclosure agreement before any information is revealed. Thus, sufficient safeguards would be built into the new procedure to ensure that enforcement matters are not made public within the meaning of 2 U.S.C. 437g. Revealing this information to the complainant, who is already aware of the nature of the

allegations in the complaint, is appropriate given the complainant's status as "an integral part of the Act's enforcement scheme." Common Cause, at 412.

The Commission is also proposing the inclusion of new § 111.23(d) to permit respondents to waive their privileges of confidentiality in compliance matters by filing written statements with the Commission. Please note that partial waivers of confidentiality are not contemplated. Following a respondent's waiver of his or her privilege of confidentiality, the Commission would consider a written request by any person for the release of information relating to the compliance matter in which the waiving respondent is a party. Under this proposed rule, however, written requests would not be granted as a matter of course, and only to the extent they do not conflict with the Freedom of Information Act, the Government in the Sunshine Act and all relevant privileges. The proposed new language would also clarify that the only information to be released upon request is information relating solely to the respondent who has waived confidentiality. The Commission would not release information regarding other respondents who have not waived confidentiality.

K. Representation by Counsel; Notification

Comments are requested on several possible changes to renumbered 11 CFR 111.25 regarding representation by counsel and Commission communications with the designated counsel. First, the Commission is proposed new language explicitly stating that the Commission will not communicate with any person purporting to be counsel for a respondent until a written designation is filed. Similarly, the Commission will continue to contact only the designated counsel until notified in writing that the designated counsel no longer represents the respondent. These measures are needed to maintain the confidentiality of enforcement matters, as required by the FECA.

New language would also be added to § 111.25 to explain the procedures for situations where counsel withdraws or the designation of counsel is withdrawn, and a different counsel begins to represent the respondent. The withdrawal does not in itself invalidate statements, actions and offers made by that counsel. After the withdrawal, the Commission will communicate only with the respondent until it receives another properly executed designation of counsel. A related question concerns the appropriateness of a respondent's designated representative signing the conciliation agreement. New language in § 111.18(b) would indicate that this practice is acceptable.

The Commission also proposes that the provisions of § 111.25 be revised to address situations where witnesses, as well as respondents, wish to be represented in MURs. Given the confidentiality requirements of the FECA, witnesses who are represented by counsel must submit signed designations of counsel. Thereafter, the Commission would only communicate with the witness through the designated counsel, unless such direct contact is authorized in writing by the witness. Given that witnesses often do retain counsel, the Commission is proposing this addition to clarify that the same procedures apply to witnesses as apply to respondents.

These rules do not require anyone to obtain counsel at any point in the enforcement process. The proposals would not change the Commission's current practice of accepting a blanket designation of counsel from a publicly-funded committee, which covers all compliance matters in which the committee may be a respondent. Finally, please note that the provision on representation applies only to enforcement matters. Written designations are not needed when counsel handles an advisory opinion request, a Commission audit, or a request for public funding.

L. Extensions of Time; Untimely Filing

The Commission is proposing the inclusion of new 11 CFR 111.26 to explain the current procedures and policies regarding requests for extensions of time in compliance matters and to ensure that materials are received in a more timely manner. The ANPRM proposed including rules covering extensions. Three commenters supported putting policies on extensions of time in the regulations, although they did not fully support the Commission's current enforcement deadlines and extension policies. The draft provisions which follow reflect the Commission's present policies regarding extensions of time.

New § 111.26(a) would provide that whenever a person has a right or is required to take action within a period of time prescribed by 11 CFR part 111 or by notice given thereunder, that person may apply to the Commission for an extension of time within which to exercise such right or take such action.

Proposed paragraph (b) would set forth the requirements for all requests for extensions of time under 11 CFR part 111. First, such requests must be made in writing. Second, the request must state specifically the amount of additional time sought and the reason(s) such an extension is necessary. Third, a request must be filed with the Commission no later than five days prior to the date on which the right at issue will take effect or the required action is due. Given the need to resolve enforcement matters in a timely manner, the Commission hopes to avoid situations in which persons wait until the deadline before requesting an extension of time, thereby delaying the compliance process unnecessarily. The five day period is intended to provide sufficient time so that if a request is denied, the original deadline remains viable and the compliance process is not disrupted or delayed by the request. Nevertheless, comments are requested as to whether it would be preferable to require the request to be made seven or ten days before the due date.

Comments are also sought on whether a five day period is adequate for requesting an extension of time to reply to a complaint. In some cases, a significant part of the fifteen day period for responding to a complaint may have elapsed before the respondent retains counsel, and counsel has had an opportunity to become familiar with the matter.

The only proposed exception to the five day rule would be in the case of a motion to quash or modify a subpoena or order, pursuant to 11 CFR 111.15. In that case, draft § 111.26(b) would require that a request for an extension shall be filed with the Commission no later than three days after receipt of the subpoena or order. A shorter time period is proposed for requesting an extension of time to file a motion to quash or modify a subpoena or order because an earlier request for an extension may be impracticable. However, comments are requested on whether a longer period, possible ten days, should be permitted for filing motions to quash or modify subpoenas or orders. Please note as well, that a request to extend the deadline for complying with a subpoena or order would not affect the time for filing a motion to quash the subpoena or order.

New § 111.26(c) would provide that requests for extensions of time under 11 CFR part 111 will not be routinely granted. Further, to insure that extensions of time are not requested frivolously, this proposed rule would state that requests for extensions of time will not be granted unless such requests are founded on good cause. The burden would be upon the requester to set forth

the reasons why there is good cause to grant an extension.

Draft 11 CFR 111.26(d) would specify that the length of time of any extension granted under this proposed section is to be determined by the Commission or the General Counsel. This provision would also clarify that if granted, extensions may be for a shorter length of time than that sought by the person making the request, depending on the requester's reasons.

Paragraph (e) of proposed § 111.26 would provide that simply filing a request for an extension of time does not automatically stay any previously established due date. Any extension of time which is granted would run from the previous due date, not from the date on which the extension is granted.

Finally, paragraph (f) would provide that absent extraordinary circumstances, respondents' briefs will not be considered by the Commission if they are received after the established deadline.

M. Liability of Treasurers and Candidates

The Commission is proposing the inclusion of new section 111.26 in the compliance regulations to clarify its policy regarding the naming of treasurers and candidates when the Commission makes reason to believe or probable cause to believe findings against political committees. Section 111.27 would set forth policies regarding the liability of current and former treasurers and candidates in their official and individual capacities. It is intended to inform prospective treasurers from the outset of the legal responsibilities which accompany that position. Under some circumstances, these provisions may result in a current treasurer being held personally liable for actions taken before he or she became treasurer. Accordingly, comments are sought as to who specifically should be liable for previous violations (i.e. the present treasurer, the treasurer at the time of the violation, or the candidate) in those infrequent situations where the committee is unable to raise sufficient funds to pay a civil penalty. This is an area that was raised in the ANPRM and addressed by one commenter.

Proposed paragraph (a) of § 111.27 would state that, in any compliance matter in which the Commission finds reason to believe or probable cause to believe a political committee committed a violation, the current treasurer will be named in the findings, whether or not the alleged violations occurred during the tenure of the current treasurer. In general, the current treasurer will be named only in his or her official capacity as treasurer of the political committee. However, the draft rules also recognize that it is appropriate to make additional findings when a treasurer had personal knowledge of, or was actively involved in, the actions which resulted in the violations. The draft rules would also set forth the Commission's current policy of not finding reason to believe or probable cause to believe a candidate committed a violation unless it appears that the candidate had personal knowledge of, or active involvement in, the actions which resulted in the alleged violations.

Proposed paragraph (b) would provide that the Commission, at any point in a compliance matter, will substitute the new treasurer of a political committee upon the death or resignation of the treasurer originally named. Similarly, the Commission may substitute another individual who is acting as treasurer but who has not officially assumed the role of treasurer. This substitution should avoid interruption of the compliance process. However, it would not relieve the political committee of the obligation to file an amended Statement of Organization. Please note that when a new treasurer is substituted, the conciliation agreement may indicate that the new treasurer was not treasurer at the time of the violation and is not charged with personal wrongdoing. In addition, comments are sought on whether it would be preferable to make findings against candidates, former treasurers, or other persons responsible for establishing the political committee in situations where the violations occurred before the current treasurer took office. One basis for pursuing candidates is found in the 1979 amendments to the FECA, which indicate that candidates are agents of their campaign committees for purposes of receiving contributions and loans, and making disbursements. 2 U.S.C. 432(e)(2). In addition, at times the Commission has encountered difficulties in locating previous treasurers.

Paragraph (c) of draft 11 CFR 111.27 would address liability for actions taken in a treasurer's official and individual capacities. It would set forth the circumstances under which the Commission may find reason to believe or probable cause to believe that a treasurer or candidate violated the FECA or Commission regulations. The Commission may make findings against the treasurer for actions taken in his or her official capacity when the FECA or Commission regulations impose a specific responsibility on the treasurer of a committee. Examples include failure to timely file reports with the Commission, and failure to retain required documents. In such situations, courts have held political committees and their treasurers jointly and severally liable. See, *FEC* v. *John A. Dramesi for Congress Committee and Russell E. Paul, as treasurer*, No. 85–4039 (D.N.J. Sept. 5, 1990); *FEC* v. *Gus Savage for Congress '82 Committee and Thomas J. Savage, Treasurer*, 606 F. Supp. 541, 547 (N.D. Ill. 1985). Under joint and several liability, both the political committee and the treasurer are liable for the full amount of any civil penalty imposed by the court, but between them they need only pay the amount of the civil penalty once. As a practical matter, the question of treasurer liability generally does not arise in the enforcement process when the committee is solvent and willing to pay the civil penalty.

Proposed paragraph (c) would also address the issue of the liability of a treasurer after that person no longer is treasurer. Under this proposed rule, in an appropriate case, the Commission may find reason to believe or probable cause to believe that the previous treasurer violated the Act or Commission regulations despite the fact that he or she is no longer treasurer at the time the Commission makes the findings. This would be limited to situations where the previous treasurer had personal knowledge of, or was actively involved in, actions which resulted in FECA violations. These provisions do not relieve the new treasurer from liability for actions which took place while the new treasurer served as treasurer of the committee.

N. Termination of Political Committee Status

Comments are sought on possible conforming amendments to 11 CFR 102.3(a), which incorporate the Commission's policies on termination of a political committee's registration and reporting obligations. The draft rules continue the current procedures whereby political committees may either indicate their intention to terminate on a regularly scheduled report or they may file a written statement at any time containing the necessary information. New language would be added to clarify that a political committee's reporting obligations end upon notification that the Commission has accepted its termination report. This is generally a routine administrative act. However, the draft rules would also list situations which preclude termination, including while the political committee is involved in an enforcement matter, FEC

audit, or litigation with the Commission, and when it has not yet satisfied all requirements of a signed conciliation agreement.

O. Additional Issues

The Commission also requests comments on the compliance process generally, and on several issues for which draft language has not been included in the proposed rules which follow. First, the Commission is considering whether oral hearings should be held in enforcement matters. The possibility of conducting oral enforcement hearings presents a number of questions, beginning with when they should be held. The alternatives are to hold them whenever a respondent or respondent's counsel requests one, or whenever one or more Commissioners would find it helpful. Another option is to hold hearings only for certain types of matters, such as those involving allegations of knowing and willful violations, or MURs involving violations exceeding a given amount, or MURs that reach a certain stage, or only for enforcement matters that involve complex legal or factual issues.

Another consideration is who would have the opportunity to testify. It could be limited to counsel for respondents, or extended to include the respondents themselves, whether or not they are represented by counsel. If a respondent or a respondent's counsel does not want to appear at a hearing, would it ever be appropriate for the Commission to compel them to attend or testify? Should other respondents and their attorneys also be permitted to be present during the hearing? If so, should they have the opportunity to testify and perhaps to cross-examine the person testifying at the hearing? In addition, should complainants have the opportunity to request an oral hearing either when they first file a complaint or when the Commission dismisses their complaints?

The answers to these questions may depend upon the point in the enforcement process when oral hearings would be held. The options are to hold hearings either during the investigation, or after the probable cause briefs have been filed, or at various times throughout the enforcement process, including for example hearings on motions to quash or modify subpoenas. Hearings held during the course of an investigation would permit the Commissioners and the General Counsel to ask factual questions of the attorney and/or the respondent pertinent to the investigation. However, procedures would be needed to spell out whether objections could be raised on the basis of relevancy, scope, the Fifth Amendment, attorney-client privilege or other grounds, and how any such objections would be resolved. Another consideration is whether enforcement hearings could replace some depositions, or whether they should be postponed until after all necessary depositions have been conducted.

An alternative is to restrict enforcement hearings to the probable cause stage, so the respondents may present orally the arguments made in their briefs. Under this approach, the hearing would be modeled after an appellate argument. Another question is whether the matter would need to be re-briefed if significant new evidence is elicited in response to questioning.

An important consideration is the topics to be addressed during enforcement hearings. This could include questions of law, interpretations of the FECA and Congressional intent, and the application of the FECA to the facts at hand. Alternatively, enforcement hearings could also serve to resolve questions of fact, including the credibility of witnesses. Comments are sought on whether it would be of value to address other topics at enforcement hearings, such as the terms of the conciliation agreement, the amount of a civil penalty, or the inclusion of an admissions clause.

Comment is also sought on the procedures that would need to be established for holding a hearing. For example, if a request for a hearing is received, the General Counsel could make a recommendation on whether to have a hearing. Once the Commission votes on holding the hearing, the requester could be informed of the decision. If the request is granted, a hearing date and time would then be scheduled. Another question is whether a court reporter would be needed to prepare a transcript. If so, cost considerations might require those who have requested the hearing to pay the costs of hiring a court reporter and preparing the transcript.

There are several options regarding how many Commissioners would normally be present at an enforcement hearing. It could either be the whole Commission, or a panel of less than the whole Commission, or only those Commissioners who believe they may find the hearing helpful. A quorum may not be needed if no action is taken at that point.

A broader concern is that oral enforcement hearings at any stage may necessitate increasing the resources the Commission devotes to enforcement. Hearings may also increase the respondent's expenses and unduly prolong the enforcement process, at least for some cases. Comments are requested on ways to reduce the amount of resources needed, and ways to avoid procedural delays.

The Commission also seeks comments on precluding complainants from refiling the same compliant with the FEC after it has been dismissed. Please note that this approach would not bar complainants from filing new complaints which present new evidence against the respondents. Comments are also sought on whether to treat a complainant's failure to bring an issue to the Commission's attention in a complaint, or in an amendment to a complaint, as a waiver of the complainant's right to raise the issue in a suit objecting to the Commissions dismissal, pursuant to 2 U.S.C. 437g(a)(8). Such a rule may lessen the number of suits filed against the Commission by providing complainants opportunities to resolve matters within the framework of the compliance process. This approach would also be consistent with previous judicial decisions. *In re Federal Election Campaign Act Litigation*, 474 F. Supp. 1044 (D.D.C. 1979); *Stern* v. *FEC*, C.A. No. 89–0089, slip op. at 10 (D.D.C. Aug. 31, 1989) (Court lacked subject matter jurisdiction to hear allegations of violations which involved facts complainant had not originally raised to the FEC) *aff'd on other grounds*, 921 F.2d 296 (D.C. Cir. 1990).

The Commission is also considering whether the compliance rules should state which documents in a compliance matter would constitute the administrative record. For example, the administrative record would include documents and evidence such as the complaint, the response to the complaint, the General Counsel's and respondents' briefs, and the certifications of Commission votes. On the other hand, the Commission has never considered the administrative record to include documents in the files of individual Commissioners, or documents in FEC employees' files which were never forwarded to the Commissioners or placed in the official file. It would also not be appropriate to include in the administrative record transcripts or tapes of Commission discussions of compliance matters. Although these materials are sometimes made available under the Freedom of Information and Government in the Sunshine Acts, they may not provide an adequate explanation of the reasons for the Commission's decisions in compliance matters. The Commission welcomes comments regarding which

documents should be considered part of the administrative record.

Another possible topic for inclusion in the compliance rules in 11 CFR Part 111 is the issuance of statements of reasons setting forth an explanation for the Commission's dismissal of a compliant. Comments are requested as to whether it would be helpful to include a general statement explaining when statements of reasons are issued. They are prepared when the Commission does not approve by the requisite four votes a General Counsel's recommendation to go forward, and as a result part or all of a complaint is dismissed. See *Democratic Congressional Campaign Committee* v. *Federal Election Commission*, 831 F.2d 1131 (D.C. Cir. 1987); *Common Cause* v. *Federal Election Commission*, 676 F. Supp. 286 (D.D.C. 1984). In these situations, the reasons for the dismissal of the entire complaint, or a particular respondent or allegation, cannot be found in the General Counsel's report.

Comments are also sought on whether the regulations should specify the circumstances in which investigatory materials may be provided to respondents to assist them in preparing their briefs at the probable cause stage. For example, such language could indicate that investigatory materials relied upon in the General Counsel's brief will be provided, upon request, if this would be in the interest of furthering the investigation, such as where there is an issue of credibility. Please note that the Commission is not required to release these investigatory materials to the subject of the investigation under *S.E.C.* v. *O'Brien*, 467 U.S. 735 (1984).

Questions have also been raised as to when the Commission will accept enforcement-related documents transmitted by facsimile machine. The Commission cannot accept faxed complaints or conciliation agreements because an original signature is required. However, comments are sought on the feasibility and desirability of accepting facsimiles of responses to complaints, designations of counsel, requests for extensions of time, motions to quash or modify subpoenas, other investigatory documents, and respondents' briefs. The drawbacks of accepting facsimiles are that they are more difficult to read, and they may not always be transmitted correctly and completely. Thus, a hard copy backup would be required.

The Commission welcomes comments on the proposed revisions to the compliance regulations and the issues presented in this Notice.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]

The attached proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that the attached proposed rules, if promulgated would clarify the Commission's enforcement practices and procedures under the Federal Election Campaign Act, as amended. Therefore, these procedural rules would have little, if any, economic effect on a substantial number of small entities.

List of Subjects

11 CFR Part 4

Freedom of Information.

11 CFR Part 5

Archives and records.

11 CFR Part 7

Administrative practice and procedure, Conflict of interests.

11 CFR Part 102

Campaign funds, Political candidates, Political committees and parties, Reporting requirements.

11 CFR Part 111

Administrative Practice and Procedure, Elections.

For the reasons set out in the preamble, it is proposed to amend chapter I of title 11 of the Code of Federal Regulations as follows:

PART 4—PUBLIC RECORDS AND THE FREEDOM OF INFORMATION ACT

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

Authority: 5 U.S.C. 552, as amended.

2. 11 CFR Part 4 would be amended by revising paragraphs (a)(3) and (a)(12) of § 4.4 to read as follows:

§ 4.4 Availability of records.

(a) * * *

(3) Opinions of Commissioners rendered in enforcement cases and General Counsel's reports and non-exempt 2 U.S.C. 437g investigatory materials in enforcement files will be made available no later than 30 days from the date on which all respondents are sent notifications that the Commission has voted to take no further action and to close such an enforcement file. * * *

(12) With respect to enforcement matters, any conciliation agreement entered into between the Commission and any respondent, following the termination of all enforcement proceedings with regard to every respondent in that matter.

* * * * *

PART 5—ACCESS TO PUBLIC DISCLOSURE DIVISION DOCUMENTS

3. The authority citation for part 5 would continue to read as follows:

Authority: 2 U.S.C. 437f(d), 437g(a)(4)(B)(ii), 438(a) and 31 U.S.C. 9701.

4. 11 CFR Part 5 would be amended by revising paragraphs (a) (3) and (4) of § 5.4 to read as follows:

§ 5.4 Availability of records.

(a) * * *

(3) With respect to enforcement matters, any conciliation agreement entered into between the Commission and any respondent, following the termination of all enforcement proceedings with regard to every respondent in that matter.

(4) Opinions of Commissioners rendered in enforcement cases and General Counsel's reports and non-exempt 2 U.S.C. 437g investigatory materials in enforcement files will be made available no later than 30 days from the date on which all respondents are sent notifications that the Commission has voted to take no further action and to close such an enforcement file.

* * * * *

PART 7—STANDARDS OF CONDUCT

5. The authority citation for part 7 would continue to read as follows:

Authority: 5 U.S.C. 7321 *et seq.*; 18 U.S.C. 207.

6. 11 CFR part 7 would be amended by revising paragraph (a) of § 7.14 to read as follows:

§ 7.14 Prohibition against making notifications and investigations public.

(a) Commission employees are warned that they are subject to criminal penalties if they discuss or otherwise make public any information or actions pertaining to a notification or investigation under 2 U.S.C. 437g, without the written permission of the person notified or being investigated. Such communications are prohibited by 2 U.S.C. 437g(a)(12)(A). The provisions of this section do not prohibit communications permitted under 11 CFR part 111.

* * * * *

PART 102—REGISTRATION, ORGANIZATION, AND RECORDKEEPING BY POLITICAL COMMITTEES (2 U.S.C. 433)

7. The authority citation for part 102 would continue to read as follows:

Authority: 2 U.S.C. 432, 433, 438(a)(8), 441d.

8. 11 CFR part 102 would be amended by revising paragraph (a)(1) of § 102.3 to read as follows:

§ 102.3 Termination of registration (2 U.S.C. 433(d)(1)).

(a)(1) A political committee (other than a principal campaign committee) may terminate its registration and reporting obligations by so indicating on a regularly scheduled report of receipts and disbursements, or by filing a written statement containing the same information at the place of filing specified at 11 CFR part 105. Except as provided in 11 CFR 102.4(c), only a committee which will no longer receive any contributions or make any disbursements that would otherwise qualify it as a political committee may terminate, provided that such committee has no outstanding debts and obligations. The termination report or written statement shall provide a final report of receipts and disbursements, and shall include a statement as to the purpose for which residual funds will be used, including a statement as to whether such residual funds will be used to defray expenses incurred in connection with an individual's duties as a holder of federal office. The political committee's reporting obligation ends when it is notified that the termination report or written statement has been accepted. The political committee shall not terminate;

(i) While the political committee is a respondent in an ongoing compliance matter under 11 CFR part 111;

(ii) While the Commission is conducting an audit or field investigation of the political committee;

(iii) During the sixty (60) day period beginning on the date the Commission dismisses a complaint against the political committee;

(iv) During an ongoing civil action under 2 U.S.C. 437g(a) (5), (6) or (8) until thirty (30) days after a final non-appealable judgment dismissing the civil action with prejudice; or

(v) Prior to satisfying any outstanding repayment obligations and court judgments, or prior to complying with all requirements of a signed conciliation agreement, including payment of civil penalties.

* * * * *

9. 11 CFR part 111 would be revised to read as follows:

PART 111—COMPLIANCE PROCEDURES (2 U.S.C. 437g, 437d(a))

Sec.

111.1 Scope (2 U.S.C. 437g).
111.2 Computation of time.
111.3 Initiation of compliance matters (2 U.S.C. 437g(a) (1), (2)).
111.4 Complaints (2 U.S.C. 437g(a)(1)).
111.5 Initial complaint processing; notification (2 U.S.C. 437g(a)(1)).
111.6 Opportunity to demonstrate that no action should be taken on complaint-generated matters (2 U.S.C. 437g(a)(1)).
111.7 General Counsel's recommendation on complaint-generated matters (2 U.S.C. 437g(a)(1)).
111.8 Internally generated matters; referrals (2 U.S.C. 437g (a)(2) and (b).
111.9 The reason to believe finding; notification; reconsideration (2 U.S.C. 437g(a)(2)).
111.10 Investigation (2 U.S.C. 437g(a)(2)).
111.11 Written questions under order (2 U.S.C. 437d(a)(1)).
111.12 Subpoenas and subpoenas duces tecum; depositions (2 U.S.C. 437d(a) (3), (4)).
111.13 Service of subpoenas, orders and notifications (2 U.S.C. 437d(a) (3), (4)).
111.14 Witness fees and mileage (2 U.S.C. 437d(a)(5)).
111.15 Motions to quash or modify a subpoena or order (2 U.S.C. 437d(a) (3), (4)).
111.16 The probable cause to believe recommendation; briefing procedures (2 U.S.C. 437g(a)(3)).
111.17 The probable cause to believe finding; notification (2 U.S.C. 437g(a)(4)).
111.18 Conciliation (2 U.S.C. 437g(a)(4)).
111.19 Referrals to the Attorney General (2 U.S.C. 437g(a)(5)(C) and 437g(c)).
111.20 Civil and criminal penalties (2 U.S.C. 437g (a)(5), (a)(6) and (d)).
111.21 Civil proceedings (2 U.S.C. 437g(a) (5)(D) and (6)).
111.22 Public disclosure of Commission action (2 U.S.C. 437g(a)(4)).
111.23 Confidentiality; waiver (2 U.S.C. 437g(a) (4)(B)(i), and (12)).
111.24 Ex parte communications.
111.25 Representation by counsel; notification.
111.26 Extension of time; untimely filing.
111.27 Liability of treasurers and candidates.

Authority: 2 U.S.C. 437g, 437d(a), 438(a)(8).

§ 111.1 Scope (2 U.S.C. 437g).

These regulations provide procedures for processing possible violations of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 431, *et seq.*) and chapters 95 and 96 of the Internal Revenue Code of 1954 (26 U.S.C. 9001, *et seq.* and 9031 *et seq.*).

§ 111.2 Computation of time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. As used in this section, the term "legal holiday" includes New Year's Day, the Birthday of Martin Luther King, Jr., President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday for employees of the United States by the President or the Congress of the United States.

(b) *Special rule for periods less than eleven days.* When the period of time prescribed or allowed is less than eleven (11) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

(c) *Special rule for service by mail.* Whenever the Commission or any person has the right or is required to do some act within a prescribed period after the service of any paper by or upon the Commission or such person and the paper is served by or upon the Commission or such person by mail, three (3) business days shall be added to the prescribed period. It will be presumed that the paper has been received and that service has been accomplished at the conclusion of that period of time.

(d) For purposes of the time limits specified in 11 CFR Part 111, a document is considered to be submitted to the Commission on the day it is actually received by the Commission.

§ 111.3 Initiation of compliance matters (2 U.S.C. 437g(a) (1), (2)).

(a) Compliance matters may be initiated by a complaint or on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities or on the basis of a referral from an agency of the United States or of any state. A *sua sponte* compliance matter may be initiated when a person, including an individual or a political committee, informs the Commission in writing that he or she or the political committee has committed a violation of a statute or regulation over which the Commission has jurisdiction.

(b) Matters initiated by complaint are subject to the provisions of 11 CFR 111.4 through 111.7. Matters initiated on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities or on the basis of referrals from other agencies and *sua sponte* compliance matters are subject to

the provisions of 11 CFR 111.8. All compliance matters are subject to the provisions of 11 CFR 111.2 and 111.9 through 111.27.

§ 111.4 Complaints (2 U.S.C. 437g(a)(1)).

(a) Any person who believes that a violation of any statute or regulation over which the Commission has jurisdiction has occurred or is about to occur may file a complaint in writing with the General Counsel, Federal Election Commission, 999 E Street, NW., Washington, DC 20463. If possible, three (3) copies should be submitted. Complaints submitted shall be originals, not photocopies or facsimiles.

(b) A complaint shall comply with the following:

(1) It shall provide the full name and address of the complainant; and

(2) The contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized. The jurat shall state that the complaint was both sworn and subscribed.

(c) All statements made in a complaint shall be made under penalty of perjury and subject to the provisions of 18 U.S.C. 1001. The complaint should differentiate between statements based upon personal knowledge and statements based upon information and belief.

(d) The complaint should conform to the following provisions:

(1) It should clearly identify as a respondent each person or entity who is alleged to have committed a violation, along with respondents' address, whenever possible;

(2) Statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainant's belief in the truth of such statements;

(3) It should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and

(4) It should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the complainant. When available, the original of any documentation, not a copy, should be provided.

(e) The Commission will consider complaints based on news stories if such stories set forth specific facts sufficient to comply with the provisions of paragraph (d) of this section. In addition, all complaints based on news stories must comply with the provisions of paragraph (b) of this section.

(f) *Additional information.* Following the filing of a complaint with the Commission, a complainant may file additional information with the Commission relevant to the original complaint.

(1) *Amended complaints.* If such additional information describes alleged violations of statutes or regulations over which the Commission has jurisdiction which were not implicated by the original complaint, or identifies persons or entities not implicated by the original complaint as respondents, such additional information shall be deemed an amended complaint. Amended complaints shall comply with the requirements for complaints set forth in this section and are subject to the requirements set forth in 11 CFR 111.5 and 111.6.

(2) *Supplemental information.* If such additional information relates solely to the statutes or regulations implicated by the original complaint and to the persons or entities who, according to the original complaint, were alleged to have committed such violations, such additional information will be deemed supplemental information. A submission of supplemental information is subject to the requirements of this section (except paragraphs (a), (b), and (d)), but is not subject to the requirements of 11 CFR 111.5 and 111.6.

(g) *Consolidation and severance.* The Commission may, upon written request from a respondent, or upon the Commission's own motion, consolidate or sever compliance matters which involve:

(1) The same respondents;

(2) Substantially the same issues;

(3) Common questions of law or fact; or

(4) Other factors which warrant a determination by the Commission that the compliance matters should be joined or severed including, but not limited to, the avoidance of unnecessary costs or delays of time.

§ 111.5 Initial complaint processing; notification (2 U.S.C. 437g(a)(1)).

(a) Upon receipt of a complaint, the General Counsel shall review the complaint for substantial compliance with the technical requirements of 11 CFR 111.4, and, if it complies with those requirements, shall within five (5) days after receipt notify each respondent that the complaint has been filed, advise them of Commission compliance procedures, and enclose a copy of the complaint.

(b) If a complaint does not comply with the requirements of 11 CFR 111.4, the General Counsel shall so notify the complainant within the five (5) day period specified in 11 CFR 111.5(a), that no action will be taken on the basis of that complaint.

§ 111.6 Opportunity to demonstrate that no action should be taken on complaint-generated matters (2 U.S.C. 437g(a)(1)).

(a) A respondent shall be afforded an opportunity to demonstrate that no action should be taken on the basis of a complaint by submitting, within fifteen (15) days from service of a copy of the complaint, a letter or memorandum setting forth reasons why the Commission should take no action.

(b) The Commission shall not take any action, or make any finding, against a respondent other than action dismissing the complaint, unless it has considered such response or unless no such response has been submitted to the Commission within the fifteen (15) day period specified in 11 CFR 111.6(a).

(c) For purposes of 11 CFR part 111, the date of dismissal of a complaint by the Commission will be determined pursuant to 11 CFR 111.21(a).

§ 111.7 General Counsel's recommendation on complaint-generated matters (2 U.S.C. 437g(a)(1)).

(a) Following either the expiration of the fifteen (15) day period specified by 11 CFR 111.6(a), or the receipt of a response as specified by 11 CFR 111.6(a), whichever occurs first, the General Counsel may recommend to the Commission whether or not it should find reason to believe that a respondent has committed or is about to commit a violation of statutes or regulations over which the Commission has jurisdiction.

(b) The General Counsel may recommend that the Commission find that there is no reason to believe that a violation has been committed or is about to be committed, or that the Commission otherwise dismiss a complaint without regard to the provisions of 11 CFR 111.6(a).

§ 111.8 Internally generated; referrals (2 U.S.C. 437g (a)(2) and (b)).

(a) On the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, or on the basis of a referral from an agency of the United States or of any state, or on the basis of a *sua sponte* complaint, the General Counsel may recommend in writing, or a member of the Commission may make a motion, that the Commission find reason to believe that a person or entity has committed or is about to commit a violation of statutes or regulations over which the Commission has jurisdiction.

(b) Prior to taking any action pursuant to this section against any person for

failure to file a disclosure report required by 11 CFR 104.5(a)(1)(iii) for the calendar quarter immediately preceding the election involved or by 11 CFR 104.5(a)(1)(i), the Commission shall notify such person of the failure to file the required reports. If a satisfactory response is not received within four (4) business days, the Commission shall publish before the election the name of the person and the reports such person has failed to file.

§ 111.9 The reason to believe finding; notification; reconsideration (2 U.S.C. 437g(a)(2)).

(a) If the Commission, either after reviewing a complaint-generated recommendation as described in 11 CFR 111.7 and any response of a respondent submitted pursuant to 11 CFR 111.6, or after reviewing an internally-generated recommendation as described in 11 CFR 111.8, or after considering a motion made by a member of the Commission, determines by an affirmative vote of four (4) of its members that it has reason to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction, its Chairman or Vice Chairman shall notify such respondent of the Commission's finding by letter, setting forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding. The notification will include the legal basis and the alleged facts which support the Commission's action. In an appropriate case, the Commission may send a respondent a letter of admonishment, which warns against specific activities which constitute a violation of a statute or regulation over which the Commission has jurisdiction.

(b) The Commission will not entertain a respondent's request for reconsideration or rescission of a determination made pursuant to 11 CFR 111.9(a) that it has reason to believe that the respondent has violated a statute or regulation over which the Commission has jurisdiction, except where an incurable procedural defect has occurred.

(c) If the Commission finds no reason to believe, or otherwise terminates its enforcement proceedings, the General Counsel will so advise both complainant and respondent by letter. See 11 CFR 111.21(a).

§ 111.10 Investigation (2 U.S.C. 437g(a)(2)).

(a) An investigation shall be conducted in any case in which the Commission finds reason to believe that a violation of a statute or regulation over which the Commission has jurisdiction has occurred or is about to occur, unless the information available to the Commission from its own records or from the respondent makes further inquiry unnecessary, or unless the Commission decides by an affirmative vote of four (4) of its members to take no further action.

(b) The Commission may commence its investigation immediately after making its determination that it has reason to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction.

(c) In its investigation, the Commission may utilize the provisions of 11 CFR 111.11 through 111.15. The investigation may include, but is not limited to, field investigations, audits, and other methods of information gathering. The Federal Rules of Civil Procedure regarding discovery do not govern the Commission's investigations, except as provided in 11 CFR 111.12(c) and 111.23(c).

§ 111.11 Written questions under order (2 U.S.C. 437d(a)(1)).

The Commission may authorize its Chairman or Vice Chairman to issue an order requiring any person to submit sworn written answers to written questions and may specify a date by which such answers must be submitted.

§ 111.12 Subpoenas and subpoenas duces tecum; depositions (2 U.S.C. 437d(a) (3), (4)).

(a) The Commission may authorize its Chairman or Vice Chairman to issue subpoenas requiring the attendance and testimony of any person by deposition and to issue subpoenas duces tecum for the production of documentary or other tangible evidence in connection with a deposition of otherwise.

(b) If oral testimony is ordered to be taken by deposition or documents are ordered to be produced, the subpoena will so state and will advise the deponent or person subpoenad that all testimony will be under oath. A deposition may be taken before any person having the power to administer oaths. When a deposition is taken, no person shall be present or represented other than the witness and his or her counsel, the stenographic reporter, and members of the Commission staff. If none of those persons are authorized to administer oaths, then a person so authorized shall also be present.

(c) The Federal Rules of Civil Procedure, Rule 30(e), shall govern the opportunity to review and sign depositions taken pursuant to this section.

§ 111.13 Service of subpoenas, orders and notifications (2 U.S.C. 437d(a) (3), (4)).

(a) Service of a subpoena, order or notification upon a person named therein will be made by delivering a copy to that person in the manner described by paragraphs (b), (c), (d) and (e) of this section. In the case of subpoenas, fees for each day's attendance and mileage will be tendered as specified in 11 CFR 111.14.

(b) Whenever service is to be made upon a person who has advised the Commission of representation by an attorney, pursuant to 11 CFR 111.25, the service will be made upon the attorney by any of the methods specified in paragraph (c), (d) or (e) of this section.

(c) Delivery of subpoenas, orders and notifications to a natural person may be made by handing a copy to the person, by leaving a copy at his or her office with the person in charge thereof, by leaving a copy at his or her dwelling place or usual place of abode with some person of suitable age and discretion residing therein, by mailing a copy by registered or certified mail to his or her last known address, or by any other method whereby actual notice is given.

(d) When the person to be served is not a natural person and is not a political committee, delivery of subpoenas, orders and notifications may be made by mailing a copy by registered, certified or first class mail to the person at its place of business, by handing a copy to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, by mailing a copy by registered, certified or first class mail to such representative at his or her last known address, or by any other method whereby actual notice is given.

(e) For political committees, delivery of subpoenas, orders, and notifications may be made by mailing a copy by registered, certified, or first class mail to either the treasurer or assistant treasurer or to the political committee's address, as listed in the last Statement of Organizations filed with the Commission, or by handing a copy to the treasurer or assistant treasurer, or by any other method whereby actual notice is given.

§ 111.14 Witness fees and mileage (2 U.S.C. 437d(a)(5)).

Witnesses subpoenaed to appear for depositions will be paid the same fees and mileage as witnesses in the courts of the United States. Such fees may be tendered at the time the witness appears for such deposition, or within a reasonable time thereafter.

§ 111.15 Motions to quash or modify a subpoena or order (2 U.S.C. 437d(a) (3), (4)).

(a) Any person to whom a subpoena or order is directed may, prior to the time specified therein for compliance, but in no event more than five (5) days after the date of receipt of such subpoena or order, apply to the Commission to quash or modify such subpoena or order, and shall accompany such application with a brief statement of the reasons therefor. Motions to quash or modify shall be filed with the General Counsel, Federal Election Commission, 999 E Street, NW., Washington, DC 20463. If possible, three (3) copies should be submitted.

(b) A timely motion to quash or modify a subpoena or order must be filed to exhaust administrative remedies as to the subpoena or order. Any objection to a subpoena or order which is not presented in a timely motion to quash or modify the subpoena or order is waived for all purposes.

(c) The Commission may deny the motion, or quash the subpoena or order, or modify the subpoena or order.

(d) The person subpoenaed or ordered and the General Counsel may agree to change the date, time, or place of a deposition or for the production of documents without affecting the force and effect of the subpoena or order, but such agreements will be confirmed by the General Counsel in writing.

§ 111.16 The probable cause to believe recommendation; briefing procedures (2 U.S.C. 437g(a)(3)).

(a) Upon completion of the investigation, the General Counsel shall prepare a brief setting forth his or her position on the factual and legal issues of the case and containing a recommendation on whether or not the Commission should find probable cause to believe that a violation has occurred or is about to occur.

(b) The General Counsel should notify each respondent of the recommendation and enclose a copy of his or her brief.

(c) With fifteen (15) days from receipt of the General Counsel's brief, respondent may file a brief with the Commission Secretary, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, setting forth respondent's position on the factual and legal issues of the case. If possible, ten (10) copies of such brief should be filed with the Commission Secretary and three (3) copies should be submitted to the General Counsel, Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(d) After reviewing the respondent's brief, the General Counsel shall advise the Commission in writing whether he or she intends to proceed with the recommendation or to withdraw the recommendation from Commission consideration.

§ 111.17 The probable cause to believe finding; notification (2 U.S.C. 437g(a)(4)).

(a) If the Commission, after having found reason to believe and after following the procedures set forth in 11 CFR 111.16, determines by an affirmative vote of four (4) of its members that there is probable cause to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction, the Commission will authorize the General Counsel to so notify the respondent by letter. In an appropriate case, the Commission may send the respondent a letter of admonishment, which warns against specific activities which constitute a violation of a statute or regulation over which the Commission has jurisdiction.

(b) If the Commission finds no probable cause to believe or otherwise terminates its enforcement proceedings, the General Counsel will so advise both respondent and complainant by letter. See 11 CFR 111.22(a).

§ 111.18 Conciliation (2 U.S.C. 437g(a)(4)).

(a) Upon a Commission finding of probable cause to believe, the General Counsel shall attempt to correct or prevent the violation by informal methods of conference, conciliation and persuasion, and shall attempt to reach a tentative conciliation agreement with the respondent.

(b) A conciliation agreement is not binding upon either party unless and until it is signed by the respondent (or respondent's designated representative) and by the General Counsel (or designee) upon approval by the affirmative vote of four (4) members of the Commission.

(c) If a probable cause to believe finding relating to an upcoming election is made within forty-five (45) days prior to that election, such conciliation attempt shall continue for at least fifteen (15) days from the date of such finding. In all other cases, such attempts by the Commission shall continue for at least thirty (30) days, not to exceed ninety (90) days.

(d) Nothing in these regulations shall be construed to prevent the Commission from entering into a conciliation agreement with a respondent prior to a Commission finding of probable cause if a respondent indicates by letter to the General Counsel a desire to enter into negotiations directed towards reaching such a conciliation agreement. However, the Commission is not required to enter into any negotiations directed towards reaching a conciliation agreement unless and until it makes a finding of probable cause to believe. Any conciliation agreement reached under this paragraph is subject to the provisions of paragraph (b) of this section and shall have the same force and effect as a conciliation agreement reached after a Commission finding of probable cause to believe.

(3) If a conciliation agreement is reached between the Commission and the respondent, the General Counsel will send a copy of the signed agreement to both complainant and respondent.

§ 111.19 Referrals to the Attorney General (2 U.S.C. 437g(a)(5)(C) and 437g(c)).

(a) If the Commission by an affirmative vote of four (4) of its members determines that there is probable cause to believe that a respondent knowingly and willfully violated a statute or regulation over which the Commission has jurisdiction, the Commission may refer the matter to the Attorney General of the United States. The Commission will authorize the General Counsel to so advise the respondent by letter.

(b) If the Commission refers a matter to the Attorney General of the United States, the time periods described in 11 CFR 111.18(c) for attempting to reach a conciliation agreement will be suspended. If the Commission is notified that the Attorney General will not pursue the matter, or if the Commission determines that it is appropriate for the Commission to continue to pursue the compliance matter, the Commission will so inform the respondent(s) and will reactivate the time periods for attempting to reach a conciliation agreement.

§ 111.20 Civil and criminal penalties (2 U.S.C. 437g (a)(5), (a)(6) and (d)).

(a) For civil or criminal penalties owed by candidates, political committees or their treasurers under 2 U.S.C. 437g(a)(5), (a)(6) and (d), permissible funds received expressly and exclusively to pay the penalties shall be deposited in an account at the political committee's campaign depository, or in the legal and accounting compliance fund of a presidential candidate receiving public funding under 11 CFR part 9001, *et seq.* The civil or criminal penalty shall be paid by check or similar draft drawn on the account.

(b) Funds which do not meet the limitations and prohibitions of the Act may be used to pay the civil and criminal penalties described above, but

shall not be deposited in any account at the political committee's campaign depository, or in the legal and accounting compliance fund of a presidential candidate receiving public funding under 11 CFR part 9001, *et seq.*

(c) Permissible funds received or spent under paragraph (a) of this section shall be reported as itemized other receipts or itemized disbursements, regardless of amount. Funds received or spent under paragraph (b) of this section shall be reported as itemized memo entries of other receipts and disbursements, regardless of amount. Receipts and disbursements which relate to the same civil or criminal penalty shall be disclosed on the same report.

§ 111.21 Civil proceedings (2 U.S.C. 437g(a) (5)(D) and (6)).

(a) If no conciliation agreement is finalized within the applicable minimum period specified by 11 CFR 111.18(c), or if a conciliation agreement is finalized and the respondent violates any provision of that conciliation agreement, the General Counsel may recommend to the Commission that the Commission authorize a civil action for relief in an appropriate court of the United States.

(b) Upon recommendation of the General Counsel, the Commission may, by an affirmative vote of four (4) of its members, authorize the General Counsel to commence a civil action for relief in an appropriate court of the United States. The General Counsel will advise both the complainant and the respondent(s) by letter of the authorization to commence a civil action and of the final disposition of the civil action. The General Counsel will also advise the respondent(s) by letter of the initiation and final disposition of any civil action brought under 2 U.S.C. 437g(a)(8).

(c) The provisions of 11 CFR 111.18(c) shall not preclude the Commission, upon request of a respondent, from entering into a conciliation agreement even after a recommendation to file a civil action has been made pursuant to this section. Any conciliation agreement reached under this paragraph is subject to the provisions of 11 CFR 111.18(b) and shall have the same force and effect as a conciliation agreement reached under 11 CFR 111.18(c).

(d) An additional civil penalty is authorized under 2 U.S.C. 437g(a) (5) and (6) for a violation of a conciliation agreement. If a political committee violates a conciliation agreement, the Commission may commence a civil action against both the political committee and the committee's treasurer who is a party to the conciliation agreement.

§ 111.22 Public disclosure of Commission action (2 U.S.C. 437g(a)(4)).

(a) If the Commission makes a finding of no reason to believe, or no probable cause to believe, or votes to take no further action and to close an enforcement file, it will make public such action and the basis therefor no later than thirty (30) days from the date on which the required notifications are sent to the complainant(s) and the respondent(s). The Commission will not make such actions and findings public, and will not send the complainant(s) the required notifications, until it votes to close the enforcement file and take no further action with respect to all respondents. Whenever the Commission dismisses a complaint, the date of dismissal is the date on which the Commission votes to close the enforcement file with respect to all respondents in the compliance matter.

(b) If a conciliation agreement is finalized, the Commission shall make public such conciliation agreement forthwith, following the termination of all enforcement proceedings with regard to every respondent in that matter.

(c) Nothing in this section should be construed to limit the ability of the Commission to make public information developed in the course of an investigation to support its position in any litigation.

(d) For any compliance matter in which the Commission commences a civil action pursuant to 11 CFR 111.21, it will make public the non-exempt 2 U.S.C. 437g investigatory materials in the enforcement and litigation files no later than thirty (30) days from the date on which the Commission sends the complainant and the respondent(s) the required notifications of the final disposition of the civil action. The final disposition may consist of a judicial decision which is not reviewed by a higher court.

§ 111.23 Confidentiality; waiver (2 U.S.C. 437g(a)(4)(B)(i), and (12)).

(a) Except as provided in this section, no notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the written consent of the respondent with respect to whom the notification was sent, the investigation conducted, or the finding made.

(b) Except as provided in 11 CFR 111.22(b), no conciliation efforts conducted pursuant to 11 CFR 111.18, including any action by the Commission or by any person and any information derived in connection with such efforts, may be made public by the Commission unless the respondent waives his or her privilege of confidentiality in accordance with paragraph (d) of this section and the Commission approves the release of such information.

(c) Nothing in these regulations should be construed to prevent the introduction of evidence in the courts of the United States which would otherwise be properly introduced pursuant to the Federal Rules of Evidence or Federal Rules of Civil Procedure. Moreover, nothing in these regulations should be construed to prevent the Commission from disclosing information concerning the status of a compliance matter to the complainant in that matter if this would aid the efficient conduct of Commission business, provided that the complainant signs an agreement not to disclose any of the information before it is made public by the Commission under 11 CFR 111.22. The agreement shall state that public disclosure by the complainant of the information provided constitutes a violation of 2 U.S.C. 437g(a)(12). Nothing in these regulations shall preclude the Commission from making publicly available copies of complaints properly filed with the Commission. See 11 CFR 111.24 regarding ex parte communications concerning complaints.

(d) (1) A respondent may waive his or her privilege of confidentiality in a compliance matter by so informing the Commission in writing.

(2) If a respondent waives his or her privilege of confidentiality, any person may request the Commission release information relating to the compliance matter. The request must be made in writing.

(3) The Commission will consider the request in accordance with the Freedom of Information Act, the Government in the Sunshine Act, and all relevant privileges which may limit or preclude the release of any or all information requested. The Commission will only release information which pertains to the respondent waiving confidentiality, and which is reasonably segregable from information pertaining to all other respondents in the compliance matter.

§ 111.24 Ex parte communications.

(a) In order to avoid the possibility of prejudice, real or apparent, to the public interest in compliance matters pending before the Commission pursuant to 11 CFR part 111, except to the extent required for the disposition of ex parte matters as required by law (for example, during the normal course of an

investigation or a conciliation effort), no interested person outside the agency shall make or cause to be made to any Commissioner or any member of any Commissioner's staff any ex parte communication relative to the factual or legal merits of any compliance matter, nor will any Commissioner or member of any Commissioner's staff make or entertain any such ex parte communications.

(b) The prohibition of this regulation shall apply from the time a complaint is filed with the Commission pursuant to 11 CFR part 111 or from the time that the Commission determines, on the basis of information ascertained in the normal course of its supervisory responsibilities, that it has reason to believe that a violation has occurred or may occur pursuant to 11 CFR part 111, and remains in force until the Commission has finally concluded all action with respect to the compliance matter in question.

(c) Nothing in this section should be construed to prohibit contact between a respondent or respondent's attorney and any attorney or staff member of the Office of General Counsel in the course of representing the Commission or the respondent with respect to a compliance matter or civil action. No statement made by such a Commission attorney or staff member during any communication shall bind or estop the Commission in any way.

§ 111.25 Representation by counsel; notification.

(a) If a respondent or witness wishes to be represented by counsel with regard to any compliance matter pending before the Commission, the respondent or witness shall so advise the Commission by sending a letter of representation signed by the respondent or witness, which letter shall state the following:

(1) The name, address, and telephone number of the counsel; and

(2) A statement authorizing such counsel to receive any and all notifications and other communications from the Commission on behalf of the respondent or witness.

(b) The Commission will have no contact with any person claiming to represent a respondent or witness until receipt of a letter of representation. Upon receipt of a letter of representation, the Commission will have no contact with the respondent or witness except through the designated counsel, unless authorized in writing by the respondent or witness.

(c) The Commission will continue to contact only the designated counsel until notified in writing by either the designated counsel or the respondent or the witness that the designated counsel has withdrawn from representing the respondent or witness or that the designation has been withdrawn by the respondent or witness. A withdrawal does not affect the validity of any actions taken or statements made by the designated counsel on behalf of the respondent or witness. The withdrawal also does not in itself revoke any pending conciliation offers submitted to the Commission by that counsel. Upon receipt of a notification of withdrawal, the Commission will communicate with only the respondent or witness until it receives another letter of representation in accordance with paragraph (a) of this section.

§ 111.26 Extension of time; Untimely filing.

(a) Whenever a person has a right or is required to take action within a period of time prescribed by this Part or by notice given thereunder, the person may apply to the Commission for an extension of time in which to exercise such right or take such action.

(b) All requests for extensions of time under this Part shall:

(1) Be made in writing;

(2) State specifically the amount of additional time requested and the reason(s) such an extension is necessary; and

(3) Be filed with the Commission no later than five (5) days prior to the last date to exercise the right or take the action. A request for an extension of time to comply with a subpoena or order does not extend the time for filing a motion to quash or modify the subpoena or order. A request for an extension of time to file a motion to quash or modify a subpoena or order shall be filed with the Commission no later than three (3) days after the date of receipt of the subpoena or order.

(c) Requests for extensions of time will not be routinely granted and will not be granted unless the requests are founded on good cause.

(d) The length of time of any extension granted under this section will be determined by the Commission or the General Counsel. The Commission or the General Counsel may grant extensions of time for a shorter length of time than that sought by the requester. The reasons stated in a request for an extension of time will be taken into consideration in determining whether the request is granted, and if so, the length of time allowed.

(e) Requesting an extension of time does not automatically stay any previously established due date. Any extension of time which is granted will run from the previous due date, not from the date on which the extension of time is granted.

(f) Absent extraordinary circumstances, respondents' briefs received after the due date will not be considered by the Commission.

§ 111.27 Liability of treasurers and candidates.

(a) *Commission findings.* In all compliance matters in which the Commission makes reason to believe or probable cause to believe findings against a political committee, the Commission will also name the current treasurer of the political committee in the findings whether or not the alleged violation(s) occurred during the tenure of the current treasurer. Except as provided in paragraph (c)(2) of this section, the treasurer of a political committee will be named in the findings only in his or her official capacity as a representative of the political committee and will not be named as a respondent in an individual capacity. The Commission will name in the findings the treasurer listed in the last Statement of Organization filed by the political committee. In compliance matters in which the Commission makes reason to believe or probable cause to believe findings against an authorized committee, the Commission will not name the candidate in the findings unless there are indications that the candidate had personal knowledge of, or was actively involved in, the actions which resulted in the alleged violation(s), or the candidate is listed as or is acting as the treasurer.

(b) *Substitution of successor treasurers and individuals acting as treasurers.* If at any point during the compliance process the treasurer originally named in the findings by the Commission resigns, dies or otherwise ceases to hold that position, the Commission will substitute the new treasurer in his or her official capacity as a representative of the political committee. If the political committee's treasurer of record ceases to perform the duties of treasurer, and another individual performs some or all of those duties, the individual may be named in his or her capacity acting as treasurer of the political committee.

(c) *Liability*—(1) *Treasurer liability for actions taken in official capacity.* The Commission may find reason to believe or probable cause to believe that the treasurer violated the Act or Commission regulations if the Act or Commission regulations impose a specific responsibility on the treasurer or the political committee.

(2) *Individual liability of treasurers and candidates for certain actions.* In addition to the findings made under paragraph (c)(1) of this section, the Commission may find reason to believe or probable cause to believe that the treasurer or the candidate violated the Act or Commission regulations if the treasurer or candidate had personal knowledge of, or was actively involved in, the actions which resulted in the violation(s).

(3) *Liability of preceding treasurers.* The Commission may find reason to believe or probable cause to believe that a preceding treasurer violated the Act or Commission regulations under paragraph (c)(2) of this section whether or not another individual is the successor treasurer or is acting as treasurer.

Dated: July 1, 1993.

Scott E. Thomas,

Chairman, Federal Election Commission.

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July 8, 1993

Part V

National Institute for Literacy

Application for New Award for Establishment of the National Center for Adult Literacy and Learning Disabilities for Fiscal Year 1993; Grants Availability; Notice

NATIONAL INSTITUTE FOR LITERACY

[CFDA No.: 84.257]

Application for New Award for Establishment of the National Center for Adult Literacy and Learning Disabilities for Fiscal Year 1993

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all the information, application forms, regulations, and instructions needed to apply for a cooperative agreement under this competition.

AGENCY: The National Institute for Literacy.

ACTION: The National Institute for Literacy invites applications for a new award for Fiscal Year 1993 to support the establishment of a National Center for Adult Literacy and Learning Disabilities.

DEFINITIONS: For purposes of this announcement the following definitions apply:

"Adult Literacy System" All public and private programs and organizations providing or seeking to provide adult literacy or basic skills instruction, including local educational agencies, agencies responsible for corrections education, programs supported by the Job Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations. (As stated in the National Literacy Act of 1991.)

"Literacy" An individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals and develop one's knowledge and potential. (Act, 1991)

"Screening" A process for recognizing learning disabilities through series of questionnaires or relevant tests.

"Remediation" The process of helping adults with learning disabilities achieve literacy skills. Remediation is not used here in the sense of "cure," since there is no known cure for learning disabilities. There are techniques and approaches to learning that reportedly enable persons with learning disabilities to obtain and maintain information, or to contain and control the impact of the disabilities. However, remediation in this document means using the right tools and techniques to assist adults with learning disabilities in obtaining literacy skills. "Remediation" also means accommodation, as the term is used in the Americans with Disabilities Act—that is, steps taken to enable the participation of persons with disabilities in program and employment opportunities that could otherwise be denied to them solely based on their disability.

PURPOSE OF PROGRAM: The National Institute for Literacy proposes to establish a National Center for Adult Literacy and Learning Disabilities to assure that awareness of learning disabilities becomes an integral part of policy and program planning for adult literacy efforts. The National Institute for Literacy expects to work in a close collaborative relationship with the Center to further the understanding that learning disabilities have a direct impact on all efforts to achieve Goal 5 of the National Education Goals and to assure that adults with learning disabilities can "develop the skills and knowledge necessary to compete in a global economy and exercise the rights and responsibilities of citizenship."

This announcement outlines a 5-year cooperative agreement with an initial award for up to 3 years with an option for 2 additional years, subject to program authorization and availability of appropriations. A non-competing proposal will be required to exercise the option for years 4 and 5. The award will be to develop and operate a Center for Adult Literacy and Learning Disabilities. The overall goal of NIFL is to maximize the effectiveness of local literacy services nationwide. The Center will further this goal by helping NIFL enhance the capacity of all literacy service providers to identify and teach adults with learning disabilities.

This announcement responds to a Congressional request that the NIFL establish a center to "develop a battery of tests for the diagnosis of learning disabilities in adults and intervention strategies to address these disabilities." The NIFL has decided that the intent of Congress would be best served through a Center that focuses on:

(1) Enhancing awareness among literacy practitioners, policymakers, researchers, and adult learners about the nature of learning disabilities and their impact on the provision of literacy services.

(2) Building the capacity of literacy practitioners to serve adults with learning disabilities through training and technical assistance in current best practices for screening and remediation.

(3) Producing and refining knowledge of what works best under what conditions for what types of learner through use of broad field-based research on effective practices for assessing and serving adults with learning disabilities.

(4) Eliminating duplication of effort by using or creating linkages and partnerships among programs and agencies with concern for adult literacy and learning disabilities.

The Director is particularly interested in applicants who develop a five year strategic plan for collaborating with the NIFL to produce the following results for the adult literacy system, including programs supported by the Departments of Education, Labor and Health and Human Services:

1. A universal understanding about learning disabilities and their implications for literacy instruction;
2. A "tool kit" for literacy practitioners that includes a variety of simple, inexpensive, validated intake screening devices and tested instructional approaches for identifying and teaching adults with learning disabilities;
3. A knowledge base about what literacy practices work with what populations of adults with which learning disabilities under what circumstances and in what settings, and a mechanism for continually updating that knowledge;
4. Institutionalized capacity in all states, primarily through State Literacy Resource Centers, to train literacy practitioners in—

a. Identifying and teaching adults with learning disabilities, and

b. Conducting field-based research and development to clarify the different learning styles and teaching methodologies for adults with various specific learning disabilities.

The Center will function in close collaboration with the NIFL and, to the extent possible, will accomplish its objectives through the use of existing NIFL systems for communication, information collection and dissemination, training and technical assistance, and other mutually agreed-upon functions.

For a fuller discussion of the National Institute for Literacy and issues related to the creation of the Center, see **SUPPLEMENTARY INFORMATION.**

PLAN OF OPERATION: The applicant must develop a five-year plan that addresses, for each year, NIFL's goals for the Center, as set forth below. This plan should not exceed fifteen (15) single-spaced pages, or thirty (30) double-spaced pages. The plan may be amplified by material in attachments and appendices, but the body should stand alone to give a complete picture of the Center. Proposals which exceed 15 single-spaced pages or 30 double-spaced pages will not be reviewed.

In addressing the goals, the plan must demonstrate how the applicant will:

- Work collaboratively with the NIFL;
- Work with the state literacy resource centers, especially in the areas of information dissemination, training, and technical assistance;
- Address all goals set forth below in an integrated way;
- Use or create linkages and partnerships that provide for the involvement of State and local literacy-related agencies, especially those supported by ED, DOL, and HHS, in all stages of planning and implementation; and
- Assure input from interested public and private organizations and consumer groups in the area of literacy and learning disabilities, especially universities and other institutions that have done related work.

The plan shall include the following information:

Center Goals: The NIFL has established the following goals to be achieved by the Center within 5 years:

1. To help literacy stakeholders achieve and act on a functional understanding of learning disabilities and their implications for adult literacy practice, with the following results:

a. Literacy students with learning disabilities will be better able to learn.

b. Literacy practitioners will be better able to teach adults with learning disabilities;

c. Literacy program administrators will structure programs and service delivery accordingly;

d. Researchers will reflect this understanding in their research questions and designs; and

e. Federal and State policymakers will incorporate appropriate provisions into public policy;

The applicant must explain how it will work with the NIFL to—

—determine the information needs of each group of stakeholders and what form the information should take;
—prepare the necessary information for each group;
—disseminate the information to each group; and
—document the success of its strategy.

2. To develop a "tool kit" for the screening and remediation of adults with learning disabilities for use by literacy practitioners in every state. The tool kit will include—

a. Simple, inexpensive, validated intake screening devices for identifying learning disabilities in adults seeking literacy services.

The applicant must explain how the screening devices will be—

—designed or refined taking into account all available relevant information, including the results of prior NIFL grants;
—tested and piloted in the full range of literacy programs;
—designed to be appropriate for administration by both professional and non-professional staff in the broad range of literacy programs; and
—acceptable to the literacy-related programs of all Federal agencies, such as ED/ABE, DOL/JTPA, and HHS/JOBS, as part of their client intake process.

b. A diverse set of "best practices" in teaching adults with learning disabilities that have been validated through field-based research in a wide range of literacy programs to determine what works best with what populations of adults, with which learning disabilities, and under what conditions.

With regard to such best practices, the applicant must detail a field-based research design that includes plans for—

—collecting and disseminating information about current practices in years 1, 2, and 3;
—testing practices in the full range of literacy programs, with provisions for training practitioners in data collection, from year 2 on; and
—refining and disseminating tested practices from year 2 on.

3. To fully utilize systems established in every state for training literacy practitioners in the use and refinement of best practices for identifying and teaching adults with learning disabilities. These systems will provide for—

a. training practitioners in the use of the tool kit (i.e., how to screen, which practice to use, how and with which adults);

b. training practitioners in field-based research techniques; and

c. continuous refinement of best practices.

The applicant must describe a design for working with State Literacy Resource Centers to:

—Increase understanding of the connection between literacy and learning disabilities;
—Collect information from local service providers about best practices in screening and remediation; and
—Develop ways of training local literacy service providers in—using "best practices" in screening and remediation; and
—conducting field-based research on screening and remediation "best practices."

In addition to addressing the above goals, the applicant must also develop the following plans:

1. An evaluation plan that—

a. Discusses the anticipated significance and impact of the Center's activities and how they will be confirmed and reported.

b. Identifies an external evaluator, and describe specific plans for using this evaluator to conduct formative and summative evaluations of Center activities.

c. Describes provisions for peer review of all curriculum, training, and technical assistance methods and materials developed through Center activities.

d. Summarizes the anticipated outcomes of the Center based on the goals set by the NIFL.

e. Explains how representative constituencies will be involved throughout the implementation process.

f. Describes and justifies the methods used to ensure that the Center's work is of high quality as evaluated by the above procedures.

2. An organization and management plan that—

a. Describes the administrative mechanisms that will be used to organize and manage the Center.

b. Indicates how the Center will work collaboratively with the NIFL and the assigned Center Liaison.

c. Describes any partnership, consultant or subcontract arrangements, with the rights and responsibilities of each party set forth clearly.

d. Identifies key staff members and describes their specific roles.

e. Describes cost-sharing, cooperative funding, and other financial arrangements. [Cost sharing is not a requirement for this Notice].

3. A work plan that—

a. Summarizes, in a table or diagram, the scheduling of major tasks or milestones, including estimates of funds, time, personnel, facilities, and equipment allocated to each activity of the Center.

b. Presents a schedule for progress and other reports, meetings, and other significant events.

Center Communication, Liaison and Governance: The Plan of Operation must also take into account the following:

Telecommunications Network. The Center must explain how it will provide a seamless interface with the Institute's proposed national database, and include provisions for file transfer, electronic bulletin board, on-line database search capability, fast response surveys, reporting and electronic conferences.

NIFL Center Liaison. The NIFL will appoint a Center for Adult Literacy and Learning Disabilities liaison who will work closely with Center management in day-to-day activities, attend meetings, and conferences, and conduct on-site work reviews and analyses. The Liaison will work within the NIFL offices in Washington, DC and will report directly to the Director of the National Institute for Literacy.

NIFL Advisory Committee. The NIFL will create an advisory committee to:

(1) Give advice and assistance in the development of the Center's activities;

(2) Develop a coordinated approach to lifelong learning for adults with learning disabilities at all levels—Federal, State and local; and

(3) Assist the NIFL in developing national policy to ensure coordination

and collaboration among agencies and offices.

APPLICABLE REGULATIONS: The National Institute for Literacy is subject to the rulemaking requirements of the Administrative Procedures Act (APA). Under the APA, as now codified in Title 5 of the United States Code, section 553, matters relating to public property, loans, grants, benefits, or contracts are not subject to the rulemaking requirement of that section. The National Institute for Literacy is now in the initial stages of establishing a new program recently authorized by Congress and must obligate funds under this authority by September 30, 1993. The National Institute for Literacy considered waiving this exemption to rulemaking requirements but determined that there was too little time to propose rules and offer applicants a reasonable amount of time to prepare applications for the award announced in this notice. Therefore, the National Institute for Literacy has adopted the following rules for the conduct of this competition and the resulting award.

The following regulations of the Department of Education apply:

34 CFR part 74, Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations. The following provisions of 34 CFR part 75: §§ 75.50, 75.51, 75.102–75.104, 75.109, 75.117, 75.190–75.192, 75.200, 75.201, 75.215. 34 CFR part 77, Definitions.

34 CFR part 80, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

34 CFR part 82, New restrictions on Lobbying.

34 CFR part 85, Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

The selection criteria used for this competition are set out in this Notice. While the criteria are patterned on those used generally by the Department of Education, they have been adapted by the National Institute for Literacy to meet the needs of this program.

While the National Institute for Literacy is associated with the Departments of Education, Labor, and Health and Human Services, the policies and procedures regarding rulemaking and administration of grants are not adopted by the National Institute for Literacy except as expressly stated in this Notice.

Selection Criteria: (a)(1) In evaluating applications for a cooperative agreement under this competition, including the Plan of Operation and other required information, the Director uses the following selection criteria.

(2) The maximum score for all of the criteria in this section is 100 points.

(3) The maximum score for each criterion is indicated in parentheses with the criterion.

(b) The Criteria—(1) *Plan of Operation.* (40 points) The Director reviews each application to determine the quality of the Center's design, as well as the quality of the five-year plan for developing an appropriate, coherent, and effective program to achieve the Center's goals, including—

(i) The extent to which the design for the Center facilitates the accomplishment of NIFL's goals for the Center;

(ii) The extent to which the plan for each of the five years reflects an understanding of the major tasks necessary to achieve the NIFL's goals for the Center, which are—

1. To help literacy stakeholders achieve and act on a functional understanding of learning disabilities and their implications for adult literacy practice.

2. To develop a "tool kit" for the screening and remediation of adults with learning disabilities for use by literacy practitioners nationwide.

3. To assist in creating and implementing state systems for training literacy practitioners in the use and refinement of best practices for identifying and teaching adults with learning disabilities;

(iii) The extent to which the plan addresses the specific steps to be taken in accomplishing each of NIFL's goals for the Center in each of the five years;

(iv) The extent to which the plan includes specific methods by which the Center will—

1. Work collaboratively with the NIFL;

2. Work with the SLRCs, especially in the areas of information dissemination, training, and technical assistance;

3. Address all goals in an integrated way;

4. Use or create linkages and partnerships that provide for the involvement of State and local literacy-related agencies; and

5. Assure input from interested public and private organizations and consumer groups in the areas of literacy and learning disabilities;

(v) The extent to which the plan ensures proper and efficient organization and management of the project, including the best use of resources and personnel;

(vi) The quality of proposed strategies for providing national leadership in carrying out the Center's mission.

(vii) The quality of the work plan outlined in the application.

(2) *Technical Soundness.* (20 points) The Director reviews each application to determine the technical soundness of the proposed Center, including;

(i) The extent to which the applicant demonstrates a thorough knowledge of current issues in adult literacy and learning disabilities as they relate to the mission of the Center,

(ii) The extent to which the applicant demonstrates knowledge of current best practices being used in screening and remediation efforts for adults with learning disabilities.

(iii) The quality of the design and methodologies to be used in the Center's field research efforts; and

(iv) The quality of plans to establish effective working relationships with other related organizations as required for the achievement of the Center's goals.

(3) *Institutional Capability.* (15 points) The Director reviews each application to determine the capability of the applicant to create and maintain a long-term, high-quality, coherent program of demonstration, dissemination and research in achieving the Center's mission, including:

(i) The applicant's experience working with adults with literacy needs, persons with learning disabilities, low-income clients of programs funded by agencies such as ED, HHS, and Labor, and culturally diverse populations;

(ii) The applicant's experience with field-based research; and

(iii) The applicant's experience in developing materials and methods for training and technical assistance in the areas of best practices.

(4) *Quality of key personnel.* (10 points) The Director reviews each application to determine the quality of key personnel for the Center, including:

(i) The qualifications of the project director and each of the other key personnel to be used in the Center, especially with regard to their experience and training in fields related to the goals of the Center;

(ii) The adequacy of time that each of the key personnel will spend on Center Activities; and

(iii) The applicant's policy, as part of its nondiscriminatory employment practices, to ensure that its personnel are selected for employment without regard to race, color, national origin, religion, gender, age, or disability.

(5) *Budget and cost effectiveness.* (5 points) The Director reviews each application to determine the extent to which:

(i) The budget is adequate to support Center activities; and

(ii) Costs are reasonable in relation to the objectives of the Center; and

(6) *Evaluation Plan.* (10 points) The Director reviews each application to determine the quality of the formative and summative evaluation plan for the Center, including:

(i) The quality of the plan for using an external evaluator;

(i) The quality of the peer review process for evaluating instruments and products produced by the Center;

(ii) The quality of the methods to be used to document the Center's progress in relation to its mission and goals; and

(iii) The methods which will be used to document the impact of the Center's program on its target audiences.

SELECTION OF APPLICATIONS: The Director uses 34 CFR 75.217 in selecting an application for award.

OTHER APPLICATIONS REQUIREMENTS: The application shall include the following:

Project Summary: The proposal must contain a 200-word summary of the proposed Center suitable for publication. It should not be an abstract of the proposal, but rather a self-contained description of the activities that would explain the proposal. The summary should be free of jargon and technical terminology, and should be understandable by a non-specialist reader.

Budget Proposal: The budget proposal should be bound in a separate document. A summary budget should be prepared for 5 years of work. While we recognize the difficulty of predicting research activities for the out years, complete and detailed budgets are expected for the first three years of work. The budget proposal must also contain a budget for each year of requested support and a cumulative budget for the full term of the cooperative agreement. In addition to submitting a budget for the Center as a whole, applicants should prepare separate budgets for individual activities.

Personnel items should include the names (or position titles) of key staff, number of hours, and applicable hourly rates. Discussion of equipment, supplies, and travel should include both the cost and the purpose and justification. Budgets should include all Center costs and should identify contributed costs, and support from other sources, if any. Sources of support should be clearly identified in all instances. The financial aspects of any cost sharing and joint or cooperative funding by members of a partnership formed for purposes of the proposal should be shown in a detailed budget for each party. These budgets should reflect the arrangements among the parties, and should show exactly what cost-sharing is proposed for each budget item. The budget form may be reproduced as needed.

Facsimiles may be used, but do not make substitutions in prescribed budget categories. Additional pages for budget explanation and amplification should be attached and must be consistent with the data and categories on the budget form. All budget requests must be documented and fully justified.

Applications should provide a detailed breakdown for each cost category in the budget summary.

Applications should indicate all direct and indirect costs that the host agency will require of the Center. It should also indicate in detail all resources, whether cash or in-kind, that the applicant or others will provide to the Center over and above the funds provided by the National Institute for Literacy. [Note: Matching is not required for this announcement].

Disclosure of Prior Institute Support: If the Project Director(s) has received Institute funding in the past year, the following information on the prior award is required:

- NIFL award number, amount and period of support;
- A summary of the results of the completed work; and
- A brief description of available materials and other related research products not described elsewhere.

If the applicant has received a prior award, the reviewers will be asked to comment on the quality of the prior work described in this section of the proposal.

Current and Pending Support: The applicant should list major sources of support from Federal, State, or local government agencies, private foundations, and commercial organizations. The list must include the proposed project and all other projects requiring a portion of time of the Project Director and other senior personnel, even if they receive no salary support from the project(s). The number of person-months or percentage of effort to be devoted to the projects must be stated, regardless of source of support. Similar information must be provided for all proposals that are being considered by or will be submitted soon to other sponsors.

If the project now being submitted has been funded previously by another source, the information requested in the paragraph above should be furnished for the immediately preceding funding period. If the proposal is being submitted to other possible sponsors, all of them must be listed. Concurrent submission of a proposal to other organizations will not prejudice its review by the Institute.

Any fee proposed to be paid to a collaborating or "partner" for-profit entity should be indicated. (Fees will be negotiated by the Grants Officer.) Any copyright, patent or royalty agreements (proposed or in effect) must be described in detail, so that the rights and responsibilities of each party are made clear. If any part of the project is to be subcontracted, a budget and work plan prepared and duly signed by the subcontractor must be submitted as part of the overall proposal and addressed in the narrative.

ELIGIBLE APPLICANTS: The following are eligible for a new award under this program: Public and private non-profit institutions, agencies, organizations; consortia of such institutions, agencies or organizations; and individuals.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: August 16, 1993.

AVAILABLE FUNDS: This Center will be awarded as a cooperative agreement. In Fiscal Year 1993, $500,000 is available for the Center for Adult Literacy and Learning Disabilities for the first year of funding. Funding levels for years 2 through 5 depend upon program authority, the availability of funds, and needs as reflected in the approved application.

ESTIMATED NUMBER OF AWARDS: 1.

Note: The National Institute for Literacy is not bound by any estimates in this Notice.

PROJECT PERIOD: Up to 60 months.

INSTRUCTIONS FOR TRANSMITTAL OF APPLICATIONS:

(a) To apply for a cooperative agreement—

(1) Mail the original and ten (10) copies of the application on or before the deadline date of August 16, 1993, to: National Institute for Literacy, 800 Connecticut Avenue, NW; Suite 200, Washington, DC 20006, Attention: (CFDA #84.257).

(2) Hand deliver the application by 4:30 p.m. (Washington, DC time) on the deadline date to the address above.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(c) If an application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The National Institute for Literacy will mail a Grant Applicant Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the National Institute for Literacy at (202) 632–1500.

(3) The applicant must indicate on the envelope and in Item 10 of the application for Federal Assistance (Standard Form 424) the CFDA number of the competition under which the application is being submitted.

APPLICATION FORMS: The appendix to this announcement is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions.

Part III. Application Narrative.

Additional Materials:

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying; Debasement, Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements (ED 90–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of recipients and should not be transmitted to the National Institute for Literacy.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances and the certifications. However, the application form, the assurances, and certifications must each have an original signature. No award can be made unless a completed application has been received.

GRANT ADMINISTRATION: The administration of the cooperative agreement for the Center for Learning Disabilities is governed by the conditions of the award letter. The Education Department General Administrative Regulations, (EDGAR) 34 CFR parts 74, 75, 76, 77, 79, 80, 81, 82, 85 and 86 (July 1, 1992), set forth administrative and other requirements. This document is for sale through the Superintendent of Documents, Government Printing Office, Washington, DC 20402. The telephone number is (202) 783–3288 for subscription information. It is recommended that appropriate administrative officials become familiar with the policies and procedures in the EDGAR which are applicable to this award. If a proposal is recommended for an award, the Grants official will request certain organizational, management, and financial information.

The following information on grant administration deals with questions that project directors often raise.

General Requirement: Grants and Cooperative Agreements for Federal financial assistance are subject to certain general requirements, such as compliance with the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990 and other laws and regulations prohibiting discrimination; drugfree workplace requirements; restrictions on lobbying; patent and copyright requirements; cost sharing; and the use of U.S. flag carriers for international travel. These are summarized in the Grant General Conditions. The appropriate terms and conditions will accompany notification of award.

Prior Approval Requirements: Prior written approval from NIFL is required for transferring a significant part of the Center activities; making a major change in objectives or scope; making a change in the project director or level of effort; making rearrangements or alterations costing $10,000 or more; and transferring funds from participant support. These changes require prior NIFL approval.

Transfer of Project Director: When a Project Director plans to leave an institution during the course of an award, the institution has the prerogative to nominate a replacement or request that the award be terminated and closed out. Replacement of the project director is subject to NIFL approval. In those cases where a particular project director's participation is integral to a given project and the original and new institutions agree, the NIFL will facilitate a transfer of the award and the assignment of remaining unobligated funds to the project director's new institution.

Suspension or Termination of Award: NIFL grants and cooperative agreements may be suspended or terminated in accordance with the procedures contained in the Grant General Conditions. Termination may be by mutual agreement. Termination by mutual agreement shall not affect any commitment of funds that, in the judgment of the Institute and the grantee, had become firm before the effective date of the termination.

Reporting: In addition to working closely with the NIFL Liaison, the applicant will be required to submit an annual report of activities. This annual report will be presented to the NIFL staff, the National Institute Advisory Board and Interagency Group. Detailed specifications for the annual report will be provided to the Center within 3 months after the award. For planning purposes, the applicant may assume that the following information will be provided:

- Project(s) Title
- Project Abstract

A concise narrative describing in layman's language the subject, purposes, methods, expected outcomes (including products), and significance of the project

- Significant Products

A list of significant products (as described in the applicant) associated with the Center, together with bibliographic information

- Significant Accomplishments

A past-tense abstract that describes the Center's findings and accomplishments, known uses of these findings and accomplishments, and evidence of positive impact

The Center must also submit the following reports:

- Quarterly Performance

A brief 2-3 page report of progress Due: Within 20 days of the end of the 1st, 2nd, and 3rd quarter of each year.

- Annual reports are due within 20 days of the end of the 4th quarter, except that the annual report for year-3 shall be in the form of a Continuation Application.

Contents to be determined by the NIFL Due: By the end of the 3rd quarter of year-3

- Final Report

Due: 90 days after the expiration of or termination of support.

Electronic Submission of Proposals and Reports: The NIFL is exploring the feasibility of receiving reports and proposals using technology that will be part of the National Literacy Database.

Further information about this activity will be provided by the Institute during year one of the award.

Continuation Proposal: Following year 3 of the award, and to receive funding for years 4 and 5, the recipient is required to submit a continuation proposal. The proposal should describe significant activity during the past three years, and explain what will be accomplished during the next award. This proposal should also contain projections of work for the next year.

Acknowledgment of Support and Disclaimer: An acknowledgment of the NIFL support and a disclaimer must appear in publications of any material, whether copyrighted or not, based on or developed under NIFL-supported projects:

This material is based upon work supported by the National Institute for Literacy under Grant No. (grantee should enter NIFL grant number).

Except for articles or papers published in professional journals, the following disclaimer should be included:

Any opinion, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Institute for Literacy.

Use of Name and Intellectual Property: With regard to the funded entity under the cooperative agreement to be called "The National Center for Adult Literacy and Learning Disabilities:"

(1) The National Institute for Literacy shall retain title to the above named entity. The recipient shall surrender and cease to use same upon request of the National Institute for Literacy.

(2) The recipient shall not engage the named entity in any activities funded by any other sources without specific written notice to and approval from the National Institute for Literacy; and

(3) Intellectual property rights shall be claimed by the recipient only if granted in writing by the National Institute for Literacy.

Questions concerning the use of the name and intellectual property shall be referred to the Grants Officer.

FOR FURTHER INFORMATION CONTACT: Victor Westbrook, Director, Contracts and Grants, National Institute for Literacy, 800 Connecticut Avenue, NW., suite 200, Washington, DC 20006. Telephone: 202–632–1500. FAX: 202–632–1512. Individuals who use a telecommunications device for the deaf (TDD) may call 202–632–1529 between the hours 8 a.m. and 5 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION

I. Background

National Institute for Literacy: In 1990 the President and the Nation's Governors adopted National Education goals that included an ambitious agenda for adult literacy and life-long learning. Goal Five states that:

By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

To further the goal of improving literacy in the United States, the Congress passed Public Law 102–73, the National Literacy Act of 1991, which is the first piece of national legislation to focus exclusively on literacy. The overall intent of the Act, as stated, is:

To enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives and to strengthen and coordinate adult literacy programs.

In designing the Act, among the primary concerns shared by the Congress and literacy stockholders was the fragmentation and lack of coordination among the many efforts in the field. To address these concerns, the Act created the National Institute for Literacy to:

(A) Provide a national focal point for research, technical assistance and research dissemination, policy analysis and program evaluation in the area of literacy; and

(B) Facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

The Act also provided for State Literacy Resource Centers funded through the Governors' offices to provide support to all local literacy programs and to act as reciprocal links with the NIFL in a national support system for literacy. The NIFL will serve as the hub of this national effort to build literacy programs and delivery systems that work for adults in need. To achieve its goals the NIFL has established the following priorities:

Building awareness and strengthening coordination for literacy at the national level. The NIFL will work with the White House, Congress, and key federal agencies to integrate literacy into the national agenda for achieving key domestic and economic goals.

Building literacy capacity at the State level. The NIFL will assist State efforts to build integrated adult learning systems that can meet the needs of all adults, primarily through its links with SLRCs. The NIFL will focus especially on helping SLRCs to provide training, information dissemination, and program coordination for local literacy practitioners.

Creating a national research agenda for literacy. The Institute will assess the extent of our collective knowledge about how adults learn and how best to serve them, and will develop a collaborative research effort to extend that knowledge.

Establishing an information and telecommunications system for literacy. The NIFL will create an information and electronic communications system that permits it to carry out its other goals and to become the national resource on the knowledge base in literacy.

II. Magnitude of the Issue

In creating the National Literacy Act of 1991, Congress demonstrated its concern about the high costs that accrue to the nation as a whole when so many people are unable to achieve their full potential because of limited literacy skills. The Literacy Act estimates that 30 million adults may fit into this category and that the estimated costs to the nation are upwards of $250 billion per year. There is a growing awareness that many Americans with literacy problems may in fact have learning disabilities which are causing or intensifying their literacy problems.

As is the case with literacy needs, learning disabilities are "invisible," and developing a universally acceptable definition has been a difficult and controversial process. In 1987, the Interagency Committee on Learning Disabilities offered the following definition:

Learning disabilities is a generic term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities or of social skills. These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur concurrently with other handicapping conditions (e.g., sensory impairment, mental retardation, social and emotional disturbance), with socioenvironmental influences (e.g. cultural differences, insufficient or inappropriate instruction, psychologic factors), and especially attention deficit disorder, all of which may cause learning problems, a learning disability is not the direct result of those conditions or influences.

While we do not know what percentage of adults with literacy needs have learning disabilities, there is widespread agreement that the number of adult literacy students with learning disabilities is substantial and that the

provision of literacy services is seriously affected by this overlap. Strong indications of the connection between literacy problems and learning disabilities can be found in the data of many related fields.

Current State of Knowledge: There is widespread agreement about the need for simple, inexpensive, validated screening devices to identify learning disabilities in adults. At present literacy practitioners generally have two choices in types of screening tests, each with serious drawbacks:

1. Models that are expensive and time-consuming, which limits their utility for most literacy providers and their clients.

2. Small-scale, untested models that are not accepted as valid by many institutions and programs.

With regard to instructional models, there is also widespread agreement about the need to know more about what works with which populations. Some of the potential difficulties in identifying best practices for adults with learning disabilities are suggested by past research on similar programs for children. In its 1993 request for applications for the development of remediation programs for children with learning disabilities, the National Institute for Child Health and Human Development (NICHD) of the Department of Health and Human Services makes statements that are likely to hold true for adults as well:

"Review of the literature related to * * * learning disabilities suggest that no single treatment/intervention approach or method is likely to yield clinically significant, long-term therapeutic gains in heterogeneous groups of LD children. Likewise, even in homogeneous groups * * * members differ significantly in their development of requisite skills * * *. This suggests that not all children fail to develop oral and written language skills for the same reasons and, as such, will not respond equally well to the same treatment or multi-modality approach. Unfortunately, to date, there exists scant scientific support for the use of particular treatment/interventions or combinations of treatment with different types of oral or written language disabilities."

Some of the reasons identified by NICHD for the lack of valid information about remediation for learning disabilities include—

(1) Faulty definition of learning disabilities,

(2) Lack of isolation of learning disabilities vis a vis other factors,

(3) Poorly described and defined treatment models, and faulty explanation of treatment model development,

(4) Short duration of both service delivery and tracking of impact,

(5) Failure to account for impact of other interventions, including medical interventions, and

(6) Failure to evaluate differences in retention rates for those who were maintained in specialized training and those who transferred to a more generalized educational setting.

However, faulty research—or the lack of research altogether—does not speak to the quality of the treatment. There are models currently in use for screening and remediation of learning disabilities that can be described as "best practices." These provide a point of departure for beginning the effort to help literacy practitioners incorporate the treatment of learning disabilities into service delivery.

Instructions for Estimated Public Reporting Burden. Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing the Act, the National Institute for Literacy invites comments on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 120 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and disseminating the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the National Institute for Literacy, and the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

(Information collection approved under OMB control number 3200–0019, Expiration date: June 1994)

Program Authority: 20 U.S.C. 1213c.

Lilian Dorka,

Acting Interim Director.

BILLING CODE 6055–01–M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ▪ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item	Entry
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: —"New" means a new assistance award. —"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. —"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
Prescribed by OMB Circular A-102

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Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All aplications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary Lines 1–4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in Columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Line 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or

supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable timeframe after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333) regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions of State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research,

development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Siginature of Authorized Certifying Official

Title

Applicant Organization

Date Submitted

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title,

to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202–4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Drug-Free Workplace (Grantees Who Are Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202–4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant

PR/Award Number and/or Project Name

Printed Name and Title of Authorized Representative

Signature

Date

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred,

suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name of Applicant

PR/Award Number and/or Project Name

Printed Name and Title of Authorized Representative

Signature

Date

Instructions for Completion of SF–LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF–LLL–A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name of description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number, the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP–DE–90–001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF–LLL–A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0046), Washington, D.C. 20503.

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known:* Congressional District, *if known:*	Congressional District, *if known:*
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable:* _____
8. Federal Action Number, *if known:*	9. Award Amount, *if known:* $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply):*	13. Type of Payment *(check all that apply):*
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply):* ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

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DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

[FR Doc. 93–16147 Filed 7–7–93; 8:45 am]
BILLING CODE 6055–01–C

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federal register

Thursday
July 8, 1993

Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Part 108

Security Directives and Information Circulars; Disposition of Comments to Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 108

[Docket No. 25953; Amdt. No. 108-6]

RIN 2120-AD14

Security Directives and Information Circulars

AGENCY: Federal Aviation Administration, DOT.

ACTION: Disposition of comments to final rule.

SUMMARY: On July 6, 1989, the Federal Administration (FAA) issued a final rule providing for the issuance of Security Directives and Information Circulars as means of disseminating information concerning threats against civil aviation (54 FR 28982; July 10, 1989). The final rule was effective on July 10, 1989; however, the FAA invited public comments on the final rule until August 9, 1989. Although the FAA has determined that there is no need for any amendment to the final rule as originally issued, this document responds to the comments submitted by the public.

ADDRESSES: The complete docket for the final rule on Security Directives and Information Circulars may be examined at the Federal Aviation Administration, Office of the Chief Counsel (AGC-10), Rules Docket, room 915-G, 800 Independence Avenue SW., Washington, DC 20591, weekdays (except Federal holidays) between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Craig Stier, Office of Civil Aviation Security Policy and Planning (ACP-110), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3413.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 1989, the Department of Transportation announced civil aviation security initiatives designed to protect passengers and crewmembers traveling on U.S. air carriers. Among these initiatives was a commitment to establish a mandatory Security Directive system. The initiatives were necessary because of the dramatic increase in international terrorism since 1971, the year the FAA's Civil Aviation Security Program was established. In December of 1988, Pan American World Airways (Pan Am) Flight 103 was destroyed by a terrorist bomb over Lockerbie, Scotland, illustrating the vulnerability of civil aviation to terrorist acts.

When the FAA learns, through its analysis of classified and unclassified information, of critical threats against civil aviation, it is crucial that the information and any appropriate countermeasures be disseminated as soon as possible to air carrier security personnel. For this reason, the FAA decided that a system that would significantly improve the capability to disseminate critical threat information quickly and, when necessary, establish mandatory security countermeasures, was needed.

On July 6, 1989, the FAA issued a final rule that established a system for the issuance of Security Directives and Information Circulars (54 FR 28982; July 10, 1989). Prior to the issuance of this rule, notification of threats against civil aviation was made through Security Bulletins that discussed both general security concerns and specific threats. Air carriers were not required to acknowledge receipt of Security Bulletins or to comply with the countermeasures recommended in them. The rule provides that Security Directives will be used to notify U.S. air carriers of specific credible threats against civil aviation and will set forth mandatory countermeasures to be implemented by the carriers. The rule requires air carriers to acknowledge receipt of Security Directives and to notify the FAA of how they have implemented the FAA-prescribed countermeasures. It is the FAA's policy to ensure that all specific, credible threats against any aircraft are completely resolved before that aircraft is permitted to take off. The rule provides that Information Circulars will be used to notify air carriers of general security concerns for which the FAA will not prescribe mandatory countermeasures. In addition, the rule prohibits the release of information contained in both Security Directives and Information Circulars without the prior written authorization of the Assistant Administrator for Civil Aviation Security.

(Since promulgation of the final rule, the Aviation Security Improvement Act of 1990, Public Law 101-604, November 16, 1990, (the Act) created the new position of Assistant Administrator for Civil Aviation Security reporting directly to the Administrator with responsibilities for all security functions within the FAA including implementation and enforcement of the Rule on Security Directives and Information Circulars. In a separate rulemaking action, the FAA intends to revise the nomenclature throughout 14 CFR part 108 to reflect this change. For the sake of clarity, this notice uses the title Assistant Administrator for Civil Aviation Security.)

In order to protect immediately passengers and crewmembers traveling in air transportation from a possible rapid increase in criminal acts against civil aviation, the FAA determined that good cause existed to adopt the final rule without prior notice and opportunity for public comment and to make the rule effective upon publication in the **Federal Register**. In accordance with the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979), the FAA invited the public to comment on the final rule after it was published in the **Federal Register**. Eight comments were received. No comments were received objecting to the concept of disseminating threat information; one comment approves of the rule as written and seven suggest modifications.

On August 4, 1989, shortly after the final rule was issued, the President's Commission on Aviation Security and Terrorism (the Commission) was established to "review and evaluate policy operations in connection with aviation security, with particular reference to the destruction * * * of Pan American World Airways Flight 103" (Executive Order 12686). The Commission released its report on May 15, 1990, and made recommendations pertaining to the gathering and dissemination of threat information. The recommendations are as follows:

- The intelligence and law enforcement communities, and those that receive information collected or analyzed by those communities, should review their procedures to reduce to the minimum the number of persons with access to information on civil aviation threats.
- The U.S. Government should, as a matter of course and policy, consciously consider the question of notification and carefully review the factors outlined. The Department of State, and Department of Justice, in close cooperation with the Department of Transportation, should establish a process and a mechanism by which clearly identifiable officials will consider when and how to provide notification to the traveling public.

With respect to the Commission's first recommendation, the FAA concludes that its final rule is consistent with the Commission's statement. The rule limits distribution of Security Directives and Information Circulars to prescribed personnel and those with an operational need to know. The rule also prohibits disclosure of any information contained

in Security Directives and Information Circulars without prior written authorization of the Assistant Administrator for Civil Aviation Security. The FAA supports the need to review procedures for disseminating threat information and to work closely with other entities who collect, receive, or analyze that information, to establish clear and consistent distribution policies that will further reduce the number of persons with access to it.

Regarding the Commission's second recommendation, the FAA's position remains that there should be no routine public notification of threats, and that threat information should be handled by aviation security professionals who have the ability to analyze the threat and either counter it or order the cancellation of the flight. Moreover, the Act establishes criteria, authority, and responsibility for notification of threats to civil aviation. The Department of Transportation and FAA will work closely with the Departments of State and Justice and the entire intelligence community to consider the advisability of public notification in specific circumstances. The issue of public notification, as raised by the public comments, is also addressed below under "Discussion of Comments."

In October 1989, after the issuance of the final rule and the close of the comment period, the FAA chartered the Aviation Security Advisory Committee (ASAC), to be chaired by the FAA's Assistant Administrator for Aviation Security and to serve as an advisory body and develop recommendations on methods, equipment, and procedures to improve civil aviation security. The FAA will consider any recommendations involving threat analysis and dissemination that may result from the work of the ASAC and will consider further rulemaking action if appropriate. The FAA has already received for consideration the ASAC's recommendations addressing the security response to bomb threats. The recommendations addressed standardized criteria for evaluating threats, dissemination and analysis of information, air carrier and airport security training programs, and demarcating areas of responsibilities and authority.

Discussion of Comments

Airport Operators, Ground Security Coordinators, and In-Flight Security Coordinators Should Be Given Copies of Security Directives and Information Circulars

Two commenters believe that it is essential that Security Directives and Information Circulars be distributed to airport operators as well as air carriers. The Airports Commission for the City and County of San Francisco (Airports Commission) states that, pursuant to FAR Part 107—Airport Security, airport operators are responsible for overall airport security and, therefore, must receive timely, accurate security warnings to ensure effective, coordinated responses to threats against civil aviation. The City of Houston's Aviation Department says that there are three primary parties involved with the safety of the flying public—airlines, airport operators, and the FAA—and that as a part of that triumvirate, airport operators must be included in the information link.

Security Directives and Information Circulars should be disseminated on a need-to-know basis, and the FAA agrees that it is important to include airport operators in the dissemination of threat information when threats are made that affect airport operations. It is the FAA's policy to ensure that Security Directives and Information Circulars are distributed to airport operators when appropriate for effective, coordinated responses. The final rule, however, was directed at U.S. air carriers because the threat to domestic airports is relatively low, and in most instances, the threats addressed by Security Directives or Information Circulars will not affect U.S. airports. The FAA is currently reviewing and updating FAR Part 107—Airport Security, and will evaluate further the need for a special system for security alerts to airports in the context of that rulemaking.

The Air Line Pilots Association (ALPA) states that, at a minimum, the ground security coordinator and the in-flight security coordinator (pilot-in-command) should be notified of every Security Directive and Information Circular. ALPA states that this would help pilots and crewmembers to be especially vigilant for the duration of the threat. Flight Engineers' International Association (FEIA) expresses a similar opinion by stating that the flightcrew has a definite operational need to know and must be advised as soon as possible of the issuance of a Security Directive.

Again, as noted in the response to airport operators, the FAA concludes that all persons with an operational need to know (including crewmembers) should be notified in circumstances in which they are directly and immediately affected by a particular threat. The final rule requires that each Security Directive be distributed to personnel specified in the Security Directive and to other personnel that an air carrier determines have an operational need to know. This is essential to ensure that all personnel with an operational involvement in security-related situations are informed of current threat information. The final rule does not preclude airport operators, in-flight security coordinators, or ground security coordinators from being informed of the issuance of Security Directives. The FAA's analysis of the disseminations of past Security Directives (and their predecessor, Security Bulletins) suggests that in almost all instances at those airports assessed as potentially affected by a security threat, personnel likely to have an operational need to know and who would be provided with Security Directives information under the rule include: airport operators, in-flight security coordinators, and ground security coordinators. Indeed, some of these categories of personnel have been listed in Security Directives issued since the final rule was promulgated in 1989. Because the final rule was designed to cover many contingencies, the FAA determined that it was not feasible to list every category of personnel for which dissemination would be appropriate in every possible threat situation. Instead, the final rule requires certificate holders to distribute Security Directives to those persons that are specified by the FAA and to those persons determined by the carrier to have an operational need to know the information.

The FAA Should Allow Public Access to Threat Information

Senator Alfonse D'Amato comments that although Security Directives will contain some sensitive information that should be protected, he does not agree that specific credible threats should be withheld from the public. Senator D'Amato adds that members of the public deserve to be put in a position where they can protect themselves. The FAA is acutely sensitive to the importance of this issue and has implemented procedures to effect the public notification requirements of Section 109 of the Act. The adopted procedures provide for consideration of several factors prior to issuing a threat notification: specificity of the threat, credibility of intelligence, ability to counter the threat, protection of intelligence sources, impact of cancellation of flight vs. public notification, and ability of passengers and crew to reduce their risks as a result of notification.

The Reporters Committee for Freedom of the Press (Reporters Committee) urges the FAA to amend the final rule to

provide for routine FAA dissemination of specific threat information and does not believe that the Freedom of Information Act (FOIA) or section 316(d)(2) of the Federal Aviation Act of 1958, as amended, provides for the blanket withholding of threat information from the public. The Reporters Committee also states that, even though it recognizes that security systems depend in part on the ability of officials to keep specific surveillance techniques secret, it does not believe that disclosure of threats would compromise passenger safety in any way, and that refusal to disclose threats precludes public oversight of airline and airport security and impairs journalistic comment on government activities. Furthermore, the Reporters Committee believes the FAA should amend the rule to require that air carriers disclose immediately any information that does not directly threaten security.

The FAA realizes that public dissemination of threats to aviation security is a sensitive and controversial issue. Consistent with the adopted rule on Security Directives and Information Circulars and with the adopted rule governing flight and cabin crew notification guidelines (56 FR 27866, June 17, 1991), the current system of evaluating and responding to threats to civil aviation is founded on the principle that it is best for intelligence experts to evaluate threat information before dissemination to personnel directly responsible for dealing with those threats. The air carrier's security experts, generally in consultation with the FAA and other government entities, evaluate threat information against specific FAA-established criteria to determine "specificity" and "credibility." (The terms "specific" and "credible" are not interdependent and are commonly applied by intelligence experts to threat information involving a well defined target and which has been authenticated.)

Excluding those threats which are judged to be groundless or not requiring the application of specific countermeasures is a practical approach, given the hundreds of bogus threats received annually. Eliminating bogus threats is also critical to ensure that real threats are perceived as serious, not diluted in impact by a multiplicity of false alarms. The FAA's view is this limited distribution of threat information helps ensure that genuine threats are handled as thoroughly and expeditiously as possible.

Based on its expertise and experience in aviation security matters and on consultations with the Office of the Secretary of Transportation and other government agencies, the FAA has determined that protecting the confidential sources of threat information, and thereby ensuring the free flow of this critical information to the agency, ultimately increases the security of crewmembers and the traveling public. The decision whether to disclose any threat information contained in a Security Directive or Information Circular is properly part of the FAA's overall aviation security responsibility. Toward that end the FAA is continuing existing control procedures, consistent with Section 109 of the Act, to minimize the number of agency personnel having access to intelligence information on threats to civil aviation.

Under appropriate circumstances, the Department of Transportation issues information on specific domestic threats to the public. The State Department issues travel advisories to American citizens. These advisories are issued for a variety of reasons, including general information on the level of the threat of terrorism; however, the State Department's policy is that the general public is advised of particular threats only when they are specific, credible, and cannot be countered. Because existing mechanisms within the U.S. government and procedures of other agencies provide for disclosure of threat information in appropriate circumstances, the FAA has not revised the rule. The FAA's action in this regard is consistent with the notification guidance in section 109 of the Act and the requirement to review working agreements between the intelligence community and the FAA in section 111 of the Act.

The Reporters Committee urges the FAA to revise its FOIA procedures regarding disclosure of Security Directives and Information Circulars and suggests that the FAA revise its FOIA procedures so that the Assistant Administrator for Civil Aviation Security is not the final arbiter regarding the release of a Security Directive or Information Circular. The Reporters Committee suggests that the FAA create a "FOIA unit" that would make such decisions, presumably only for Security Directives and Information Circulars, but not for other FAA documents subject to FOIA.

The final rule contemplates that air carriers and the FAA will receive requests for threat information contained in Security Directives and Information Circulars. The rule quite properly leaves any decision to release threat information under established procedures in the hands of those best equipped to assess the impact of releasing such information. The FAA does not agree with the Reporters Committee's suggestion that there be a "FOIA unit." Even if the FAA had such a unit, its members would not necessarily be aware of related sensitive aviation security information needed to make a properly informed decision on the release of a particular document. The Assistant Administrator for Civil Aviation Security is best equipped to make these decisions. In addition, the Assistant Administrator for Civil Aviation Security is charged by statute with determining what information, if any, can be released based on an informed assessment that disclosure of such information would not be detrimental to the safety of persons traveling in air transportation.

The decision of the Assistant Administrator for Civil Aviation Security is subject to the concurrence of the Office of the Chief Counsel, and may be appealed to the Assistant Administrator for Public Affairs. A decision to uphold the denial of the Assistant Administrator for Civil Aviation Security is subject to the additional concurrence of the General Counsel, Office of the Secretary, Department of Transportation. These procedures fully comply with the FAA's obligations under the Freedom of Information Act and ensure the protection of sensitive information that might endanger aviation security. Thus, the FAA has not revised the final rule to provide for routine disclosure of threat information by the FAA or to provide amended FOIA procedures specific to Security Directives and Information Circulars.

The FAA Should Consult With Air Carriers Before Issuing Security Directives and There Should Be Some Post-Issuance Mechanism To Review Appropriateness of Countermeasures

The Air Transport Association of America (ATA) states that consultations with air carriers before the issuance of Security Directives is necessary in order for the FAA to develop the most effective and efficient mandatory countermeasures. It is the policy of the FAA to consult with air carriers when time allows; however, this policy will be carried out on a case-by-case basis. The rule allows the FAA flexibility to address the adequacy of U.S. air carriers' responses to the countermeasures prescribed in Security Directives. The rule states that carriers shall notify the FAA of how they have implemented the countermeasures, and that carriers unable to implement the countermeasures shall submit proposed alternative measures to the Assistant

Administrator for Civil Aviation Security for approval.

The ATA further states that the FAA and the air carriers need to be able to review the countermeasures after implementation in order to avoid future problems. The FAA understands that there will be occasions when it will be appropriate to assess situations in retrospect in order to make adjustments when responding to those types of situations in the future, and the FAA does not prohibit air carriers from contacting the FAA to discuss the appropriateness of countermeasures after threats have passed.

Security Directives Should Have Automatic Expiration Dates With Provisions for Extension, if Required

The ATA also states that threats typically are not of infinite duration and that Security Directives should carry automatic expiration dates. The ATA then states that if a threat were likely to persist beyond the expiration date of a Security Directive or an Information Circular, the FAA could extend its effectiveness.

The FAA does not agree that Security Directives should have automatic expiration dates in all cases because the nature of each threat determines the necessary duration. In many instances, however, it is appropriate to issue time-limited Security Directives. The FAA periodically evaluates all Security Directives, regardless of whether they carry expiration dates, to determine if they should be rescinded or remain in effect. In the case of ongoing threats, the FAA may choose to amend an air carrier's approved security program.

The Rule Should State That the U.S. Government Shall Be Responsible for Coordinating Countermeasures With Foreign Governments

The ATA states that the U.S. government, not the air carriers, should be responsible for consultation and coordination with foreign governments with respect to countermeasures. The FAA agrees and the final rule does not burden air carriers with the responsibility of consulting with foreign governments regarding any threats or countermeasures. Since the rule was issued, the FAA has implemented section 104 of the Act, establishing a security liaison officer position for each airport outside the U.S. as determined by the Administrator. The Civil Aviation Security Liaison Officer (CASLO) is responsible for serving as the liaison between the Assistant Administrator for Civil Aviation Security and foreign authorities including foreign governments and airport authorities.

The FAA Should Establish and Publicize Its Enforcement Policy for Responding to Alleged Leaks of Security-Sensitive Information

The ATA states that the FAA should publicize its enforcement policy regarding the unauthorized disclosure of security-sensitive information so that penalties for failure to comply with the regulation are clearly understood. Unauthorized disclosure of security information would significantly threaten the safety of crewmembers and the traveling public and could hamper the effectiveness of the aviation security program. Thus, the FAA regards unauthorized disclosure in violation of the regulation as a serious violation that would warrant enforcement action similar to other safety and security violations committed by individuals and air carriers.

Conclusion

The FAA has determined, after carefully considering the comments submitted in response to the final rule, that no further rulemaking action is necessary at this time. Amendment No. 108–6 remains in effect as prescribed by the July 6, 1989, final rule.

Issued in Washington, DC, on June 30, 1993.

Bruce R. Butterworth,

Director, Office of CAS Policy and Planning, ACP–1.

[FR Doc. 93–16093 Filed 7–7–93; 8:45 am]

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federal register

Thursday
July 8, 1993

Part VII

Department of Housing and Urban Development

Office of the Assistant Secretary

NOFA for the Rental Voucher Program and Rental Certificate Program; Funding Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–93–3639; FR–3496–N–01]

NOFA for the Rental Voucher Program and Rental Certificate Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability for FY 1993 and procedures for allocating funds and approving housing agency applications.

SUMMARY: The purpose of the Rental Voucher and the Rental Certificate Programs is to assist eligible families to pay the rent for decent, safe, and sanitary housing. This notice states the funding allocation available for award of "fair share" rental vouchers and rental certificates. The notice identifies the amount of housing assistance budget authority available for each allocation area and HUD Field Office jurisdiction during Fiscal Year 1993.

This notice also:

(1) Invites Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs), herein referred to as housing agencies (HAs), to submit applications for housing assistance funds;

(2) Provides instructions to HAs governing the submission of applications; and

(3) Describes procedures for rating, ranking, and approving HA applications.

DATES: Applications for all funding under this NOFA must be received in the HUD Field Office/Indian Programs Office by 3 p.m. local time (i.e., time at the office where the application is submitted) on August 23, 1993.

ADDRESSES: The basic application, Form HUD–52515, may be obtained from, and completed applications are to be submitted to, the appropriate HUD Field Office/Indian Programs Office for the jurisdiction in which the applicant is located (see Section II, Application Processing, of the NOFA). (Attachment 1 is the Application form.)

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, room 4220, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–0477. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB), under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520), and have been assigned OMB control number 2577–0169.

I. Purpose and Substantive Description

A. Authority

The regulations governing the Rental Certificate and the Rental Voucher Programs are published at 24 CFR part 882 and 887, respectively. The regulations for allocating housing assistance budget authority under section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

B. Allocation Amounts

(1) *Housing needs formula.* In this fiscal year, approximately $1.077 billion of budget authority for the rental voucher and rental certificate programs is available for fair share formula allocation. This funding will add additional units for HA rental voucher and rental certificate programs. Of this amount, approximately $482 million is for rental vouchers and approximately $545 million is for rental certificates and the balance of $50 million is for the Headquarters Reserve which will not be allocated by formula. This budget authority is being allocated to HUD Field Offices and allocation areas under this NOFA, using the housing needs factors established in accordance with 24 CFR 791.402. For purposes of this NOFA, the Department is using the metropolitan area designations that were in effect prior to December 31, 1992, since detailed census data tabulations for the new metropolitan area designations are not available, yet.

(2) *Metropolitan/Non-Metropolitan mix.* Separate housing needs factors were developed for the metropolitan and non-metropolitan allocation areas within each Field Office jurisdiction. On a nationwide basis, approximately 90 percent of the Fiscal Year 1993 "fair share" budget authority for the Rental Voucher Program and Rental Certificate Program is designated for metropolitan areas. The metropolitan housing needs factors were applied to the housing assistance budget authority available for use in metropolitan areas and the non-metropolitan housing needs factors were applied to the housing assistance budget authority available for use in non-metropolitan areas.

The allocation areas were established to ensure sufficient competition among HAs (including State and regional or multi-county HAs) operating housing programs within the HUD-established allocation areas.

(3) *Program type.* This notice announces the fair share allocation of housing assistance budget authority (See Attachment 6) for the Rental Voucher Program and for the Rental Certificate Program to each Field Office for designated allocation areas, based on the housing needs factors. The allocation of housing assistance budget authority to each allocation area, however, is a total for both programs. The allocations have been structured to give Field Offices flexibility in approving HA applications for the rental voucher program or the rental certificate program. It is not necessary that each allocation area within a Field Office jurisdiction be provided both rental vouchers and rental certificates. This notice also provides, for each allocation area, an estimate of the total number of rental vouchers and rental certificates that could be funded from the housing assistance available in the allocation area. These estimates are based on the average fair market rents for two-bedroom units in the Field Office's jurisdiction. The actual number of units assisted will vary from these estimates in the actual bedroom size mix that is funded in a given area.

(4) *Potential additional funding.* If additional rental voucher or rental certificate funding becomes available for incremental use during Fiscal Year 1993, the Department plans to distribute any additional funding to Field Offices using the same percentage distribution as reflected in Attachment 6 to this NOFA. Any additional funding will be used under the competitive requirements of this NOFA to fund HA applications which were approvable but not funded, or approved and funded at less than 100 percent of the requested amount.

C. Family Self-Sufficiency Program

Section 23 of the U.S. Housing Act of 1937 was amended by section 106 of the Housing and Community Development Act of 1992 and now requires that all PHAs receiving additional rental vouchers or certificates in FY 1993 must establish a family self-sufficiency (FSS) program. For IHAs, section 106(j) made participation in the FSS program optional for FY 1993 and all future fiscal years. The program guidelines for the FSS program were published in the Federal Register on September 30, 1991

(56 FR 49592). The regulations for the FSS program were published on May 27, 1993. Unless specifically excepted by HUD, any rental voucher or rental certificate funding reserved in FY 93 (except funding for renewals or amendments) will be used to establish the minimum size of a PHA's FSS program.

If a PHA received an incentive award for the FSS program in response to the NOFA published in the **Federal Register** on September 30, 1991 (56 FR 49612) and amended on January 3, 1992 (57 FR 312), the number of new units received in FY 93 will be added to the incentive awards received in FY 92 and this number will be the minimum size of the PHA's FSS program.

D. HA Eligibility

All HAs are invited by this notice to submit applications for the incremental funding for the Rental Voucher Program (24 CFR part 887) and the Rental Certificate Program (24 CFR part 882).

II. Application Process

A. Application Requirements

All the items in Section III of this NOFA must be included in the application submitted to the HUD Field Office/Indian Programs Office. The application may include an explanation of how the application meets, or will meet, the selection criteria listed in this NOFA.

B. Selection Criteria/Rating Factors

(1) *Selection Criterion 1: HA Administrative Capability (45 points).*

(a) *Description:* Overall HA administrative ability in the Rental Voucher, Rental Certificate, and Moderate Rehabilitation Programs, as evidenced by factors such as leasing rates and correct administration of housing quality standards (HQS), portability of rental vouchers and rental certificates, compliance with Fair Housing and Equal Opportunity program requirements, assistance payment computation, and rent reasonableness requirements is either excellent or good. For purposes of this NOFA, an HA administering a Rental Voucher, Rental Certificate, or Moderate Rehabilitation Program will not be rated on the administration of its Public or Indian Housing Program. If an HA is not administering a Rental Voucher, Rental Certificate, or Moderate Rehabilitation Program, the Field Office/Indian Programs Office will rate HA administration of the Public or Indian Housing Program. If an HA is not administering a Rental Voucher, Rental Certificate, Moderate Rehabilitation, Public Housing or Indian Housing Program, the Field Office/Indian Programs Office will assess the administrative capability of the HA based on such factors as experience of staff, support of the HA by the local government, and the HA's administrative experience with non-HUD housing programs.

(b) *Rating: 21–45 points.* Field Office/Indian Programs Office rates overall HA administration of the Rental Voucher, Rental Certificate, and Moderate Rehabilitation Programs (or Public/Indian Housing or other housing programs) as excellent; there are no serious outstanding management review, fair housing and equal opportunity monitoring review, or Inspector General audit findings (unless Office of Inspector General recommendation has been appealed by Field Office, Indian Programs Office or Regional Office); the HA is complying with the portability requirements under the rental voucher and rental certificate programs; not more than 15 percent of the units inspected by the Field Office/Indian Programs Office during the last management review failed to meet housing quality standards (HQS) or the Field Office is aware of actions taken by the HA to improve its inspection procedures; and the leasing rate for rental vouchers and rental certificates (or occupancy rate for public/Indian housing units) under Annual Contributions Contract (ACC) for one year or more was at least 95 percent as of September 30, 1992, unless Field Office/Indian Programs Office documents that September 30, 1992, report was not reflective of HA performance;

1–20 points. Field Office/Indian Programs Office rates overall HA administration of the Rental Voucher, Rental Certificate, and Moderate Rehabilitation Programs (or Public/Indian Housing or other housing programs) as good; any management review, fair housing and equal opportunity monitoring review, or Inspector General audit findings are being satisfactorily addressed; the Field Office is aware of some problems with HA administration of portability (e.g., not responding to billing promptly); not more than 25 percent of the units inspected by the Field Office/Indian Programs Office during the last management review failed to meet HQS or the Field Office is aware of actions taken by the HA to improve its inspection procedures; and the leasing rate for rental vouchers and rental certificates (or occupancy rate for Public/Indian Housing units) under ACC for one year or more was at least 85 percent as of September 30, 1992, unless the Field Office/Indian Programs Office documents that the September 30, 1992, report is not reflective of HA performance.

0 points. If neither of the above statements apply, assign 0 points.

(c) *Field Office/Indian Programs Office Assessments:* In assigning points for administrative capability for a State or regional HA application, the Field Office/Indian Programs Office shall determine the HA's leasing rate separately for metropolitan areas and for non-metropolitan areas and use the proportionately weighted applicable rate to score points for administrative capability. If the metropolitan areas portion is much larger than the non-metropolitan areas proportion, more weight must be given to metropolitan areas. If the non-metropolitan areas portion is much larger than the metropolitan areas portion, more weight must be given to non-metropolitan areas.

(2) *Selection Criterion 2: Underfunding of Housing Needs (35 points).*

(a) *Description:* The degree to which the housing needs of the area specified in the HA's application from which the HA draws families to assist (primary area) have previously been underfunded, relative to the needs of other localities within the allocation area, taking into account such factors as the number of assisted housing units and the number of very low-income renter households eligible for such assistance. The Field Office will, wherever practicable, consider needs being met by all Federally assisted rental housing programs, including the FmHA Section 515 Rural Rental Housing program, but will, as a minimum, consider assistance provided under the Rental Voucher Program, the Rental Certificate Program, other Section 8 Programs, and the Public or Indian Housing Program.

In accordance with Notice PIH 91–45 (HUD), the Field Office will notify FmHA of applications it receives and ask that FmHA provide advisory comments concerning the market for additional assisted housing or the possible impact the proposed units may have on FmHA projects. Applications for which FmHA has provided comments expressing concerns about market need or the continued stability of existing FmHA projects, with which HUD agrees, will receive zero points for this criteria.

(b) *Rating and Assessment:* The Field Office will evaluate whether housing needs in the primary area specified in the application have been underfunded

with respect to assisted housing provided to other communities in the allocation area, and will assign one of three point-values, as follows:

35 points. Housing needs in the area(s) specified in the application have been severely underfunded.

17 points. Housing needs in the area(s) specified in the application have been moderately underfunded.

0 points. Housing needs in the area(s) specified in the application have received a proportionate share of funding or housing needs have been overfunded.

(3) *Selection Criterion 3: Local Initiatives (10 points).*

(a) *Description.* The application must describe the extent to which HAs demonstrate locally initiated efforts in support of their Rental Voucher and Rental Certificate Programs or comparable tenant-based rental assistance programs. Evaluation of a locality's contribution is measured competitively by the extent to which a locality is able to provide services or cash contributions or demonstrate its intention to provide this kind of support in the future, as compared to services or contributions provided by other localities of like program size.

(b) *Rating:* The Field Office/Indian Program Office will assign one of three point-values, as follows:

10 points: The State or locality provides significant local support (e.g., financial, manpower for inspection services) to its Rental Voucher or Rental Certificate Program.

5 points: The State or locality provides minimal local support (e.g., financial, manpower for inspection services) to its Rental Voucher or Rental Certificate Program.

0 points: The State or locality does not provide support to the HA's Rental Voucher or Rental Certificate Program.

C. Unacceptable Applications

(1) After the 14-calendar day technical deficiency correction period (refer to Section IV, Corrections to Deficient Applications, of this NOFA), the Field Office/Indian Programs Office will disapprove HA applications that it determines are not acceptable for processing (refer to Section III(F), Checklist of Technical Requirements, of this NOFA). The Field Office/Indian Programs Office notification of rejection letter must state the basis for the decision.

(2) Applications that fall into any of the following categories will not be processed:

(a) The Department of Justice has brought a civil rights suit against the applicant HA, and the suit is pending.

(b) There are outstanding findings of noncompliance with civil rights statutes, Executive Orders, or regulations, as a result of formal administrative proceedings, or the Secretary has issued a charge against the applicant under the Fair Housing Act, unless the applicant is operating under a conciliation or compliance agreement designed to correct the areas of noncompliance.

(c) HUD has denied application processing under Title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3), and the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under section 504 of the Rehabilitation Act of 1973 and HUD regulations (24 CFR 8.57).

(d) The HA has serious unaddressed, outstanding Inspector General audit findings, fair housing and equal opportunity monitoring review findings, or Field Office/Indian Programs Office management review findings for one or more of its Rental Voucher, Rental Certificate, or Moderate Rehabilitation Programs, or, in the case of an HA that is not currently administering a Rental Voucher, Rental Certificate, or Moderate Rehabilitation Program, for its Public Housing Program or Indian Housing Program.

(e) The leasing rate for rental vouchers and rental certificates under ACC for at least one year is less than 75 percent, or, in the case of an HA not currently administering a Rental Voucher or Rental Certificate Program, the leasing rate for all units available for occupancy in the Public or Indian Housing Program is less than 75 percent. (For a State or regional HA, the Field Office/Indian Programs Office shall determine the HA's leasing rate separately for metropolitan and non-metropolitan areas, and shall use the applicable rate in determining whether to accept the application under this paragraph.)

(f) The HA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the HA to administer an additional increment of rental vouchers or rental certificates.

(g) The HA is not in compliance with the Single Audit Act, OMB Circular No. A–128 and HUD's implementing regulations at 24 CFR part 44; or OMB Circular No. A–133, as applicable.

D. Local Government Comments

Section 213 of the Housing and Community Development Act of 1974 requires that HUD independently determine that there is a need for the housing assistance requested in applications, and solicit and consider comments relevant to this determination from the chief executive officer of the unit of general local government. The Field Office/Indian Programs Office will obtain section 213 comments from the unit of general local government in accordance with 24 CFR part 791, subpart C, Applications for Housing Assistance in Areas Without Housing Assistance Plans. Comments submitted by the unit of general local government must be considered before an application can be approved.

For purposes of expediting the application process, the HA should encourage the chief executive officer of the unit of general local government to submit a letter with the HA application commenting on the HA application in accordance with section 213. Since HUD cannot approve an application until the 30-day comment period is closed, the section 213 letter should not only comment on the application, but also state that HUD may consider the letter to be the final comments and that no additional comments will be forthcoming from the local unit of government.

E. Funding Applications

(1) *Maximum Funding Allowed.* The Field Office/Indian Programs Office may not approve funding for an HA under this NOFA for more than the greater of 10 percent of the HA rental vouchers and rental certificates under reservation or 50 units.

(2) *Minimum Funding Allowed.* The Field Office/Indian Programs Office may not approve funding for an HA under this NOFA for less than 25 units, unless:

(a) The HA requests fewer than 25 units; or

(b) The residual budget authority in using the rank order funding process after funding higher ranked applications is insufficient to fund at least 25 units; or

(c) The total budget authority available to the allocation area will fund less than 25 units.

(3) *Funding Procedure.* The Field Office must develop a procedure for approval of applications (including applications rated by the Indian Programs Office) for each allocation area in rank order until all the housing assistance budget authority is used. Where a Field Office funds applications according to rank order for each allocation area, only to find it has some number of units left, but not enough to fund the next fundable application in its entirety or for the minimum of 25 units, that application can be funded to the extent of the number of units available.

The Field Office may elect to approve 100 percent of the units requested in all

applications that score above a Field Office-determined funding cut-off, up to the maximum number of units allowed.

The Field Office may elect to approve less than 100 percent of the units requested in all applications for each allocation area that score above a Field Office-determined funding cut-off, up to the maximum number of units allowed.

If applications are to be funded at less than 100 percent of the units requested in the applications, the Field Office must either (i) approve the same percentage of the number of units requested in each application or (ii) divide approvable applications into two categories, for example, those scoring over 40 points, and those scoring 40 points or less.

If the Field Office elects to divide applications into two categories, the Field Office may choose to approve a different percentage for applications in each of the two ranking categories so that a higher percentage of units requested would be approved for all applications in the higher category and a lower percentage of units requested would be approved for all applications in the lower category. The Field Office must approve the same percentage of each application within each of the two ranking categories unless there are insufficient funds to approve the minimum 25 units. If the Field Office is unable to fund all the applications for the minimum funding allowed in either of the two categories, the Field Office must reduce the applicable percentage factor in the category in order to fund all applications for the minimum 25 units (unless the HA requested less than 25 units or the total budget authority available to the allocation area will fund less than 25 units).

If an HA applies for a specific program (i.e., rental vouchers or rental certificates) and funding for the specified program is not available in the metropolitan area or non-metropolitan allocation area, the Field Office will award the available form of assistance, even though not specifically requested by the applicant.

The Field Office must promptly notify the applicable Indian Programs Office for each allocation area as to the status of any application from IHAs and, if applicable, the amount of budget authority to be made available for IHA applications that were rated high enough to receive funding.

F. Reallocations of Funds

Each Field Office must make every reasonable effort to use all available funds. It may be necessary, however, to reallocate funds from one Field Office to another when the funds are not likely to be used in the Field Office to which they were initially assigned. In such cases, the following procedures shall be followed:

(1) *Reallocations within the Same State.* If the allocation of funds to a Field Office cannot be awarded within the Field Office jurisdiction during Fiscal Year 1993, the Regional Office must reallocate those funds to another Field Office within the same State where they can be used during Fiscal Year 1993.

(2) *Reallocation Between States.* If a Regional Office cannot use funds within the same State, the Regional Office may request Headquarters approval to reallocate funds to another State within the jurisdiction of the Regional Office.

A request for Headquarters approval of a reallocation between States must explain the reasons that funds cannot be used in the original State, the amount being withdrawn from the original State, the program type, the Metropolitan/non-metropolitan mix, and the amount to be reallocated subsequently to each State. These requests must be submitted to Headquarters (ATTENTION: Budget Division, Office of Management and Policy, Office of Public and Indian Housing) for approval.

(3) *Reallocations Between Metropolitan and Non-metropolitan Areas.* The Regional Office must follow the original fund assignments for metropolitan and non-metropolitan areas when it reallocates unused budget authority. If there are not enough approvable applications for the designated metropolitan or non-metropolitan budget authority, the Regional Office may switch the budget authority between a metropolitan and a non-metropolitan area within the same State, provided that an offsetting switch can be made in another State within the same Region. If an offsetting switch cannot be made and the metropolitan or non-metropolitan amounts require changes to the regional fund assignments, the Regional Office must obtain the approval of the Budget Division, Office of Management and Policy, Office of Public and Indian Housing, before switching budget authority between a metropolitan and a non-metropolitan area.

G. Notification of Funds Awarded

(1) After the Field Offices have reviewed, rated, and ranked applications, and the Field Offices and Offices of Indian Programs have approved the applications, Regional Offices must submit to Headquarters a list of all approved applications, listed by Field Office. The Regional Office application approval list is due in Headquarters (Attention: Rental Assistance Division, Office of Public and Indian Housing) on the tenth working day following the date set by Headquarters for completion of application ranking and selections.

(2) The Regional Offices must provide the following information for each application approved:

(a) the name and address of the HA;

(b) The project number, and the number of rental vouchers and the number of rental certificates, as applicable, approved for the HA; and

(c) The amount of contract authority and budget authority, stated separately for rental vouchers and rental certificates.

H. Administrative Fees

(1) The administrative fees for incremental units in the Fiscal Year 1993 appropriations are specified as follows:

(a) *FY 1993 Incremental (Fees Provided by FY 1993 Appropriation):*

	Rental vouchers	Rental certificates
(1) On-going	8.2%	8.2%
(2) Preliminary ..	$275	$275
(3) Hard-to-House	$45	$45

(b) *FY 1993 Opt-outs/Public Housing Demolition (Replacements and Relocation) Section 23 Conversions:*

	Rental vouchers	Rental certificates
(1) On-going	6.5%	7.65%
(2) Preliminary ..	$215	$250
(3) Hard-to-House	$45	$45

(c) *Renewal of Rental Vouchers and Rental Certificates:*

	Rental vouchers	Rental certificates
(1) On-going	6.5%	7.65%
(2) Preliminary ..	$0	$0
(3) Hard-to-House	$45	$45

(2) For budget preparation, submission of requisitions, and approving year-end operating statements, HAs should use the August 3, 1990, Housing Notice (H–90–53), Administrative Fee Requirements for the Housing Voucher and Certificate Programs, to determine the blended rate for all rental voucher or rental certificate increments for a given HA.

I. Headquarters Reserve

The Department is retaining in a Headquarters Reserve approximately $50 million of the $1.077 billion of budget authority available for allocation by formula for rental vouchers and rental certificates. Funds in the Headquarters Reserve will not be allocated by formula because these funds will be used in connection with natural disasters, litigation, desegregation, and other housing emergencies, consistent with 24 CFR 791.407. Headquarters will notify HAs when they are eligible to receive assistance from the Headquarters Reserve and may invite the HAs to submit applications.

J. Other Allocations

In addition to the budget authority for "fair share" rental vouchers and rental certificates, $7.565 billion of additional budget authority (including carryover budget authority) is available for allocation in Fiscal Year 1993 involving up to six cities with populations over 400,000, in metropolitan areas of over 1,500,000 population. HUD will conduct a national competition for Section 8 funding. The criteria will be published in a NOFA. (Approximately 1,856 units and $67.7 million in budget authority.)

(9) *Family Unification Demonstration—National Competition.* Headquarters will allocate funding to assist families with children for whom the lack of adequate shelter is a primary factor which would result in the imminent placement of the family's child, or children, in out-of-home care or delay in the discharge of the child, or children, to the family from out-of-home care. HUD will conduct a national competition for Section 8 funding. The criteria will be published in a NOFA. (Approximately 2,244 units and $73 million in budget authority.)

(10) *Homeless Persons with Disabilities.* Headquarters will allocate funding to Field Offices to provide Section 8 rental vouchers, in conjunction with supportive services from other Federal, State, or local sources, to homeless persons with disabilities. The assistance is targeted primarily to homeless persons who are seriously mentally ill, have chronic problems with alcohol and/or drugs, or who have acquired immunodeficiency syndrome (AIDS) and related diseases. (Approximately 5,786 units and $147.7 million in budget authority.)

(11) *Veterans Affairs Supportive Housing—National Competition.* Headquarters will allocate funding under this joint effort between HUD and the Department of Veterans Affairs whereby rental vouchers are provided to assist homeless veterans to obtain rental housing after they have received treatment from a Veterans Affairs (VA) medical facility. HUD is conducting a national competition. The criteria will be published in a NOFA. (Approximately 750 units and $19.1 million in budget authority.)

(12) *Project-Based Assistance—Washington, DC.* Headquarters will allocate funding to provide Section 8 rental certificates based on a Congressional mandate for a multi-cultural tenant empowerment and homeownership project to be located in the District of Columbia. (Approximately 205 units and $20 million in budget authority.)

(13) *Disaster Funding from the Federal Emergency Management Agency.* Headquarters allocated funding from the Federal Emergency Management Agency for rental vouchers to the Department to assist very low-income families who were rendered homeless as a result of Hurricane Andrew and Hurricane Iniki. (Approximately 2,459 units and $32 million in budget authority.)

III. Checklist of Application Submission Requirements

A. Obtaining Application Materials

Form HUD–52515, Application for Existing Housing, may be obtained from the local HUD Field Office/Indian Programs Office. (Except as provided for Indian Housing Authorities in Section III(B) of this NOFA, Submitting Applications, only an original application should be submitted; it is not necessary to submit additional copies of the application.) In addition, the basic application, and other required submissions, are attached to this NOFA, as follows: Form HUD–52515 [Attachment 1]; Certification for a Drug-Free Workplace [Attachment 2]; Text for the Certification Regarding Lobbying [Attachment 3]; Certification Regarding Single Audit Act [Attachment 4]; and Standard Form LLL, Disclosure of Lobbying Activities [Attachment 5].

B. Submitting Applications

HA applications must be received in the HUD Field Office/Indian Programs Office by 3:00 p.m. local time (i.e., the time at the office where the application is to be submitted) on August 23, 1993.

The Indian Programs Office is the place of official receipt for IHA applications. An IHA also must submit, at the same time, a copy of its application to the HUD Field Office that has jurisdiction over the portion of the State in which the IHA is located. Field Offices/Indian Programs Offices will be responsible for notifying their HAs of the exact address and room number where applications are to be submitted. Copies transmitted via facsimile (FAX) transmission will not be accepted for processing.

C. General.

(1) Applications must be submitted to the local Field Office/Indian Programs Office on Form HUD–52515 in accordance with the applicable program regulations.

(2) The application should include a narrative description of how the application meets, or will meet, the application selection criteria. Failure to submit a narrative description is not cause for application rejection; however, the Field Office/Indian Programs Office can only rate and rank the application based on information the Office has on-hand.

(3) Attachment 6 at the end of this notice lists the HUD Field Offices and the number of units and budget authority available for each allocation area. HAs should limit their applications for the "fair share" program to a reasonable number of rental vouchers and rental certificates, based on the capacity of the HA to lease all the units within 12 months of ACC execution. The number of units on the HA application may not exceed the greater of: (a) Ten percent (10%) of the total rental vouchers and rental certificates under reservation for the HA; or (b) 50 units.

(4) HAs shall submit only one application (Form HUD–52515) for an allocation area. If both rental vouchers and rental certificates are requested on the same application, then the application will be given two project numbers, one for the Rental Voucher Program and one for the Rental Certificate Program. The total number of units applied for may not exceed the ten percent or 50-unit limitation.

(5) Regional and State-wide HAs may submit one application for each allocation area, and each application will be considered separately. Each regional or State-wide HA application may request up to ten percent (10%) of the total rental vouchers and rental certificates the HA has under reservation for each allocation area as applicable, or 50 units, whichever is greater.

(6) The Field Office/Indian Programs Office will reduce the number of units requested in any application that exceeds the ten percent or 50-unit limit to the greater of ten percent (10%) of the total number of rental vouchers and

rental certificates under reservation or 50 units.

D. Certification Regarding Drug-Free Workplace

The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide a drug-free workplace. Thus, each HA must certify (even though it has done so previously) that it will comply with the drug-free workplace requirements in accordance with 24 CFR part 24, subpart F. (See Certification Regarding Drug-Free Workplace Requirements, Attachment 2 to this NOFA.)

E. Certification Regarding Lobbying

Section 319 of the Department of the Interior Appropriations Act, Pub. L. 101–121, approved October 23, 1989, (31 U.S.C. 1352) (the Byrd Amendment) generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The Department's regulations on these restrictions on lobbying are codified at 24 CFR part 87. To comply with 24 CFR part 87.110, any HA (other than an IHA that meets the definition of "person" in 24 CFR part 87.105) submitting an application under this NOFA for more than $100,000 of budget authority assistance must submit a certification and, if warranted, a Disclosure of Lobbying Activities. To assist HAs, the texts for the Certification Regarding Lobbying (Attachment 3) and Standard Form LLL, Disclosure Form to Report Lobbying (Attachment 5) are attached to this NOFA.

F. Certification Regarding Single Audit Act

The HA must submit the Single Audit Act Certification (Attachment 4) in accordance with the Single Audit Act, and HUD's regulations at 24 CFR part 44.

G. Checklist for Technical Requirements

The following checklist specifies the required information that must be submitted in the HA's application. It is recommended, but not required, that the application contain a narrative explaining how the application meets the selection criteria.

Initial Screening Checklist

APPLICATION FOR RENTAL VOUCHERS AND RENTAL CERTIFICATES

Housing agency		Field office		
Yes	No	Yes	No	
☐	☐	☐	☐	The application contains a completed Form HUD 52515.
☐	☐	☐	☐	The application specifies the number of rental vouchers and/or rental certificates requested from the fair share distribution.
☐	☐	☐	☐	The application states by number of bedrooms the total number of units requested by the HA (i.e., one bedroom units, two bedroom units), and the approximate number of units for elderly, handicapped, or disabled families.
☐	☐	☐	☐	The application demonstrates that it is responsive to the condition of the housing stock in the community and the housing assistance needs of low income families (including the elderly, handicapped, disabled, large families and those displaced) residing in or expected to reside in the community.
☐	☐	☐	☐	The application demonstrates that the applicant qualifies as a public housing agency and is legally qualified and authorized to participate in the rental assistance programs for the area in which the programs are to be carried out. Such demonstration includes: (i) The relevant enabling legislation, (ii) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (iii) a supporting opinion from the agency counsel. If such documents are currently on file in the Field Office/Indian Programs Office, they do not have to be resubmitted.
☐	☐	☐	☐	The application includes a statement that the housing quality standards to be used in the operation of the program will be as set forth in 24 CFR 882.109 and/or 24 CFR 887.251 or that variations in the Acceptability Criteria are proposed or have been approved by the Field Office/Indian Programs Office. In the latter case, each proposed variation shall be specified and justified.
☐	☐	☐	☐	The application contains the HA schedule of leasing, which must provide for the expeditious leasing of units in the program. In developing the schedule, an HA must specify the number of units in the program that are expected to be leased at the end of each three-month interval. The schedule must project lease-up by eligible families within twelve months or sooner after execution of the ACC by HUD.
☐	☐	☐	☐	The application (for rental vouchers and/or rental certificates) contains estimates of the average adjusted income for prospective participants for each bedroom size.

REQUIREMENT FOR DRUG-FREE WORKPLACE CERTIFICATION, ANTI-LOBBYING CERTIFICATION AND DISCLOSURE STATEMENT, AND THE SINGLE AUDIT COMPLIANCE CERTIFICATION

Housing agency		Field office		
Yes	No	Yes	No	
☐	☐	☐	☐	The application meets HUD's drug-free workplace requirements set out at 24 CFR part 24, subpart F. (The application contains an executed Certification for a Drug-Free Workplace (Attachment 2).)

REQUIREMENT FOR DRUG-FREE WORKPLACE CERTIFICATION, ANTI-LOBBYING CERTIFICATION AND DISCLOSURE STATEMENT, AND THE SINGLE AUDIT COMPLIANCE CERTIFICATION—Continued

Housing agency		Field office		
Yes	No	Yes	No	
☐	☐	☐	☐	The application meets HUD's regulations regarding anti-lobbying set out at 24 CFR 87. The anti-lobbying requirements apply to applications that, if approved, would result in the HA obtaining more than $100,000 in budget authority. The Department has determined that IHAs established by an Indian tribe as a result of the exercise of their sovereign power are excluded from coverage, but IHAs established under State law are not excluded from coverage. To comply, HAs must submit an Anti-lobbying Certification (Attachment 3) and, if warranted, a Disclosure of Lobbying Activities (Attachment 5).
☐	☐	☐	☐	The application meets the requirement that the applicant is in compliance with the Single Audit Act, OMB Circular No. A–128 and HUD's regulations at 24 CFR 44; or OMB Circular No. A–133. To comply, HAs must submit a Single Audit Act Certification (Attachment 4). HAs who are not currently in compliance with the audit requirements will not be eligible for funding.

IV. Corrections to Deficient Applications

To be eligible for processing, an application must be received by the appropriate Field Office/Indian Programs Office no later than the date and time specified in Section II of this NOFA. The Field Office/Indian Programs Office will initially screen all applications and notify HAs of technical deficiencies by letter.

If an application has technical deficiencies, the HA will have 14 calendar days from the date of the issuance of written notification to submit the missing or corrected information to the Field Office and/or Indian Programs Office. Curable technical deficiencies relate only to items that do not improve the substantive quality of the application relative to the rating factors.

All HAs must submit corrections within 14 calendar days from the date of HUD's letter notifying the applicant of any such deficiency. Information received after 3 p.m. local time (i.e., the time in the appropriate Field Office/Indian Program Office), of the fourteenth calendar day of the correction period will not be accepted and the application will be rejected as incomplete. All HAs are encouraged to review the initial screening checklist provided in Section III of this notice. The checklist identifies all technical requirements needed for application processing. An HA application that does not comply with the requirements of 24 CFR 882.204(a) or 887.55(b) and this notice, including the drug-free workplace certification and the anti-lobbying certification/disclosure requirements, Single Audit Act certification, after the expiration of the 14-day cure period will be rejected from processing.

V. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with the Department's regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW., Washington, DC 20410.

B. Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this notice will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the Order. This notice is a funding notice and does not substantially alter the established roles of the Department, the States, and local governments, including HAs.

C. Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this notice does not have potential for significant impact on family formation, maintenance, and general well-being within the meaning of the Executive Order and, thus, is not subject to review under the Order. This is a funding notice and does not alter program requirements concerning family eligibility.

D. Section 102 of the HUD Reform Act: Documentation and Public Access Requirements

HUD responsibilities. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

E. Section 103 of the HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) (Reform Act) was published on May 13, 1991 (56 FR 22088), and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of

HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (TDD/Voice). (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

F. Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the "Byrd Amendment") and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance. IHAs established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but IHAs established under State law are not excluded from the statute's coverage.

G. Section 112 of the Reform Act

Section 112 of the HUD Reform Act added a new section 13 to the Department of Housing and Urban Development Act (42 U.S.C. 3537b). Section 13 contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the Federal Register on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

Any questions about the rule should be forwarded to the Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–3000. Telephone: (202) 708–3815 (TDD/Voice) (this is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Authority: 42 U.S.C. 1437a, 1437c, 1437f.

Dated: June 30, 1993.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

Application for Existing Housing

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Attachment 1

Section 8 Housing Assistance Payments Program

Send the original and two copies of this application form and attachments to the local HUD Field Office

OMB Approval No. 2577-0169 (exp.9/30/95)

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2577-0169), Washington, D.C. 20503. Do not send the completed form to either of these addresses.

Name of the Public Housing Agency (PHA) requesting housing assistance payments:

Application/Project No. (HUD use only)

Mailing Address of the PHA

Requested housing assistance payments are for :
How many Certificates? | How many Vouchers?

Signature of PHA Officer authorized to sign this application

X

Have you submitted prior applications: No Yes
. . . for Section 8 Certificates? ☐ ☐
. . . for Section 8 Housing Vouchers? ☐ ☐

Title of PHA Officer authorized to sign this application | Phone Number | Date of Application

Legal Area of Operation (area in which the PHA determines that it may legally enter into Contracts)

A. Primary Area(s) from which families to be assisted will be drawn.

Locality (city, town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units

Housing Program	Number of Dwelling Units by Bedroom Count: Elderly, Handicapped, Disabled — Efficiency	1-BR	2-BR	Non-Elderly — 1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	Total Dwelling Units
Certificates										
Housing Vouchers										

C. Need for Housing Assistance. Demonstrate that the project requested in this application is consistent with the applicable Housing Assistance Plan including the goals for meeting the housing needs of Lower-Income Families or, in the absence of such a Plan, that the proposed project is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped and disabled, large families and those displaced or to be displaced) residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

D. Qualification as a Public Housing Agency. Demonstrate that the applicant qualifies as a Public Housing Agency and is legally qualified and authorized to carry out the project applied for in this application. (check " the appropriate boxes)	Submitted with this application	Previously submitted
1. The relevant enabling legislation		
2. Any rules and regulations adopted or to be adopted by the agency to govern its operations		
3. A supporting opinion from the Public Housing Agency Counsel		

Retain this record for the term of the ACC.
Previous editions are obsolete

form HUD-52515 (7/88)
ref. handbook 7420.3

E. **Financial and Administrative Capability.** Describe the experience of the PHA in administering housing or other programs and provide other information which evidences present or potential management capability for the proposed program.

F. **Housing Quality Standards.** Provide a statement that the Housing Quality Standards to be used in the operation of the program will be as set forth in the program regulation or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

G. **Leasing Schedule.** Provide a proposed schedule specifying the number of units to be leased by the end of each three-month period.

H. **Average Monthly Adjusted Income** (Housing Vouchers Only)

Efficiency	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR

I. **Attachments.** The following additional items must be submitted either with the application or after application approval, but no later than with the PHA executed ACC.

	Submitted with this application	To be submitted	Previously submitted
1. Equal Opportunity Housing Plan			
2. Equal Opportunity Certifications, Form HUD-916			
3. Estimates of Required Annual Contributions, forms HUD-52672 and HUD-52673			
4. Administrative Plan			
5. Proposed Schedule of Allowances for Utilities and Other Services, form HUD-52667, with a justification of the amounts proposed			

HUD Field Office Recommendations

Recommendation of Appropriate Reviewing Office	Signature and Title	Date

BILLING CODE 4210-33-C

Attachment 2.—Certificate Regarding Drug-Free Workplace Requirements

(From 24 CFR 24, Appendix C)

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies. Certification Regarding Drug-Free Workplace Requirements Alternate I

A. The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

_____

(Name & Title)

_____

(Signature & Date)

Alternate II

The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

Signed by: (Name, Title & Signature of Authorized HA Official)

_____

(Name & Title)

_____

(Signature & Date)

Attachment 3.—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signed by: (Name, Title & Signature of Authorized HA Official)

_____

(Name & Title)

_____

(Signature & Date)

Attachment 4.—Certification Regarding Single Audit Act

The undersigned certifies that, to the best of his or her knowledge, the housing agency is currently in compliance with the audit requirements under the Single Audit Act, OMB Circular No. A–128 and HUD's implementing regulations at 24 CFR part 44; or OMB Circular No. A–133, as applicable. This certification includes the period [insert dates audit covers] which covers the last audit conducted and submitted to HUD in accordance with these requirements, or the period for audit currently under contract.

Signed by: (Name, Title & Signature of Authorized HA Official)

_____

(Name & Title)

_____

(Signature & Date)

BILLING CODE 4210–33–M

Disclosure of Lobbying Activities

Attachment 5

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse side for instructions and public burden disclosure.)

Approved by OMB
0348-0046

1. **Type of Federal Action:**
☐ a. contract
☐ b. grant
☐ c. cooperative agreement
☐ d. loan
☐ e. loan guarantee
☐ f. loan insurance

2. **Status of Federal Action:**
☐ a. bid/offer/application
☐ b. initial award
☐ c. post-award

3. **Report Type:**
☐ a. initial filing
☐ b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. **Name and Address of Reporting Entity:**
☐ Prime ☐ Subawardee Tier _____, if known:

Congressional District, if known:

5. **If Reporting Entity in No. 4 is Subawardee, enter Name and Address of Prime:**

Congressional District, if known:

6. **Federal Department/Agency:**

7. **Federal Program Name/Description:**

CFDA Number, if applicable: _____

8. **Federal Action Number, if known:**

9. **Award Amount, if known:**
$

10a. **Name and Address of Lobbying Entity**
(if individual, last name, first name, MI):

b. **Individuals Performing Services** (including address if different from No. 10a.)
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. **Amount of Payment** (check all that apply):
$_____ ☐ actual ☐ planned

12. **Form of Payment** (check all that apply):
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. **Type of Payment** (check all that apply):
☐ a. retainer
☐ b. one--time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify:

14. **Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11:**

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. **Continuation Sheet(s) SF-LLL-A attached:** ☐ **Yes** ☐ **No**

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form-LLL

Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient, Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a).

Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box (es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contracted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public Reporting Burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

Disclosure of Lobbying Activities
Continuation Sheet

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form-LLL-A

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

Region	Dollars	Units	Component parts of allocation area
Boston, Massachusetts Office Metropolitan Allocation Areas:			
Western Massachusetts	4,229,964	98	Berkshire county—towns of: Cheshire, Dalton, Hinsdale, Lanesborough, Lee, Lenox, Pittsfield, Richmond, Stockbridge; Hampden county—towns of: Agawam, Chicopee, East Longmeadow, Hampden, Holyoke, Longmeadow, Ludlow, Monson, Montgomery, Palmer, Russell, Southwick, Springfield, Westfield, West Springfield, Wilbraham; Hampshire county—towns of: Belchertown, Easthampton, Granby, Huntington, Northampton, Southampton, South Hadley.
Worcester County	3,399,403	78	Middlesex county—towns of: Ashby; Worcester county—towns of: Ashburnham, Fitchburg, Leominster, Lunenburg, Westminster; Worcester county—towns of: Auburn, Barre, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, East Brookfield, Grafton, Holden, Leicester, Millbury, Northborough, Northbridge, North Brookfield, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Spencer, Sterling, Sutton, Uxbridge, Webster, Westborough, West Boylston, Worcester.
Boston	22,067,716	511	Bristol county—towns of: Mansfield, Norton, Raynham; Essex county—towns of: Lynn, Lynnfield, Nahant, Saugus; Middlesex county—towns of: Acton, Arlington, Ashland, Ayer, Bedford, Belmont, Boxborough, Burlington, Cambridge, Carlisle, Concord, Everett, Framingham, Groton, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Littleton, Malden, Marlborough, Maynard, Medford, Melrose, Natick, Newton, North Reading, Reading, Sherborn, Shirley, Somerville, Stoneham, Stow, Sudbury, Townsend, Wakefield, Waltham, Watertown, Wayland, Weston, Wilmington, Winchester, Woburn; Norfolk county—towns of: Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood, Quincy, Randolph, Sharon, Stoughton, Walpole, Wellesley, Westwood, Weymouth, Wrentham; Plymouth county—towns of: Carver, Duxbury, Hanover, Hanson, Hingham, Hull, Kingston, Lakeville, Marshfield, Middleborough, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate; Suffolk county—towns of: Boston, Chelsea, Revere, Winthrop; Worcester county—towns of: Berlin, Bolton, Harvard, Hopedale, Lancaster, Mendon, Milford, Southborough, Upton.
Northeast	4,561,622	106	Essex county—towns of: Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, Newbury, Newburyport, North Andover, Salisbury, West Newbury; Middlesex county—towns of: Billerica, Chelmsford, Dracut, Dunstable, Lowell, Pepperell, Tewksbury, Tyngsborough, Westford; Essex county—towns of: Beverly, Danvers, Essex, Gloucester, Hamilton, Ipswich, Manchester, Marblehead, Middleton, Peabody, Rockport, Rowley, Salem, Swampscott, Topsfield, Wenham.
Southeast	4,083,626	94	Bristol county—towns of: Easton; Norfolk county—towns of: Avon, Plymouth county—towns of: Abington, Bridgewater, Brockton, East Bridgewater, Halifax, West Bridgewater, Whitman; Bristol county—towns of: Fall River, Somerset, Swansea, Westport; Bristol county—towns of: Acushnet, Dartmouth, Fairhaven, Freetown, New Bedford; Plymouth county—towns of: Marion, Mattapoisett, Rochester; Bristol county—towns of: Attleboro, North Attleborough, Rehoboth, Seekonk; Norfolk county—towns of: Plainville; Worcester county—towns of: Blackstone, Millville.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Statewide	1,941,410	49	Barnstable, Berkshire county—towns of: Adams, Alford, Becket, Clarksburg, Egremont, Florida, Great Barrington, Hancock, Monterey, Mount Washington, New Ashford, New Marlborough, North Adams, Otis, Peru, Sandisfield, Savoy, Sheffield, Tyringham, Washington, West Stockbridge, Williamstown, Windsor; Bristol county—towns of: Berkley, Dighton, Taunton; Dukes Franklin, Hampden county—towns of: Blandford, Brimfield, Chester, Granville, Holland, Tolland, Wales; Hampshire county—towns of: Amherst, Chesterfield, Cummington, Goshen, Hadley, Hatfield, Middlefield, Pelham, Plainfield, Ware, Westhampton, Williamsburg, Worthington; Nantucket, Plymouth county—towns of: Wareham; Worchester county—towns of: Athol, Gardner, Hardwick, Hubbardston, New Braintree, Oakham, Petersham, Phillipston, Royalston, Southbridge, Sturbridge, Templetion, Warren, West Brookfield, Winchendor.
Hartford, Connecticut Office Metropolitan Allocation Areas:			
Brideport-Milford, Norwalk, Stamford.	4,340,161	101	Fairfield county—towns of: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull; New Haven county—towns of: Ansonia, Beacon Falls, Derby, Milford, Oxford, Seymour; Fairfield county—towns of: Norwalk, Weston, Westport, Wilton; Fairfield county—towns of: Darien, Greenwich, New Canaan, Stamford.
Bristol, Danbury, New Britain, Waterbury.	3,097,269	71	Hartford county—towns of: Bristol, Burlington; Litchfield county—towns of: Plymouth; Fairfield county—towns of: Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, Sherman; Litchfield county—towns of: Bridgewater, New Milford; Hartford county—towns of: Berlin, New Britain, Plainville, Southingon; Litchfield county—towns of: Bethlehem, Thomaston, Watertown; Woodbury, New Haven county—towns of: Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Wolcott.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Hartford	4,419,002	102	Hartford county—towns of: Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks; Litchfield county—towns of: Barkhamsted, New hartford; Middlesex county—towns of: East Haddam; New London county—towns of: Colchester; Tolland county—towns of: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Somers, Stafford, Tolland, Vernon, Willington.
Middletown, N. London, Norwich, N. Haven-Meriid.	4,917,245	114	Middlesex county—towns of: Cromwell, Durham, East Hampton, Haddam, Middlefield, Middletown, Portland; New London county—towns of: Bozrah, East Lyme, Franklin, Griswold, Groton, Ledyard, Lisbon, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Waterford; Windham county—town of: Canterbury; Middlesex county—towns of: Clinton, Killingworth; New Haven county—towns of: Bethany, Branford, Cheshire, East Haven, Guliford, Hamden, Madison, Meriden, New Haven, North Branford, North Haven, Orange, Wallingford, West Haven, Woodbridge.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Connecticut Statewide.	908,462	24	Hartford county—towns of: Hartland; Litchfield county—towns of: Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester; Middlesex county—towns of: Chester, Deep River, Essex, Old Saybrook, Westbrook; New London county—towns of: Lebanon, Lyme, Voluntown; Tolland county—towns of: Mansfield, Union; Windham county—towns of: Ashford, Brooklyn, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Windham, Woodstock.
Manchester, New Hampshire Office Metropolitan Allocation Areas:			
Vermont—Burlington	784,045	20	Chittenden county—towns of: Burlington, Charlotte, Colchester, Essex, Hinesburg, Jericho, Milton, Richmond, St. George, Shelburne, South Burlington, Williston, Winooski; Franklin county—towns of: Georgia; Grand Isle county—towns of: Grande Isle, South Hero.
Metropolitan New Hampshire.	2,646,722	67	Rockingham county—towns of: Atkinson, Brentwood, Danville, Derry, East Kingston, Hampstead, Kingston, Newton, Plaistow, Salem, Sandown, Seabrook, Windham; Hillsborough county—towns of: Bedford, Goffstown, Manchester; Merrimack county—towns of: Allenstown, Hooksett; Rockingham county—towns of: Auburn, Candia; Hillsborough county—towns of: Pelham; Hillsborough county—towns of: Amherst, Brookline, Hollis, Hudson, Litchfield, Merrimack, Milford, Mont Vernon, Nashua, Wilton; Rockingham county—towns of: Londonderry; Rockingham county—towns of: Exeter, Greenland, Hampton, New Castle, Newfields, Newington, Newmarket, North Hampton, Portsmouth, Rye, Stratham; Strafford county—towns of: Barrington, Dover, Durham, Farmington, Lee, Madbury, Milton, Rochester, Rollinsford, Somersworth.
Metropolitan Maine	2,385,300	60	Penobscot county—towns of: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Old Town, Orono, Orrington, Penobscot Indian I, Veazie; Waldo county—towns of: Winterport; Androscoggin county—towns of: Auburn, Greene, Lewiston, Lisbon, Mechanic Falls, Poland, Sabattus; Cumberland county—towns of: Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; York county—towns of: Buxton, Hollis, Old Orchard Beach; York county—towns of: Berwick, Eliot, Kittery, North Berwick, South Berwick, Wells, York.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Vermont Statewide.	1,141,832	34	Addison, Bennington, Caledonia, Chittenden county—towns of: Bolton, Buels, Huntington, Underhill, Westford; Essex Franklin county—towns of: Bakersfield, Berkshire, Enosburg, Fairfax, Fairfield, Fletcher, Franklin, Highgate, Montgomery, Richford, St. Albans, St. Albans, Sheldon, Swanton; Grand Isle county—towns of: Alburg, Isle La Motte, North Hero, Lamoille, Orange, Orleans, Rutland, Washington, Windham, Windsor.
Nonmetropolitan New Hampshire Statewide.	1,161,527	34	Belknap, Carroll, Cheshire, Coos, Grafton; Hillsborough county—towns of: Antrim, Bennington, Deering, Francestown, Greenfield, Greenville, Hancock, Hillsborough, Lyndeborough, Mason, New Boston, New Ipswich, Peterborough, Sharon, Temple, Weare, Windsor; Merrimack county—towns of: Andover, Boscawen, Bow, Bradford, Canterbury, Chichester, Concord, Danbury, Dunbarton, Epsom, Franklin, Henniker, Hill, Hopkinton, Loudon, Newbury, New London, Northfield, Pembroke, Pittsfield, Salisbury, Sutton, Warner, Webster, Wilmot; Rockingham county—towns of: Chester, Deerfield, Epping, Fremont, Hampton Falls, Kensington, Northwood, Nottingham, Raymond, South Hampton; Strafford county—towns of: Middleton, New Durham, Strafford, Sullivan.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Nonmetropolitan Maine Statewide.	1,765,174	54	Androscoggin county—towns of: Durham, Leeds, Livermore, Livermore Falls, Minot, Turner, Wales; Aroostook, Cumberland county—towns of: Baldwin, Bridgton, Brunswick, Casco, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago; Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot county—towns of: Alton, Argyle, Bradford, Bradley, Burlington, Carmel, Carroll, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Grand Falls, Greenbush, Greenfield, Howland, Hudson, Kingman, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell, Mattawamkeag, Maxfield, Medway, Milford, Millinocket, Mount Chase, Newburgh, Newport, North Penobscot, Passadumkeag, Patten, Plymouth, Prentiss, Seboeis, Springfield, Stacyville, Stetson, Summit, Twombly, Webster, Whitney, Winn, Woodville; Piscataquis, Sagadahoc, Somerset, Waldo county—towns of: Belfast, Belmont, Brooks, Burnham, Frankfort, Freedom, Islesboro, Jackson, Knox, Liberty, Lincolnville, Monroe, Montville, Morrill, Northport, Palermo, Prospect, Searsmont, Searsport, Stockton Springs, Swanville, Thorndike, Troy, Unity, Waldo; Washington, York county—towns of: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Limington, Lyman, Newfield, Parsonfield, Saco, Sanford, Shapleigh, Waterboro.
Providence, Rhode Island Office Metropolitan Allocation Areas:			
Statewide Metropolitan Allocation Area.	5,228,000	141	Newport county—towns of: Little Compton, Tiverton; Washington county—towns of: Hopkinton, Westerly; Providence; county—towns of: Burrillville, Central Falls, Cumberland, Lincoln, North Smithfield, Pawtucket, Smithfield, Woonsocket; Bristol county—towns of: Barrington, Bristol, Warren; Kent county—towns of: Coventry, East Greenwich, Warwick, West Warwick; Newport county—towns of: Jamestown; Providence county—towns of: Cranston, East Providence, Foster, Glocester, Johnston, North Providence, Providence, Scituate; Washington county—towns of: Exeter, Narragansett, North Kingstown, Richmond, South Kingstown.
Nonmetropolitan Allocation Areas:			
Statewide Nonmetropolitan Allocation Area.	288,955	7	Kent county—towns of: West Greenwich; Newport county—towns of: Middletown, Newport, Portsmouth; Washington county—towns of: Charlestown, New Shoreham.
HUD Region II (New York)			
Buffalo, New York Office Metropolitan Allocation Areas:			
Albany—Schenectady—Troy/Glens Falls, NY.	3,501,903	115	Albany, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, Washington.
Buffalo—Niagara Falls/Jamestown—Dunkirk, NY.	5,463,456	179	Erie, Niagara, Chautauqua.
Syracuse/Utica—Rome/Binghamton/Elmira, NY.	4,941,923	162	Madison, Onondaga, Oswego, Herkimer, Oneida, Broome, Tioga, Chemung.
Rochester, NY	4,750,142	155	Livingston, Monroe, Ontario, Orleans, Wayne.
Nonmetropolitan Allocation Areas:			
Northeast New York	1,132,002	39	Clinton, Essex, Franklin, Fulton, Hamilton, Jefferson, Lewis, St. Lawrence.
Southeast New York	1,477,910	51	Tompkins, Cayuga, Cortland, Columbia, Chenango, Delaware, Otsego, Schoharie.
Southwest New York	783,230	27	Allegany, Cattaraugus, Genesee, Schuyler, Seneca, Steuben, Wyoming, Yates.
New York, New York Office Metropolitan Allocation Areas:			
Nassau County	4,047,691	98	Nassau.
Suffolk County	3,377,759	82	Suffolk.
New York Pmsa	135,380,455	3278	New York, Putnam, Rockland, Westchester.
Dutchess & Orange Counties.	2,541,453	61	Orange, Dutchess.
Nonmetropolican Allocation Areas:			
Sullivan & Ulster Counties	642,726	18	Sullivan, Ulster.
Newark, New Jersey Office Metropolitan Allocation Areas:			
Bergen—Passaic NJ	9,079,584	202	Bergen, Passaic.
Jersey City NJ	8,536,355	190	Hudson.
Newark NJ	15,918,972	354	Essex, Morris, Sussex, Union, Warren.
South Central New Jersey	15,581,845	347	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset.
HUD Region III (Philadelphia)			
Baltimore, Maryland Office Metropolitan Allocation Areas:			
Maryland Metropolitan	13,511,444	387	Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore, Allegany, Washington, Calvert, Charles, Frederick, Cecil.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Nonmetropolitan Allocation Areas:			
Maryland Non Metropolitan	735,084	24	Caroline, Dorchester, Garrett, Kent, St. Mary's, Somerset, Talbot, Wicomico, Worcester.
Charleston, West Virginia Office Metropolitan Allocation Areas:			
All Metro Counties	2,135,747	76	Kanawha, Putnam, Mineral, Cabell, Wayne, Wood, Brooke, Hancock, Marshall, Ohio.
Nonmetropolitan Allocation Areas:			
All Nonmetro Counties	2,191,169	90	Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Jefferson, Lewis, Lincoln, Logan, McDowell, Marion, Mason, Mercer, Mingo, Monongalia, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, Wyoming.
Philadelphia, Pennsylvania Office Metropolitan Allocation Areas:			
Allentown/Bethlehem	2,343,108	67	Carbon, Lehigh, Northampton.
Harrisburg/Lebanon/Carlisle.	2,388,806	69	Cumberland, Dauphin, Lebanon, Perry.
Lancaster/Reading/York	4,351,403	125	Lancaster, Berks, Adams, York.
Philadelphia/Wilmington	17,407,402	502	Bucks, Chester, Delaware, Montgomery, Philadelphia, New Castle.
Scranton/Wilkes-Barre/State Col./Williamsport.	3,622,536	105	Columbia, Lackawanna, Luzerne, Monroe, Wyoming, Centre, Lycoming.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Delaware/Pennsylvania.	1,838,753	62	Bradford, Clinton, Franklin, Juniata, Mifflin, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Kent, Sussex.
Pittsburgh, Pennsylvania Office Metropolitan Allocation Areas:			
All Metro Counties	9,967,539	366	Blair, Beaver, Erie, Cambria, Somerset, Allegheny, Fayette, Washington, Westmoreland, Mercer.
Nonmetropolitan Allocation Areas:			
All Nonmetro Counties	1,790,625	64	Armstrong, Bedford, Butler, Cameron, Clairon, Clearfield, Crawford, Elk, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Potter, Venango, Warren.
Richmond, Virginia Office Metropolitan Allocation Areas:			
Richmond-Petersburg-Hopewell, VA MSA.	2,948,929	100	Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, New Kent, Powhatan, Prince George, Colonial Heights, Hopewell, Petersburg, Richmond.
Norfolk-Virginia Beach-Newport News, VA MSA.	4,242,486	142	Gloucester, James City, York, Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg.
All Other MSAs	2,433,966	80	Albemarle, Fluvanna, Greene, Charlottesville, Pittsylvania, Danville, Amherst, Campbell, Lynchburg, Scott, Washington, Bristol, Botetourt, Roanoke, Roanoke, Salem, Stafford.
Nonmetropolitan Allocation Areas:			
Nonmetro Portion of Virginia.	2,938,277	120	Accomack, Alleghany, Amelia, Appomattox, Augusta, Bath, Bedford, Bland, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charlotte, Clarke, Craig, Culpeper, Cumberland, Dickenson, Essex, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greensville, Halifax, Henry, Highland, Isle of Wight, King and Queen, King George, King William, Lancaster, Lee, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Prince Edward, Pulaski, Rappahannock, Richmond, Rockbridge, Rockingham, Russell, Shenandoah, Smyth, Southampton, Spotsylvania, Surry, Sussex, Tazewell, Warren, Westmoreland, Wise, Wythe, Bedford, Buena Vista, Clifton Forge, Covington, Emporia, Franklin, Fredericksburg, Galax, Harrisonburg, Lexington, Martinsville, Norton, Radford, South Boston, Staunton, Waynesboro, Winchester.
Washington, D.C. Office Metropolitan Allocation Areas:			
Washington, D.C	21,298,947	424	Montgomery, Prince George's, Washington, Arlington, Fairfax, Loudoun, Prince William, Alexandria, Fairfax, Falls Church, Manassas, Manassas Park.
HUD Region IV (Atlanta)			
Atlanta, Georgia Office Metropolitan Allocation Areas:			
GA. Metro Allocation Area No. 1.	7,695,540	251	Fulton, De Kalb, Barrow, Butts, Cherokee, Clayton, Cobb, Coweta, Douglas, Fayette, Forsyth, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding, Walton.
GA. Metro Allocation Area No. 2.	5,751,296	187	Bibb, Chattahoochee, Houston, Jones, Muscogee, Peach, Catoosa, Chatham, Clarke, Columbia, Dade, Dougherty, Effingham, Jackson, Lee, McDuffie, Madison, Oconee, Richmond, Walker.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Nonmetropolitan Allocation Areas:			
GA. Nonmetro Allocation Area No. 1.	4,065,371	197	Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Bartow, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Carroll, Charlton, Chattooga, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Dawson, Decatur, Dodge, Dooly, Early, Echols, Elbert, Emanuel, Evans, Fannin, Floyd, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Irwin, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Lamar, Lanier, Laurens, Liberty, Lincoln, Long, Lowndes, Lumpkin, McIntosh, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Murray, Oglethorpe, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Schley, Screven, Seminole, Stephens, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Towns, Treutlen, Troup, Turner, Twiggs, Union, Upson, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkes, Wilkinson, Worth.
Birmingham, Alabama Office Metropolitan Allocation Areas:			
Metropolitan Alloction Area 1.	1,281,002	52	Dale, Houston, Autauga, Elmore, Montgomery, Russell.
Metropolitan Allocation Area 2.	1,110,182	45	Baldwin, Mobile.
Metropolitan Allocation Area 4.	3,181,357	130	Calhoun, Blount, Jefferson, St Clair, Shelby, Walker, Tuscaloosa.
Metropolitan Allocation Area 3.	1,576,515	65	Madison, Colbert, Lauderdale, Lawrence, Morgan, Etowah.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area 1.	483,352	24	Coffee, Pike, Lee, Henry, Geneva, Crenshaw, Bullock, Barbour, Chambers.
Nonmetropolitan Allocation Area 2.	364,585	19	Butler, Lowndes, Macon, Covington, Dallas.
Nonmetropolitan Allocation Area 3.	398,122	21	Jackson, Marshall, De Kalb, Cherokee, Winston, Limestone, Lamar, Franklin, Cullman.
Nonmetropolitan Allocation Area 4.	428,532	21	Cleburne, Clay, Coosa, Talladega, Tallapoosa, Randolph, Hale, Greene, Fayette, Bibb, Chilton.
Nonmetropolitan Allocation Area 5.	355,440	17	Choctaw, Clarke, Conecuh, Escambia, Marengo, Marion, Monroe, Perry, Pickens, Sumter, Washington, Wilcox.
Caribbean Office Metropolitan Allocation Areas:			
Metro #1	2,300,084	87	Florida Municipio, Hormigueros Municipio, Luquillo Municipio, Barceloneta Municipio, Quebradillas Municipio, Anasco Municipio, Aguas Buenas Municipio, Las Piedras Municipio, Naranjito Municipio, Gurabo Municipio, Camuy Pueblo, Loiza Municipio, Juncos Municipio, Dorado Municipio, Hatillo Municipio, Moca Municipio, Corozal Municipio, Vega Alta Municipio, Catano Municipio, San German Municipio, San Lorenzo Municipio, Cidra Municipio, Aguada Municipio, Canovanas Municipio, Fajardo Municipio, Cabo Rojo Municipio, Manati Municipio, Isabela Municipio, Toa Alta Municipio, Juana Diaz Municipio, Rio Grande Municipio, Cayey Municipio, Humacao Municipio, Vega Baja Municipio.
Metro #2	1,462,799	59	Toa Baja Municipio, Guaynabo Municipio Arecibo Municipio, Mayaguez Municipio, Caguas Municipio, Aguadilla Municipio, Trujillo Alto Municipio.
Metro #3	3,434,206	135	Ponce Municipio, Bayamon Municipio, San Juan Municipio, Carolina Municipio.
Nonmetropolitan Allocation Areas:			
Caribbean—Nonmetropolitan Areas.	1,098,223	54	Adjuntas Municipio, Albonito Municipio, Arroyd Municipio, Barranquitas Municipio, Celba Municipio, Ciales Municipio, Coama Municipio, Comerio Municipio, Culebra Municipio, Guanica Municipio, Guayama Municipio, Guayanilla Municipio, Jayuya Municipio, Lajas Municipio, Lares Municipio, Las Marias Municipio, Maricao Municipio, Maunabo Municipio, Morovis Municipio, Naguabo Municipio, Orocovis Municipio, Patillas Municipio, Penuelas Municipio, Rincon Municipio, Sabana Grande Municipio, Salinas Municipio, San Sebastian Municipio, Santa Isabel Municipio, Utuado Municipio, Vieques Municipio, Villalba Municipio, Yabucoa Municipio, Yauco Municipio, Virgin Islands.
Columbia, South Carolina Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area 1.	4,904,003	191	Anderson, Aiken, Berkeley, Charleston, Dorchester, York, Lexington, Richland, Florence, Greenville, Pickens, Spartanburg.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area 1.	2,014,476	97	Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Fairfield, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, McCormick, Marion, Marlboro, Newberry, Oconee, Orangeburg, Saluda, Sumter, Union, Williamsburg.
Greensboro, North Carolina Office Metropolitan Allocation Areas:			
Charlotte-Gastonia MSA	2,540,408	96	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union.
Greensboro—Winston-Salem—High Point MSA.	2,223,120	84	Davidson, Davie, Forsyth, Guilford, Randolph, Stokes, Yadkin.
Raleigh-Durham MSA	2,206,736	83	Durham, Franklin, Orange, Wake.
All Other Metropolitan Areas, N.C.	2,244,140	84	Buncombe, Alamance, Cumberland, Alexander, Burke, Catawba, Onslow, New Hanover.
Nonmetropolitan Allocation Areas:			
Non-Metropolitan Counties, Western N.C.	2,154,791	93	Alleghany, Anson, Ashe, Avery, Caldwell, Caswell, Chatham, Cherokee, Clay, Cleveland, Graham, Granville, Haywood, Henderson, Iredell, Jackson, Johnston, Lee, McDowell, Macon, Madison, Mitchell, Montgomery, Moore, Person, Polk, Richmond, Rockingham, Rutherford, Stanly, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wilkes, Yancey.
Mon-Metropolitan Counties, Eastern N.C.	2,609,858	115	Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Jones, Lenoir, Martin, Nash, Northampton, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Scotland, Tyrrell, Washington, Wayne, Wilson.
Jackson, Mississippi Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area No. 1.	1,955,707	71	Hancock, Harrison, Hinds, Madison, Rankin, De Soto, Jackson.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area No. 1.	3,545,104	171	Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, Forrest, Franklin, George, Greene, Grenada, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.
Jacksonville, Florida Office Metropolitan Allocation Areas:			
Miami-Hialeah	12,791,560	374	Dade.
West Palm Beach-Ft. Pierce.	2,235,648	65	Palm Beach, Martin, St. Lucie.
Tampa-St. Petersburg-Clearwater.	5,235,508	152	Hernando, Hillsborough, Pasco, Pinellas.
Jacksonville-Ocala-Daytona Beach-Gainesville.	5,197,789	151	Clay, Duval, Nassau, St. John, Marion, Volusia, Alachua, Bradford.
Orlando-Melbourne	3,102,729	91	Orange, Osceola, Seminole, Brevard.
Pensacola-Ft. Walton-Panama City-Tallahassee.	2,373,950	69	Escambia, Santa Rosa, Okaloosa, Bay, Gadsden, Leon.
Lakeland-Bradenton-Naples-Sarasota-Ft. Myers.	2,757,006	82	Polk, Manatee, Collier, Sarasota, Lee.
Ft. Lauderdale-Hollywood ..	2,876,873	84	Broward.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area 1.	1,488,674	56	Baker, Calhoun, Charlotte, Citrus, Columbia, De Soto, Dixie, Flagler, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Levy, Liberty, Madison, Monroe, Okeechobee, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, Washington.
Louisville, Kentucky Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area 1.	3,505,848	135	Bourbon, Bullitt, Clark, Fayette, Jefferson, Jessamine, Oldham, Scott, Shelby, Woodford.
Metropolitan Allocation Area 2.	1,632,398	63	Boone, Boyd, Campbell, Carter, Christian, Daviess, Greenup, Henderson, Kenton.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area—Northeast.	358,856	16	Bracken, Robertson, Mason, Fleming, Lewis, Montgomery, Bath, Rowan, Powell, Menifee, Morgan, Elliott, Lawrence, Johnson, Martin.
Nonmetropolitan Allocation Area—South Centr.	606,660	28	Anderson, Franklin, Harrison, Nicholas, Cumberland, Adair, Green, Taylor, Clinton, Russell, Wayne, McCreary, Pulaski, Casey, Lincoln, Garrard, Madison.
Nonmetropolitan Allocation Area—Southeast.	940,105	43	Estill, Lee, Wolfe, Magoffin, Floyd, Pike, Jackson, Laurel, Whitley, Knox, Bell, Clay, Leslie, Harlan, Owsley, Breathitt, Perry, Knott, Letcher, Rockcastle.
Nonmetropolitan Allocation Area—Midwest.	476,245	21	Union, Webster, McLean, Hancock, Ohio, Butler, Logan, Simpson, Warren, Allen, Monroe, Metcalfe, Barren, Hart, Edmonson.
Nonmetropolitan Allocation Area—Far West.	447,678	21	Fulton, Ballard, Carlisle, Hickman, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, Lyon, Trigg, Caldwell, Hopkins, Muhlenberg, Todd.
Nonmetropolitan Allocation Area—North Cetn.	487,966	22	Grayson, Breckenridge, Meade, Hardin, LaRue, Nelson, Marion, Washington, Spencer, Trimble, Henry, Carroll, Gallatin, Owen, Grant, Pendleton, Mercer, Boyle.
Knoxville, Tennessee Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area 1.	3,290,412	135	Hamilton, Marion, Sequatchie, Carter, Hawkins, Sullivan, Unicoi, Washington, Anderson, Blount, Grainger, Jefferson, Knox, Sevier, Union.
Nonmetropolitan Allocaiton Areas:			
Nonmetropolitan Allocation Area 1.	763,277	35	Bledsoe, Bradley, Campbell, Claiborne, Cocke, Cumberland, Fentress, Greene, Grundy, Hamblen, Hancock, Johnson, Loudon, McMinn, Meigs, Monroe, Morgan, Pickett, Polk, Rhea, Roane, Scott.
Nashville, Tennessee Office Metropolitan Allocation Areas:			
Memphis-Jackson, TN, Allocation Area.	3,469,407	125	Shelby, Tipton, Madison.
Nashville-Clarksville, TN, Allocation Area.	3,131,194	112	Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Williamson, Wilson, Montgomery.
Nonmetropolitan Allocation Areas:			
West TN. Allocation Area ..	666,665	34	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy Obion, Weakley.
Middle TN. Allocation Area	776,612	38	Bedford, Cannon, Clay, Coffee, De Kalb, Franklin, Giles, Hickman, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Moore, Overton, Perry, Putnam, Smith, Van Buren, Warren, Wayne, White, Stewart, Houston, Humphreys, Trousdale.
HUD Region V (Chicago)			
Chicago, Illinois Office Metropolitan Allocation Areas:			
Metro I Chicago	38,873,176	1005	Cook.
Metro II Chicago Collar Counties.	4,286,917	111	Lake, Kane, Kendall, Grundy, Will, McHenry, Du Page,
Metro III Rockford	2,011,915	52	Boone, Winnebago.
Metro IV Bloomington Champaign Decatur Kanke..	2,204,453	56	McLean, Champaign, Macon, Kankakee.
Metro V Peoria Rock Island Springfield.	2,588,718	68	Peoria, Tazewell, Woodford, Henry, Rock Isaind, Menard, Sangamon.
Metro VI St. Louis-Illinois Portion.	2,251,047	59	Clinton, Jersey, Madison, Monroe, St. Clair.
Nonmetropolitan Allocation Areas:			
Non-Metro I	1,159,553	48	Adams, Brown, Bureau, Calhoun, Carroll, Cass, Fulton, Greene, Hancock, Henderson, Jo Daviess, Knox, Lee, Marshall, McDonough, Mercer, Ogle, Pike, Putnam, Schuyler, Scott, Stark, Stephenson, Warren, Whiteside.
Non-Metro II	1,484,796	59	Bond, Christian, Coles, De Kalb, De Witt, Douglas, Effingham, Fayette, Ford, Iroquois, La Salle, Livingston, Logan, Macoupin, Mason, Montgomery, Morgan, Moultrie, Piatt, Shelby, Vermilion.
Non-Metro III	1,082,269	42	Alexander, Clark, Clay, Crawford, Cumberland, Edgar, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, Williamson.
Cincinnati, Ohio Office Metropolitan Allocation Areas:			
Cincinnati Office—Metropolitan.	7,481,484	273	Butler, Clermont, Greene, Hamilton, Miami, Montgomery, Warren.
Nonmetropolitan Allocation Areas Cincinnati Office—Nonmetropolitan.	423,372	17	Adams, Brown, Clinton, Darke, Highland, Preble.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Cleveland, Ohio Office Metropolitan Allocation Areas:			
Akron-Canton MSA Area ...	2,498,332	88	Portage, Summit, Carroll, Stark.
Cleveland PMSA Area	7,398,916	262	Cuyahoga, Geauga, Lake, Medina.
Lorain-Toledo-Mansfield MSA Area.	2,899,866	104	Fulton, Lucas, Wood, Richland, Lorain.
Steubenville-Youngstown MSA Area.	1,450,431	51	Jefferson, Mahoning, Trumbull.
Nonmetropolitan Allocation Areas Cleveland Nonmetro Area 1.	747,739	30	Wayne, Erie, Seneca, Wyandot, Ottawa, Sandusky, Hancock, Henry, Paulding, Defiance, Williams.
Cleveland Nonmetro Area 2.	682,514	28	Ashtabula, Columbiana, Harrison, Tuscarawas, Holmes, Crawford, Ashland, Huron.
Columbus, Ohio Office Metropolitan Allocation Areas:			
Columbus Office—Metropolitan.	5,670,313	209	Lawrence, Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, Union, Clark, Allen, Auglaize, Washington, Belmont.
Nonmetropolitan Allocation Areas:			
Columbus Office—Nonmetropolitan South.	875,186	38	Athens, Fayette, Gallia, Hocking, Jackson, Meigs, Morgan, Perry, Pike, Ross, Scioto, Vinton.
Columbus Office—Nonmetropolitan North.	767,057	33	Champaign, Coshocton, Guernsey, Hardin, Knox, Logan, Marion, Mercer, Monroe, Morrow, Muskingum, Noble, Putnam, Shelby, Van Wert.
Detroit, Michigan Office Metropolitan Allocation Areas:			
Ann Arbor, Flint, Saginaw-Bay-Midland MSAs.	3,802,007	124	Washtenaw, Genesee, Bay, Midland, Saginaw.
Wayne County	9,578,582	313	Wayne.
Detroit PMSA Less Wayne County.	4,444,382	145	Lapeer, Livingston, Macomb, Monroe, Oakland, St. Clair.
Nonmetropolitan Allocation Areas:			
Detroit Office Nonmetro	537,867	21	Alcona, Alpena, Arenac, Gladwin, Huron, Iosco, Lenawee, Montmorency, Ogemaw, Oscoda, Presque Isle, Sanilac, Shiawassee, Tuscola.
Grand Rapids, Michigan Office Metropolitan Allocation Areas:			
Grand Rapids—Lansing-E. Lansing MSAs.	2,996,665	106	Kent, Ottawa, Clinton, Eaton, Ingham.
Calhoun, Berrien, Jackson, Kalamazoo & Muskegon Co.	2,360,583	83	Calhoun, Berrien, Jackson, Kalamazoo, Muskegon.
Nonmetropolitan Allocation Areas:			
Nonmetro—Upper Penisular.	522,031	21	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Keweenaw, Iron, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.
Nonmetro—Lower Penisular.	1,433,398	58	Ionia, Allegan, Antrim, Barry, Benzie, Branch, Cass, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Grand Traverse, Gratiot, Hillsdale, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Newaygo, Oceana, Osceola, Otsego, Roscommon, St. Joseph, Van Buren, Wexford.
Indianapolis, Indiana Office Metropolitan Allocation Areas:			
Metro North	3,010,430	107	Lake, Porter, St. Joseph, Elkhart, Allen, De Kalb, Whitley.
Metro Central	4,427,458	156	Tippecanoe, Howard, Tipton, Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby, Madison, Delaware.
Metro South	2,758,002	97	Clay, Vigo, Monroe, Dearborn, Posey, Vanderburgh, Warrick, Clark, Floyd, Harrison.
Nonmetropolitan Allocation Areas:			
Nonmetro North	630,113	26	Newton, Benton, Jasper, La Porte, Starke, Pulaski, White, Carroll, Marshall, Fulton, Cass, Kosciusko, Miami, Wabash, Huntington, Wells, Adams, Lagrange, Noble, Steuben.
Nonmetro Central	648,773	28	Warren, Vermillion, Fountain, Parke, Montgomery, Putnam, Clinton, Grant, Blackford, Jay, Randolph, Henry, Wayne, Rush, Fayette, Union.
Nonmetro South	783,845	34	Sullivan, Knox, Gibson, Owen, Greene, Daviess, Martin, Pike, Dubois, Spencer, Perry, Lawrence, Orange, Crawford, Brown, Jackson, Washington, Bartholomew, Decatur, Jennings, Scott, Jefferson, Ripley, Franklin, Ohio, Switzerland.
Milwaukee, Wisconsin Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area #1.	2,981,455	101	Calumet, Outagamie, Winnebago, Douglas, Chippewa, Eau Claire, Brown, La Crosse, St. Croix, Sheboygan, Marathon.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Metropolitan Allocation Area #2.	2,970,581	101	Rock, Kenosha, Dane, Racine.
Metropolitan Allocation Area #3.	6,010,999	203	Milwaukee, Ozaukee, Washington, Waukesha.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area #1.	823,629	35	Columbia, Crawford, Dodge, Grant, Green, Iowa, Jefferson, LaFayette, Richland, Sauk, Vernon, Walworth.
Nonmetropolitan Allocation Area #2.	835,133	35	Ashland, Barron, Bayfield, Buffalo, Burnett, Clark, Dunn, Iron, Jackson, Juneau, Monroe, Pepin, Pierce, Polk, Price, Rusk, Sawyer, Taylor, Trempealeau, Washburn, Wood.
Nonmetropolitan Allocation Area #3.	900,347	37	Adams, Door, Florence, Fond Du Lac, Forest, Green Lake, Kewaunee, Langlade, Lincoln, Manitowoc, Marinette, Marquette, Oconto, Oneida, Portage, Shawano, Vilas, Waupaca, Waushara, Menominee.
Minneapolis-St. Paul, Minnesota Office Metropolitan Allocation Areas:			
Minneapolis/St. Paul MSA .	8,851,884	249	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, Wright.
Greater Minnesota Metro ..	1,895,077	53	St. Louis, Olmsted, Clay, Benton, Sherburne, Stearns.
Northern Allocation Areas			
Northern Minnesota	862,432	35	Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, Norman, Lake of the Woods, Beltrami, Clearwater, Mahnomen, Hubbard, Becker, Wilkin, Otter Tail, Grant, Douglas, Traverse, Stevens, Pope, Koochiching, Itasca, Aitkin, Carlton, Lake, Cook, Cass, Crow Wing, Wadena, Todd, Morrison, Mille Lacs, Kanabec, Pine.
Southwestern Minnesota ...	468,227	19	Big Stone, Chippewa, Lac Qui Parle, Yellow Medicine, Kandiyohi, Meeker, Renville, McLeod, Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, Jackson.
Southeastern Minnesota	792,722	32	Sibley, Nicollet, Le Sueur, Brown, Watonwan, Blue Earth, Waseca, Martin, Faribault, Rice, Goodhue, Wabasha, Steele, Dodge, Winona, Freeborn, Mower, Fillmore, Houston.
HUD Region VI (Fort Worth)			
Fort Worth, Texas Office Metropolitan Allocation Areas:			
Central Texas	1,828,562	62	Bell, Coryell, Tom Green, McLennan.
Dallas, Texas	6,007,527	199	Collin, Dallas, Denton, Ellis, Kaufman, Rockwall.
East Texas	1,328,417	44	Gregg, Harrison, Grayson, Bowie, Smith.
Fort Worth-Arlington	2,490,964	83	Johnson, Parker, Tarrant.
Far West Texas	3,733,862	123	El Paso, Midland, Ector.
West Texas	1,888,788	63	Taylor, Potter, Randall, Lubbock, Wichita.
New Mexico	2,450,767	81	Bernalillo, Dona Ana, Los Alamos, Santa Fe.
Nonmetropolitan Allocation Areas:			
Central Texas	506,144	21	Milam, Lampasas, San Saba, Hamilton, Mills, Hill, Kimble, Reagan, Mason, Coke, Sutton, Concho, Schleicher, Crockett, Martin, Menard, Sterling, Irion, Nolan, Kent, Brown, Jones, Stonewall, Haskell, Stephens, Fisher, Scurry, Eastland, Knox, Comanche, Runnels, Coleman, Mitchell, Shakelford, Throckmorton, Callahan.
Far West Texas	604,322	26	Reeves, Andrews, Marion, Howard, Pecos, Gaines, Terrell, Crane, Upton, Loving, Ward, Dawson, Glasscock, Broden, Winkler, Bailey, King, Cochran, Lamb, Dickens, Lynn, Garza, Motley, Hockley, Terry, Floyd, Crosby, Hale, Yoakum, Hudspeth, Jeff Davis, Culberson, Brewster, Presidio.
North Central Texas	530,825	24	Limestone, Bosque, Freestone, Falls, Hunt, Palo Pinto, Wise, Erath, Hood, Somervell, Navarro, Fannin, Cooke.
Northeast Texas	625,801	29	Franklin, Hopkins, Titus, Delta, Morris, Red River, Lamar, Cass, Henderson, McCulloch, Camp, Rains, Cherokee, Van Zandt, Rusk, Anderson, Wood, Upshur, Panola.
Texas Panhandle	425,779	17	Jack, Young, Hardeman, Archer, Clay, Montague, Foard, Cottle, Baylor, Wilbarger, Hemphill, Hansford, Hall, Swisher, Gray, Roberts, Donley, Oldham, Deaf, Smith, Moore, Dallam, Hutchinson, Collingsworth, Wheeler, Childress, Parmer, Castro, Lipscomb, Carson, Sherman, Hartley, Ochiltree, Briscoe, Armstrong.
North & West New Mexico	495,123	23	Colfax, McKinley, Mora, Rio Arriba, San Juan, San Miguel, Sandoval, Taos, Torrance, Valencia.
South & East New Mexico	542,727	24	Catron, Chaves, Curry, De Baca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, Union.
Houston, Texas Office Metropolitan Allocation Areas:			
Beaumont-Port Arthur MSA	1,132,910	39	Hardin, Jefferson, Orange.
Houston PMSA	8,859,723	308	Fort Bend, Harris, Liberty, Montgomery, Waller.
Southeast Texas Metro	1,486,330	51	Brazoria, Brazos, Galveston.
Nonmetropolitan Allocation Areas:			
Nonmet BVDC and HGAC Nonmetro.	514,382	21	Austin, Burleson, Chambers, Colorado, Grimes, Leon, Madison, Matagorda, Robertson, Washington, Walker, Wharton.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Deep East Texas Nonmetro.	432,864	19	Angelina, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler.
Little Rock, Arkansas Office Metropolitan Allocation Areas:			
Ark-Metro	2,643,770	103	Washington, Crawford, Sebastian, Faulkner, Lonoke, Pulaski, Saline, Crittenden, Jefferson, Miller.
Nonmetropolitan Allocation Areas:			
NW	668,540	34	Baxter, Benton, Boone, Carroll, Madison, Marion, Newton, Searcy, Clark, Conway, Garland, Hot Spring, Johnson, Montgomery, Perry, Pike, Pope, Yell, Franklin, Logan, Polk, Scott.
NE	489,047	24	Cleburne, Fulton, Independence, Izard, Jackson, Sharp, Stone, Van Buren, White, Woodruff, Clay, Craighead, Greene, Lawrence, Randolph.
E	603,538	30	Mississippi, Poinsett, Monroe, Prairie, Gross, Lee, Phillips, St. Francis.
S	529,094	26	Arkansas, Ashley, Bradley, Chicot, Cleveland, Desha, Drew, Grant, Lincoln, Calhoun, Columbia, Dallas, Hempstead, Howard, Lafayette, Little River, Nevada, Ouachita, Sevier, Union.
New Orleans, Louisiana Office Metropolitan Allocation Areas:			
Baton Rouge Metro Area	1,246,645	46	Ascension Parish, East Baton Rouge Parish, Livingston Parish, West Baton Rouge Parish.
South-Western Louisiana Metro Areas.	1,792,160	67	Lafourche Parish, Terrebonne Parish, Lafayette Parish, St. Martin Parish, Calcasieu Parish.
North-Central Louisiana Metro Areas.	1,776,786	67	Bossier Parish, Caddo Parish, Ouachita Parish, Rapides Parish.
New Orleans Metro Area	5,894,222	221	Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Charles Parish, St. John The Baptist Parish, St. Tammany Parish.
Nonmetropolitan Allocation Areas:			
North-Western Louisiana	433,538	21	Webster Parish, Claiborne Parish, Lincoln Parish, Bienville Parish, De Soto Parish, Red River Parish, Winn Parish, Sabine Parish, Natchitoches Parish, Grant Parish, Vernon Parish.
South-Western Louisiana	684,814	35	Beauregard Parish, Allen Parish, Evangeline Parish, St. Landry Parish, Jefferson Davis Parish, Acadia Parish, Cameron Parish, Vermilion Parish, Iberia Parish, St. Mary Parish, Assumption Parish.
North-Eastern Louisiana	364,844	18	Union Parish, Morehouse Parish, East Carroll Parish, West Carroll Parish, Jackson Parish, Richland Parish, Madison Parish, Caldwell Parish, Franklin Parish, Tensas Parish, La Salle Parish, Catahoula Parish, Concordia Parish, Avoyelles Parish.
South-Eastern Louisiana	456,534	24	Pointe Coupee Parish, West Feliciana Parish, East Feliciana Parish, St. Helena Parish, Tangipahoa Parish, Washington Parish, St. James Parish, Plaquemines Parish, Iberville Parish.
Oklahoma City, Oklahoma Office Metropolitan Allocation Areas:			
Western Metro	2,726,117	109	Canadian, Cleveland, Logan, McClain, Oklahoma, Pottawatomie, Comanche, Garfield.
Eastern Metro	1,543,963	63	Creek, Osage, Rogers, Tulsa, Wagoner, Sequoyah.
Nonmetropolitan Allocation Areas:			
Nonmet Western Nonmetro	1,095,871	51	Alfalfa, Beaver, Beckham, Blaine, Caddo, Carter, Cimarron, Cotton, Custer, Dewey, Ellis, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Love, Major, Marshall, Murray, Noble, Payne, Pontotoc, Roger Mills, Seminole, Stephens, Texas, Tillman, Washita, Woods, Woodward.
Nonmet Eastern Nonmetro	795,989	39	Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Craig, Delaware, Haskell, Hughes, Latimer, Le Flore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Ottawa, Pawnee, Pittsburg, Pushmataha, Washington.
San Antonio, Texas Office Metropolitan Allocation Areas:			
Metropolitan Area A	2,429,284	85	Hidalgo, Cameron, Webb.
Metropolitan Area B	3,768,208	131	Bexar, Comal, Guadalupe.
Metropolitan Area C	2,313,414	81	Travis, Williamson, Hays.
Metropolitan Area D	1,483,141	51	Victoria, Nueces, San Patricio.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Area A	400,263	17	Val Verde, Edwards, Real, Kerr, Bandera, Kinney, Uvalde, Medina, Maverick, Zavala, Frio, Dimmit, La Salle.
Nonmetropolitan Area B	390,740	17	Atascosa, McMullen, Live Oak, Bee, Refugio, Aransas, Duval, Jim Wells, Kleberg, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Willacy.
Nonmetropolitan Area C	449,547	19	Calhoun, Goliad, Jackson, Karnes, De Witt, Lavaca, Wilson, Gonzales, Kendall, Gillespie, Llano, Burnet, Blanco, Caldwell, Bastrop, Lee, Fayette.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
HUD Region VII (Kansas City)			
Des Moines, Iowa Office Metropolitan Allocation Areas:			
Metro-East	2,155,515	72	Black Hawk, Bremer, Dubuque, Johnson, Linn, Scott.
Metro-West	1,628,866	55	Dallas, Polk, Pottawattamie, Warren, Woodbury.
Nonmetropolitan Allocation Areas:			
Nonmetro-East	973,995	41	Allamakee, Benton, Buchanan, Butler, Cedar, Chickasaw, Clayton, Clinton, Delaware, Des Moines, Fayette, Grundy, Hardin, Henry, Howard, Iowa, Jackson, Jones, Lee, Louisa, Marshall, Muscatine, Poweshiek, Tama, Washington, Winneshiek.
Nonmetro-Northwest/ Central.	914,851	37	Audubon, Buena Vista, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dickinson, Emmet, Floyd, Franklin, Greene, Guthrie, Hamilton, Hancock, Humboldt, Ida, Kossuth, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster, Winnebago, Worth, Wright.
Nonmetro-Southwest/ Central.	924,627	40	Adair, Adams, Appanoose, Boone, Cass, Clarke, Davis, Decatur, Fremont, Harrison, Jasper, Jefferson, Keokuk, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Ringgold, Shelby, Story, Taylor, Union, Van Buren, Wapello, Wayne.
Kansas City, Missouri Office Metropolitan Allocation Areas:			
Western Missouri Metropolitan Allocation Area.	4,367,353	156	Buchanan, Cass, Christian, Clay, Greene, Jackson, Jasper, Lafayette, Newton, Platte, Ray.
Kansas Metropolitan Allocation Area.	3,262,847	116	Butler, Douglas, Harvey, Johnson, Leavenworth, Miami, Sedgwick, Shawnee, Wyandotte.
Nonmetropolitan Allocation Areas:			
Kansas Nonmetropolitan Allocation Area.	1,677,691	73	Allen, Anderson, Atchinson, Barber, Barton, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Lyon, McPherson, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita, Wilson, Woodson.
Western Missouri Nonmetropolitan Allocation.	816,326	38	Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Chariton, Clinton, Dade, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Linn, Livingston, McDonald, Mercer, Miller, Morgan, Nodaway, Pettis, Polk, Pulaksi, Putnam, St. Clair, Caline, Stone, Sullivan, Taney, Veron, Webster, Worth.
Omaha, Nebraska Office Metropolitan Allocation Areas:			
Metro-Nebraska	2,206,233	79	Dakota, Douglas, Lancaster, Sarpy, Washington.
Nonmetropolitan Allocation Areas:	612,325,	28	Antelope, Boone, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dixon, Dodge, Fillmore, Gage, Hamilton, Jefferson, Johnson, Knox, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Saunders, Seward, Stanton, Thayer, Thurston, Wayne, York.
West-Nebraska	694,754	27	Adams, Arthur, Banner, Blaine, Box Butte, Boyd, Brown, Buffalo, Chase, Cherry, Cheyenne, Custer, Dawes, Dawson, Deuel, Dundy, Franklin, Frontier, Furnas, Garden, Garfield, Gosper, Grant, Greeley, Hall, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Kearney, Keith, Keya Paha, Kimball, Lincoln, Logan, Loup, McPherson, Morril, Perkins, Phelps, Red Willow, Rock, Scotts Bluff, Sheridan, Sherman, Sioux, Thomas, Valley, Webster, Wheeler.
St. Louis, Missouri Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area.	6,323,652	218	Beone, Franklin, Jefferson, St. Charles, St. Louis, St. Louis.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area.	1,427,114	71	Adair, Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Cooper, Crawford, Dent, Douglas, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Lincoln, Macon, Madison, Maries, Marion, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Phelps, Pike, Ralls, Randolph, Reynolds, Ripley, Ste. Genevieve, St. Francois, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Warren, Washington, Wayne, Wright.
HUD Region VIII (Denver)			
Denver, Colorado Regional Office Metropolitan Allocation Areas:			
Denver, Colorado PMSA	4,710,189	160	Adams, Arapahoe, Denver, Douglas, Jefferson.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Colorado Northern Front Range Metro.	1,870,539	64	Boulder, Larimer, Weld.
Colorado Southern Front Range Metro.	1,377,748	46	El Paso, Pueblo.
Montana Metro Areas	599,339	21	Yellowstone, Cascade.
North Dakota Metro Areas	726,862	24	Burleigh, Morton, Cass, Grand Forks.
South Dakota Metro Areas	486,758	16	Pennington, Minnehaha.
Utah Metro Areas	3,388,014	115	Utah, Davis, Salt Lake, Weber.
Wyoming Metro Areas	311,086	10	Natrona, Laramie.
Nonmetropolitan Allocation Areas:			
Colorado Nonmetro Area	1,234,372	45	Alamosa, Archuleta, Baca, Bent, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Dolores, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, Lake, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Yuma.
Montana Nonmetro Area	1,448,346	50	Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Chouteau, Custer, Daniels, Dawson, Anaconda-Deer Lodge County, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Butte-Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone National Park.
North Dakota Nonmetro Area.	726,325	23	Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, La Moure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, Williams.
South Dakota Nonmetro Area.	1,145,124	42	Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Handson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Yankton, Ziebach.
Utah Nonmetro Area	516,641	19	Beaver, Box Elder, Cache, Carbon, Daggett, Duchesne, Emergy, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Wasatch, Washington, Wayne.
Wyoming Nonmetro Area	611,064	22	Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Lincoln, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.
HUD Region IX (San Francisco)			
Honolulu, Hawaii Office Metropolitan Allocation Areas:			
Honolulu, HI MSA	6,307,552	117	Honolulu.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area.	1,829,512	38	Hawaii, Kauai, Maui, Guam.
Los Angeles, California Office Metropolitan Allocation Areas:			
Los Angeles County, CA	84,039,683	1790	Los Angeles.
Orange County, CA	11,254,208	239	Orange.
Riverside and San Bernardino Counties, CA.	8,230,263	176	Riverside, San Bernardino.
San Diego County, CA	14,312,621	305	San Diego.
Nonmetropolitan Allocation Areas:			
S. Luis Obispo-Imperial-Inyo-Mono Counties, CA.	1,435,119	36	San Luis Obispo, Imperial, Inyo, Mono.
Phoenix, Arizona Office Metropolitan Allocation Areas:			
Metropolitan Arizona	6,309,340	214	Maricopa, Pima, Yuma.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Arizona Allocation Area East.	668,811	23	Apache, Cochise, Gila, Graham, Greenlee, Pinal, Santa Cruz.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Nonmetropolitan Arizona Allocation Area West.	522,041	18	Coconino, Mohave, Navajo, Yavapai.
Sacramento, California Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area 1.	4,521,275	134	Sacramento, San Joaquin.
Metropolitan Allocation Area 2.	1,437,764	42	Yolo, Sutter, Yuba.
Metropolitan Allocation Area 3.	1,331,823	39	Butte, Shasta.
Metropolitan Allocation Area 4.	570,969	16	El Dorado, Placer.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area 1.	825,850	26	Alpine, Amador, Calaveras, Colusa, Glenn, Lassen, Modoc, Nevada, Plumas, Sierra, Siskiyou, Tehama, Trinity, Tuolumne.
San Francisco, California Office Metropolitan Allocation Areas:			
Metropolitan Allocation Area 1.	7,953,841	163	Fresno, Merced, Stanislaus, Tulare.
Metropolitan Allocation Area 2.	14,826,116	305	Alameda, Contra Costa.
Metropolitan Allocation Area 3.	18,681,807	384	Marin, San Francisco, San Mateo.
Metropolitan Allocation Area 4.	12,205,917	252	Monterey, Santa Clara, Santa Cruz.
Metropolitan Allocation Area 5.	4,154,737	85	Sonoma, Napa, Solano.
Metropolitan Allocation Area 6.	4,118,610	84	Clark, Washoe.
Nonmetropolitan Allocation Areas:			
Nonmetropolitan Allocation Area.	2,256,036	67	Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, White Pine, Carson City, Del Norte, Humboldt, Kings, Lake, Madera, Mariposa, Mendocino, San Benito.
HUD Region X (Seattle)			
Anchorage, Alaska Office Metropolitan Allocation Areas:			
Anchorage	626,593	16	Anchorage Borough.
Nonmetropolitan Allocation Area:			
Nonmetro Alaska	893,793	18	Aleutian Islands Census, Bethel Census Area, Bristol Bay Borough, Dillingham Census Area, Fairbanks North Star Bor, Haines Borough, Juneau Borough, Kenai Peninsula Borough, Ketchikan Gateway Borough, Kobuk Census Area, Kodiak Island Borough, Matanuska-Susitna Borough, Nome Census Area, North Slope Borough, Prince of Wales-Outer KE, Sitka Borough, Skagway-Yakutat-Angoon C, Southeast Fairbanks Census, Valdez-Cordova Census AR, Wade Hampton Census Area, Wrangell-Petersburg Cens, Yukon-Koyukuk Census Area.
Portland, Oregon Office Metropolitan Allocation Areas:			
Portland/Vancouver	5,856,626	184	Clackamas, Multnomah, Washington, Yamhill, Clark.
Ida-Ore Metro	2,937,153	92	Ada, Jackson, Lane, Marion, Polk.
Nonmetropolitan Allocation Areas:			
Idaho Nonmetro	1,749,252	56	Adams, Bannock, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington.
Eastern Oregon	928,144	32	Klickitat, Skamania, Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hodd River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler.
Western Oregon	1,481,926	48	Benton, Clatsop, Columbia, Coos, Curry, Douglas, Josephine, Lincoln, Linn, Tillamook.
Seattle, Washington Office Metropolitan Allocation Areas:			
Metro-1	7,257,461	211	King, Snohomish.
Metro-2	3,569,063	104	Pierce, Whatcom, Kitsap, Thurston.
Metro-3	2,914,706	84	Spokane, Benton, Franklin, Yakima.

ATTACHMENT 6.—FISCAL YEAR 1993 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION—Continued

Region	Dollars	Units	Component parts of allocation area
Nonmetropolitan Allocation Areas:			
Nonmetro-1	1,089,389	37	Clallam, Cowlitz, Grays Harbor, Island, Jefferson, Lewis, Mason, Pacific, San Juan, Skagit, Wahkiakum.
Nonmetro-2	1,143,854	38	Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, Whitman.

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federal register

Thursday
July 8, 1993

Part VIII

The President

Proclamation 6579—To Implement an Accelerated Tariff Schedule of Duty Elimination and To Modify Rules of Origin Under the United States-Canada Free-Trade Agreement

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 6579 of July 4, 1993

To Implement an Accelerated Tariff Schedule of Duty Elimination and To Modify Rules of Origin Under the United States-Canada Free-Trade Agreement

By the President of the United States of America

A Proclamation

1. On January 2, 1988, the President entered into the United States-Canada Free-Trade Agreement ("the Agreement"). The Agreement and certain letters exchanged between the Governments of Canada and the United States were approved by the Congress in section 101(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 ("Implementation Act"), Public Law 100–449. The Agreement entered into force on January 1, 1989.

2. Section 201(b) of the Implementation Act grants the President, subject to the consultation and lay-over requirements of section 103(a) of the Implementation Act, the authority to proclaim such modifications as to which the United States and Canada may agree regarding the staging of any duty treatment set forth in Annexes 401.2 and 401.7 to the Agreement as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada provided for by the Agreement.

3. Consistent with Article 401(5) of the Agreement, I, through my duly empowered representative, on June 30, 1993, entered into an agreement with the Government of Canada providing an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the Agreement. The consultation and lay-over requirements of section 103(a) of the Implementation Act with respect to such schedule have been complied with.

4. Pursuant to section 201(b) of the Implementation Act, I have determined that the modifications hereinafter proclaimed to existing duties on goods originating in the territory of Canada are necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada provided for by the Agreement and to carry out the agreement with Canada providing an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the Agreement.

5. Section 202(d)(1) of the Implementation Act authorizes the President to proclaim, as a part of the Harmonized Commodity Description and Coding System, implemented by the United States as the Harmonized Tariff Schedule of the United States ("HTS"), the rules of origin set forth in Annex 301.2 of the Agreement. Section 202(d)(2) of the Implementation Act authorizes the President to proclaim, subject to the consultation and lay-over requirements of section 103(a) of the Implementation Act, such modifications to the rules as may from time to time be agreed to by the United States and Canada. I have decided, pursuant to an agreement entered into on June 30, 1993, between the United States and Canada, that certain modifications in the Agreement's rules of origin for particular goods of the HTS should be proclaimed as a part of the HTS. The consultation and lay-over requirements of section 103 of the Implementation Act with respect to such modifications have been complied with.

6. Section 201(a) of the Implementation Act authorizes the President to proclaim such modifications to or continuance of existing duties, such continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be necessary or appropriate to carry out Article 401 of the Agreement and the schedule of duty reductions with respect to goods originating in the territory of Canada set forth in Annexes 401.2 and 401.7 to the Agreement.

7. Proclamation 6515 of December 16, 1992, among other actions, provided for the continuation of previously proclaimed staged duty reductions on Canadian goods in the HTS provisions modified in Annex I to Proclamation 6515. An error was made concerning the staged reductions for HTS subheading 4421.90.95. Therefore, I have decided that it is necessary and appropriate to correct this error.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and laws of the United States, including but not limited to section 604 of the Trade Act of 1974, and sections 201 and 202 of the Implementation Act, do proclaim that:

(1) In order to provide for an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the United States-Canada Free-Trade Agreement and to modify the rules of origin for certain goods under the Agreement, the tariff treatment provided for in the HTS for certain goods originating in the territory of Canada and general note 3(c)(vii) to the HTS are modified as provided in sections A and B of the Annex to this proclamation.

(2) In order to correct the continued staged duty reductions on Canadian goods provided for in HTS subheading 4421.90.95, the HTS is modified as set forth in section C of the Annex to this proclamation.

(3) In order to implement accelerated elimination of the rate of duty otherwise applicable under section 466 of the Tariff Act of 1930 to the equipments, or any part thereof, including boats, originating in the territory of Canada and the expenses of repairs made in the territory of Canada upon U.S.-documented vessels (other than civil aircraft, as defined in general note 3(c)(iv) of the HTS)), such equipments, parts (including boats), and expenses of repairs shall be subject to duty at a rate of free, effective with respect to any U.S.-documented vessel arriving in any port of the United States on or after the date specified in a notice by the United States Trade Representative and published in the **Federal Register**.

(4) Any provisions of previous proclamations inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(5) The modifications made by paragraph (1) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in sections A and B of the Annex to this proclamation.

(6) The modifications made by paragraph (2) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in section C of the Annex to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of July, 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 eighteenth.

William J. Clinton

Billing code 3195–01–P

Annex

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTS") WITH RESPECT TO THE TARIFF TREATMENT OF CERTAIN GOODS ORIGINATING IN THE TERRITORY OF CANADA

Section A. Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after July 1, 1993, the HTS is modified as follows:

(1) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, by striking the symbol "(CA)" and the duty rate preceding it, and inserting in lieu thereof in the parentheses following the "Free" rate of duty the symbol "(CA)," in alphabetical order:

0202.30.20	3302.10.10	5504.90.00	6912.00.46	8203.10.90
0202.30.40	3302.10.20	5605.00.00	6912.00.48	8212.10.00
0202.30.60	3302.10.30	5905.00.90	6912.00.50	8212.20.00
0712.10.00	3302.90.10	6301.10.00	7007.19.00	8301.50.00
2208.10.30	3302.90.20	6810.19.12	7019.10.30	8302.41.30
2208.10.60	3916.90.20	6911.10.20	7019.10.60	8302.41.60
2208.10.90	3918.10.31	6911.10.35	7019.31.00	8302.41.90
2208.20.10	3918.10.32	6911.10.39	7225.10.00	8302.50.00
2208.20.20	3918.10.40	6911.10.41	7226.10.10	8409.99.91
2208.20.30	4011.40.00	6911.10.45	7226.10.50	8416.10.00
2208.20.40	4016.92.00	6911.10.49	7307.22.10	8416.20.00
2208.20.50	5403.10.30	6911.10.60	7307.29.00	8509.90.40
2208.20.60	5403.33.00	6911.10.80	7307.93.30	8518.30.20
2208.50.00	5403.39.00	6912.00.10	7307.93.60	8518.90.10
2208.90.45	5404.10.10	6912.00.20	7307.93.90	8518.90.30
2208.90.60	5405.00.60	6912.00.35	7411.21.10	9001.40.00
2208.90.65	5501.10.00	6912.00.39	7411.21.50	9001.50.00
2208.90.70	5503.10.00	6912.00.41	7411.22.00	9018.41.00
2208.90.75	5503.20.00	6912.00.44	8203.10.30	9506.59.40
2208.90.80	5503.30.00	6912.00.45	8203.10.60	9506.59.80

(2) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, by striking the symbol ("CA") and the duty rate preceding it, and inserting in lieu thereof "Free (CA)".

5209.42.00	5403.42.00	5501.20.00	5503.90.00	5902.90.00
5211.42.00	5405.00.30	5501.30.00	5902.10.00	7019.10.10
5403.10.60	5408.10.00	5501.90.00	5902.20.00	7019.10.20

(3) By inserting the following HTS subheadings in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively. Bracketed matter is included to assist in the understanding of proclaimed modifications.

	[Goods originating...:]	
"9905.06.10	Bulbs in soil (provided for in subheading 0601.20.90).....	Free (CA)
9905.07.01	Chinese cabbage (Brassica rapa, chenensis) or chinese lettuce (Brassica rapa, pekinensis) (provided for in subheading 0704.90.40).....	Free (CA)
9905.07.05	Chinese radishes or daikons (Raphanus sativus, longipinnatus) (provided for in subheading 0706.90.20).....	Free (CA)
9905.07.15	Green chili peppers, in brine (provided for in subheading 0711.90.60).....	Free (CA)
9905.21.05	Prepared ingredients for salads consisting of a salad dressing and other components packaged together for retail sale (provided for in subheading 2103.90.60).....	Free (CA)

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(A)(3) (con.):

	[Goods originating...:]	
9905.21.10	Conditioning, maturing or nutrient additives for flour; Dry honey coating; Honey flake; and Honey powder (all the foregoing goods provided for in subheading 2106.90.65).....	Free (CA)
9905.22.10	Citric acid additives containing citric acid, water, and more than 85 percent but not more than 95 percent of alcohol by weight (provided for in subheading 2207.10.30).....	Free (CA)
9905.24.10	Cigar binders (provided for in subheading 2403.91.40).....	Free (CA)
9905.30.12	Ointment for moisturizing and protecting animal hooves (provided for in subheading 3004.90.60 or 3307.90.00).....	Free (CA)
9905.30.15	Patches, impregnated with nicotine, used to assist in smoking withdrawal (provided for in subheading 3005.10.10).....	Free (CA)
9905.30.25	Tablets containing norethindrone acetate or ethinyl estradiol (provided for in subheading 3006.60.00).....	Free (CA)
9905.33.10	Powders for perfuming or deodorizing rugs or carpets (provided for in subheading 3307.49.00).....	Free (CA)
9905.39.02	Pintlepin assemblies consisting of a monofilament, braid, or monofilament and braid, with attached threading wire and metal tube (provided for in subheading 3916.90.10, 3916.90.30, 5404.10.80, 5609.00.30 or 5808.10.30); and Monofilament certified by the importer as intended for pintlepins or pintlepin assemblies (provided for in subheading 3916.90.10, 3916.90.30 or 5404.10.80)..	Free (CA)
9905.39.11	Flat profile shapes of polycarbonate, of a width of 100 cm or more, of a thickness of 4 mm or more but not exceeding 17 mm, having a cross-section solely of identically sized multiple rectangular voids (provided for in subheading 3916.90.50).....	Free (CA)
9905.39.16	Polyvinyl chloride film, flexible, certified by the importer as intended for use as computer graphic film; Polyvinyl chloride film certified by the importer as intended for use in graphics for trucks and emergency vehicles; and Retroreflective sheets incorporating glass beads or molded plastic microprisms (all the foregoing goods provided for in subheading 3919.90).....	Free (CA)
9905.39.17	Polyethylene synthetic paper pulp, in sheets (provided for in subheading 3920.10.00).....	Free (CA)
9905.39.18	Film, of a thickness not exceeding 0.025 mm, with a prismatic surface on one side, certified by the importer as intended for use in lighting fixtures (provided for in subheading 3920.61.00).....	Free (CA)
9905.39.19	Plates, sheets, film, foil and strip certified by the importer as intended for use in the manufacture of tubes (provided for in subheading 3920.72.00).....	Free (CA)
9905.39.20	Polyimide film (provided for in subheading 3920.99)..	Free (CA)
9905.39.25	Bobbins with metal shafts and phenolic heads and bases; Spools for typewriter or business machine ribbons; and Spools for the packaging of pintlepins (all the foregoing goods provided for in subheading 3923.40.00).....	Free (CA)
9905.39.27	Flooring designed for use in livestock buildings (provided for in subheading 3925.90.00 or 3926.90.95).....	Free (CA)
9905.40.05	Strip certified by the importer as intended for use in passenger rail cars (provided for in subheading 4008.11).....	Free (CA)
9905.40.09	Matting or mats certified by the importer as intended for use in passenger rail cars (provided for in subheading 4008.21.00, 4016.99.25 or 4016.99.50).....	Free (CA)
9905.40.12	Conveyor belt cleats (provided for in subheading 4008.29.00).....	Free (CA)
9905.40.15	Motorcycle rear drive belts and belt splice kits (provided for in subheading 4010.99).....	Free (CA)
9905.40.18	Tire treads or retreads (provided for in subheading 4012.90.20, 4012.90.50, 4016.99.25 or 4016.99.50).....	Free (CA)
9905.40.25	Chalkboard erasers (provided for in subheading 4016.10.00, 6307.90.99 or 9603.90.80).....	Free (CA)
9905.40.30	Automotive weatherstripping (provided for in subheading 4016.10.00 or 4016.93.00).....	Free (CA)

(A)(3) (con.):

[Goods originating...:]

9905.40.40	Capacitor covers, grommets, flanges, and vibration-absorbing motor mounts, all the foregoing certified by the importer as intended for use in air conditioners; Conveyor belt pegs or lugs; Elasticized tubular bandage and a textile-backed rubber boot, packaged together for retail sale, designed to be worn over an animal hoof; Rubber bands; and Rubber labels certified by the importer as intended to be cured on solid rubber tires during the tires' manufacture (all the foregoing goods provided for in subheading 4016.99.25 or 4016.99.50)	Free (CA)
9905.42.12	Golf bags (provided for in subheading 4202.92.15, 4202.92.20, 4202.92.30 or 4202.92.45)	Free (CA)
9905.42.25	Golf gloves (provided for in subheading 4203.21.80)	Free (CA)
9905.44.08	Brick-veneered panels having a plywood backing (provided for in subheading 4412.19.50)	Free (CA)
9905.53.10	Fabrics solely of flax, in the grey or unfinished condition (provided for in subheading 5309.11.00)	Free (CA)
9905.54.01	Yarn certified by the importer as intended for use in belts, belting or tire cord fabric (provided for in subheading 5402.10.60)	Free (CA)
9905.54.02	Yarn certified by the importer as intended for use in automotive or industrial belts or belting (provided for in subheading 5402.20.60)	Free (CA)
9905.54.03	Yarn certified by the importer as intended for use in woven fabrics other than narrow fabrics (provided for in subheading 5402.33)	Free (CA)
9905.54.13	Yarn of nylon, certified by the importer as intended for use in tires or reinforced hoses (provided for in subheading 5402.51.00 or 5402.61.00)	Free (CA)
9905.54.16	Yarn certified by the importer as intended for use in tires (provided for in subheading 5402.62.00)	Free (CA)
9905.55.15	Fibers certified by the importer as intended for use in carpets (provided for in heading 5506)	Free (CA)
9905.55.20	Yarn certified by the importer as intended for use in carpets (provided for in subheading 5509.11.00, 5509.12.00 or 5509.21.00)	Free (CA)
9905.55.30	Yarn solely of polyesters certified by the importer as intended for use in carpets (provided for in subheading 5509.22.00)	Free (CA)
9905.57.10	Axminster floor coverings (provided for in subheading 5702.31.20 or 5702.32.20)	Free (CA)
9905.58.15	Braid certified by the importer as intended for pintlepins or pintlepin assemblies (provided for in subheading 5808.10.30)	Free (CA)
9905.59.02	Chafer fabric of nylon certified by the importer as intended for use in tires (provided for in subheading 5906.99)	Free (CA)
9905.62.10	Protective clothing accessories of a kind used by chain saw operators (provided for in subheading 6217.10.00)	Free (CA)
9905.64.30	Spikes certified by the importer as intended for use in golf shoes (provided for in subheading 6406.99.30 or 6406.99.90)	Free (CA)
9905.69.10	Insulators for precipitators (provided for in subheading 6909.19 or 8546.20.00)	Free (CA)
9905.72.10	Wire certified by the importer as intended for use in hoses, tires and conveyor or automotive belting (provided for in subheading 7217.13, 7217.23 or 7217.33)	Free (CA)
9905.72.20	Wire certified by the importer as intended for pintlepins or pintlepin assemblies, whether or not fitted with a metal tube (provided for in subheading 7217.31.30 or 7223.00.10)	Free (CA)
9905.72.30	Wire certified by the importer as intended for use in reinforced hoses (provided for in subheading 7217.32.10)	Free (CA)
9905.73.02	Tubes certified by the importer as intended for use in the manufacture of pintlepin assemblies (provided for in subheading 7304.41.00)	Free (CA)

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(A)(3) (con.):

	[Goods originating...:]	
9905.73.06	Feedwater heater tubes in U-bend configuration; and Tubes certified by the importer as intended for use in tubular automotive manifolds (all the foregoing goods provided for in subheading 7306.40).....	Free (CA)
9905.73.07	Tubes, pipes and hollow profiles of aluminized welded steel (provided for in subheading 7306.60.10 or 7306.60.50).....	Free (CA)
9905.73.08	Milking parlor stall systems (provided for in subheading 7308.90.90).....	Free (CA)
9905.73.09	Steel cord strands certified by the importer as intended for use in tires; Stranded alloyed steel wire, of a diameter exceeding 5 mm, certified by the importer as intended for use in tires; Stranded wire certified by the importer as intended for use in conveyor belting; and Tire cord (all the foregoing goods provided for in subheading 7312.10).....	Free (CA)
9905.73.11	Conveyor belt fastener hinge pins (provided for in subheading 7312.10, 7326.20.00 or 7326.90.90).....	Free (CA)
9905.73.12	Tire cord fabrics (provided for in subheading 7314.19.00).....	Free (CA)
9905.73.13	Bead or ball chain (provided for in subheading 7315.89.50).....	Free (CA)
9905.73.14	Couplings for bead or ball chain (provided for in subheading 7315.90.00).....	Free (CA)
9905.73.16	Elevator bolts (provided for in subheading 7318.15.20).....	Free (CA)
9905.73.18	Cotter pins certified by the importer as intended for use in passenger rail cars (provided for in subheading 7318.24.00).....	Free (CA)
9905.73.19	Breakneck lock fasteners with striated rings (provided for in subheading 7318.29.00).....	Free (CA)
9905.73.20	Portable workbenches with wooden surfaces (provided for in subheading 7323.99.90 or 7326.90.90).....	Free (CA)
9905.73.21	Clamping rings and clevis pins certified by the importer as intended for use in passenger rail cars (provided for in subheading 7325.99).....	Free (CA)
9905.73.22	Bottoms certified by the importer as intended for use in insect control devices and cylindrical nonpressurized containers for deodorizers; Insert cups certified by the importer as intended for use in insect control devices; and Stampings for drum tops and bottoms (all the foregoing goods provided for in subheading 7326.19.00).....	Free (CA)
9905.73.25	Bedpan liner dispenser racks; Bedpan support racks; Closing rings for drums; Conveyor or transmission belt (including V-belting) fasteners; Spools for typewriter or business machine ribbons; Urinal holders; and Unthreaded collars for breakneck lock fasteners with striated rings (all the foregoing goods provided for in subheading 7326.90.90).....	Free (CA)
9905.74.40	Continuous cast bronze tubes (provided for in subheading 7411.29).....	Free (CA)
9905.74.50	Brass bead or ball chain, whether or not nickel-plated (provided for in subheading 7419.10.00).....	Free (CA)
9905.74.60	Brass forgings (provided for in subheading 7419.91.00).....	Free (CA)
9905.76.30	Forgings certified by the importer as intended for use in passenger rail cars (provided for in subheading 7616.90.00).....	Free (CA)
9905.82.25	Conveyor and transmission belt fastener installation and splicing tools (provided for in subheading 8205.59.55, 8205.59.60, 8205.59.70 or 8205.59.80).....	Free (CA)
9905.82.30	Vises and clamps, precision, for toolmakers, machinists or metal workers (provided for in subheading 8205.70.00).....	Free (CA)
9905.82.35	Knives and their handles, the foregoing of stainless steel containing 17 percent or more by weight of chromium (provided for in subheading 8211.91.20, 8211.91.25, 8211.91.30, 8211.91.40 or 8211.91.60).....	Free (CA)

(A)(3) (con.):

	[Goods originating...:]	
9905.82.40	Knife blades of stainless steel containing 17 percent or more by weight of chromium (provided for in subheading 8211.94)	Free (CA)
9905.82.45	Forks, spoons, spoon blanks and table forks in the rough, the foregoing of stainless steel containing 17 percent or more by weight of chromium (provided for in subheading 8215.99)	Free (CA)
9905.83.35	Gold-plated or silver-plated saddle trim (provided for in subheading 8302.49.20)	Free (CA)
9905.83.45	Door handles certified by the importer as intended for use in passenger rail cars (provided for in subheading 8302.49.60 or 8302.49.80)	Free (CA)
9905.83.50	Electronic keyboxes and parts thereof (provided for in heading 8303.00.00)	Free (CA)
9905.83.55	Eyelets (provided for in subheading 8308.10.00)	Free (CA)
9905.83.60	Blind rivets (provided for in subheading 8308.20)	Free (CA)
9905.84.03	Window-type air conditioning machines, less than 2.93 kW per hour (provided for in subheading 8415.10.00)	Free (CA)
9905.84.04	Parts of furnace burners of subheading 8416.10.00 or 8416.20.00 (provided for in subheading 8416.90.00)	Free (CA)
9905.84.21	Parts of dishwashing machines of subheading 8422.11.00 (provided for in subheading 8422.90.05)	Free (CA)
9905.84.31	Parts of washing machines of subheading 8450.11.00 (provided for in subheading 8450.90.00)	Free (CA)
9905.85.01	AC electric motors certified by the importer as intended for use in heating, air conditioning or refrigeration units (provided for in subheading 8501.10)	Free (CA)
9905.85.16	Isolating transformers for airfield lighting (provided for in subheading 8504.31)	Free (CA)
9905.85.23	Dry cell batteries, other than 6 volt alkaline lantern batteries (provided for in subheading 8506.20.00)	Free (CA)
9905.85.27	Nickel-cadmium storage batteries certified by the importer as intended for use in passenger rail cars (provided for in subheading 8507.30.00)	Free (CA)
9905.85.44	Motorcycle ignition modules and motorcycle spark coils (provided for in subheading 8511.30.00)	Free (CA)
9905.85.48	Motorcycle alternator kits, regulators and sensor assemblies (provided for in subheading 8511.80)	Free (CA)
9905.85.54	Motorcycle distributor contact (breaker point) sets and ignition equipment; and Parts of motorcycle ignition modules, spark coils, generators, alternator kits and regulators, sensor assemblies, distributor contact (breaker point) sets or ignition equipment (all the foregoing goods provided for in subheading 8511.90)	Free (CA)
9905.85.56	Motorcycle lamps, side beams and signaling equipment (including siren kits), and parts thereof (provided for in subheading 8512.20.40, 8512.30.00 or 8512.90.20)	Free (CA)
9905.85.57	Hot water dispensers, of a capacity not exceeding 2.5 liters (provided for in subheading 8516.10.00)	Free (CA)
9905.85.58	Warm-steam vaporizers (provided for in subheading 8516.10.00 or 8516.79.00)	Free (CA)
9905.85.59	Amplifiers for telephone headsets (provided for in subheading 8518.40)	Free (CA)
9905.85.61	Telephone headsets (provided for in subheading 8518.50.00)	Free (CA)
9905.85.62	Unrecorded magnetic tape certified by the importer as intended for automatic data processing uses (provided for in subheading 8523.13.00)	Free (CA)
9905.85.63	Unrecorded compact discs specially encoded for the permanent laser beam recording of photographic images (provided for in subheading 8523.90.00)	Free (CA)
9905.85.64	Lightning or lighting arresters certified by the importer as intended for use in passenger rail cars (provided for in subheading 8535.40.00)	Free (CA)

(A)(3) (con.):

	[Goods originating...:]	
9905.85.74	Plug-in busways, fusible or circuit breaker type (provided for in subheading 8536.10.00, 8536.20.00 or 8536.30.00)	Free (CA)
9905.85.75	Protectors certified by the importer as intended for use in electric motors (provided for in subheading 8536.20.00)	Free (CA)
9905.85.76	Thermal protectors certified by the importer as intended for use in ballasts for fluorescent lamps (provided for in subheading 8536.30.00)	Free (CA)
9905.85.78	Microswitches rated at 20 amperes or less for use in machinery and other industrial applications (provided for in subheading 8536.50.00)	Free (CA)
9905.85.79	Busway connector assemblies; Connector kits for airfield lighting; and Electrical plugs and cylindrical multicontact connectors, certified by the importer as intended for use in passenger rail cars (all the foregoing goods provided for in subheading 8536.69.00)	Free (CA)
9905.85.82	Cable assemblies certified by the importer as intended for use in airfield lighting (provided for in subheading 8544.41.00, 8544.51.80 or 8544.60)	Free (CA)
9905.85.83	Cable fitted with connectors for telephone headsets; and Igniter wires certified by the importer as intended for use in heating, air conditioning or refrigeration units (all the foregoing goods provided for in subheading 8544.41.00)	Free (CA)
9905.85.84	Carbon brushes certified by the importer as intended for use in passenger rail cars (provided for in subheading 8545.20.00)	Free (CA)
9905.85.85	Insulation tubes; Insulators for pantographs; and Insulators certified by the importer as intended for use in switchgear (all the foregoing goods provided for in subheading 8546.90.00)	Free (CA)
9905.85.86	Electric motor fuse bases certified by the importer as intended for use in passenger rail cars (provided for in subheading 8547.90.00)	Free (CA)
9905.90.06	Viewfinder eye cushions for cinematographic cameras (provided for in subheading 9007.91.80)	Free (CA)
9905.90.13	Mechano-therapy equipment (provided for in subheading 9019.10.20)	Free (CA)
9905.90.14	Thermocouple tips (provided for in subheading 9025.90.00)	Free (CA)
9905.90.17	Airfield lighting regulators; Automatic voltage controllers; Control instruments under 1000 volts; and Float control switches (all the foregoing goods provided for in subheading 9032.89)	Free (CA)
9905.92.05	Lutes (provided for in subheading 9202.90.60)	Free (CA)
9905.92.12	Lute strings (provided for in subheading 9209.30.00)	Free (CA)
9905.92.14	Tuning pins for lutes (provided for in subheading 9209.92.40)	Free (CA)
9905.92.16	Parts of lutes (provided for in subheading 9209.92.80)	Free (CA)
9905.94.09	Light-emitting sources for electronic measuring equipment (provided for in subheading 9405.40.60)	Free (CA)
9905.94.12	Airfield signs, static nonflashing, having an illuminating light (provided for in subheading 9405.60)	Free (CA)
9905.95.01	Golf balls, hollow, for practice (provided for in subheading 9506.32.00 or 9506.39.00)	Free (CA)
9905.95.07	Shuttlecocks (provided for in subheading 9506.99.12)	Free (CA)
9905.95.08	Pitching machines (provided for in subheading 9506.99.15 or 9506.99.60)	Free (CA)
9905.96.05	Hand-operated mechanical floor sweepers, not motorized (provided for in subheading 9603.90.80)	Free (CA)
9905.96.10	Plastic tip pens and dry erase markers (provided for in subheading 9608.20.00)	Free (CA)
9905.96.25	Chalk and crayons (provided for in subheading 9609.90.80)	Free (CA)*

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(A) (con.):

(4) By striking the following HTS subheadings:

9905.16.10	9905.39.10	9905.59.10	9905.84.16	9905.85.66
9905.30.02	9905.40.20	9905.66.10	9905.85.21	9905.85.67
9905.30.05	9905.42.10	9905.70.10	9905.85.25	9905.85.68
9905.30.10	9905.54.10	9905.73.10	9905.85.38	9905.85.71
9905.39.07	9905.54.14	9905.83.05	9905.85.39	9905.87.20
9905.39.08	9905.55.10	9905.83.10	9905.85.51	9905.95.03

and inserting in lieu thereof the following HTS subheadings in numerical sequence in subchapter V of chapter 99 in the HTS with the material which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively. Bracketed matter is included to assist in the understanding of proclaimed modifications.

	[Goods originating...:]	
"9905.16.10	Prepared meals, not dehydrated and not requiring refrigeration, in vacuum-sealed airtight pouches or trays; and Prepared or preserved bovine meat, meat offal or blood (other than prepared meals) (all the foregoing goods provided for in subheading 1602.50.90).....	Free (CA)
9905.30.02	Clindamycin palmitate hydrochloride granules; Clindamycin phosphate topical solution; Erythromycin; Erythromycin lactobionate, injectable; Imipenem-cilastatin sodium; Spectinomycin hydrochloride sterile powder, injectable; and Vancomycin hydrochloride, injectable (all the foregoing goods provided for in subheading 3004.20.00).....	Free (CA)
9905.30.05	Oxytocin, injectable; Recombinant human erythropoietin; and Somatropin, injectable (all the foregoing goods provided for in subheading 3004.39.00).....	Free (CA)
9905.30.10	Acetazolamide in sustained-release dosage form for human use; Alprostadil sterile solution, injectable; Aminocaproic acid; Antibacterial creams containing sulfanilamide as the single active ingredient; Antihistaminic agents in tablet form containing terfenadine as the single active ingredient; Anthelmintic based on pyrantel pamoate or morantel tartarate for treating internal parasites in horses and in dairy and feed cattle; Antimicrobial ointments other than sulfonamides for the treatment of vaginal yeast infections in animals; Antiseptic liniment or gel for relief of muscular aches, arthritic pain or bruises; Attapulgite tablets, film-coated; Ciprofloxacin hydrochloride tablets; Ciprofloxacin, intravenous; Ganciclovir sodium; Iron-dextran complex; Ivermectin; Ketorolac tromethamine; Laxatives for animals; Lyophilized ribavirin in vials; Methotrexate sodium; Mitoxantrone hydrochloride; Nifedipine tablets; Nimodipine capsules, tablets or intravenous formulation; Nitroglycerin tablets, sublingual; Quinapril hydrochloride; Streptozocin sterile solution, injectable; Sumatriptan succinate; and Tubocurarine chloride, injectable (all the foregoing goods provided for in subheading 3004.90.60).....	Free (CA)
9905.39.07	Polyvinyl chloride edgebanding, of a width of over 1 cm, and of a thickness of over 0.03 cm but not over 1 cm; Tape certified by the importer as intended for use in the manufacture of disposable diapers; and Tape of polyesters, certified by the importer as intended for use in splicing or holding film during photographic processing (all the foregoing goods provided for in subheading 3919.10.20).....	Free (CA)

Annex (con.)
8 of 11

(A)(4) (con.):

	[Goods originating...:]	
9905.39.10	Construction debris chutes; Facemasks and visors specially designed for headgear used in ice hockey; Grommets certified by the importer as intended for use in ballasts for fluorescent lamps; Lip bands (bandles) for glass decanters; Microfilm jackets of polyethylene terephthalate; Perforated 8 mm, 16 mm or 35 mm motion picture film leaders of cellulose acetate or polyethylene terephthalate; Perforated release film of polymers of tetrafluoroethylene, certified by the importer as intended to be employed in the manufacture of printed circuit boards; and Teethers and teething rings (all the foregoing goods provided for in subheading 3926.90.95)	Free (CA)
9905.40.20	Gaskets certified by the importer as intended for use in sealing steel or plastic drums; Gaskets and seals for locomotives and rail cars; Motor seals certified by the importer as intended for use in passenger rail cars; Oil seals; and Seals certified by the importer as intended for use in air conditioners (all the foregoing goods provided for in subheading 4016 93.00)	Free (CA)
9905 42.10	Bowling bags; and Ski carrying cases, portable, of polyethylene (all the foregoing goods provided for in subheading 4202.92.45)	Free (CA)
9905.54 10	Yarn certified by the importer as intended for use in weather stripping; Yarn of expanded polytetrafluoroethylene; and Yarn, solely of polyurethane, single, untwisted, not on beams (all the foregoing goods provided for in subheading 5402.49 00)	Free (CA)
9905 54 14	Strip and the like, of nylon or of polytetrafluoroethylene (the foregoing provided for in subheading 5404 90.00	Free (CA)
9905 59 10	Packing yarns with cores of glass fibers, whether or not incorporating a metal wire, covered with a textile wrapper; and Pure or prelubricated polytetrafluoroethylene yarns or strip (all the foregoing goods provided for in subheading 5911 90.00)	Free (CA)
9905 66 10	Canes specially designed for use by the blind; Orthopedic canes; and Seat-sticks (all the foregoing goods provided for in heading 6602 00.00)	Free (CA)
9905 70 10	Woven fabrics of electrically nonconductive continuous glass fiber filaments having a diameter of not less than 9.3 microns but not more than 10.7 microns, and impregnated, coated or covered with resorcinol formaldehyde latex (the foregoing provided for in heading 7019.20)	Free (CA)
9905 73 10	Cable ties certified by the importer as intended for use in passenger rail cars; Treeball baskets; Underwires for brassieres; and Wire mesh minnow traps (all the foregoing goods provided for in subheading 7326.20.00)	Free (CA)
9905.83 05	Electronic door locks; and Push-button combination door locks (all the foregoing goods provided for in subheading 8301 40.60)	Free (CA)
9905 83 10	Parts of electronic door locks; Parts of goods of subheading 8301 50 00 Parts of locks of a kir [illegible] and Parts of push-button combination door locks (all the foregoing goods provided for in subheading 8301 60.00)	Free (CA)
9905.84 16	Parts of air conditioners of subheading 8415.82 00 for locomotives; and Parts of air conditioning machines of subheading 8415 10.00 or 8415.81 00 (all the foregoing goods provided for in subheading 8415.90.00)	Free (CA)
9905.85.21	9 volt batteries; 1 5 volt AAA batteries; and Dry cell batteries other than 1.5 volt AA, 1 5 volt C and 1 5 volt D alkaline batteries (all the foregoing goods provided for in subheading 8506 11 00)	Free (CA)

Annex (con.)
9 of 11

(A)(4) (con.):

	[Goods originating...:]	
9905.85.25	Parts of batteries having a lithium chemical system; Parts of primary cells or primary batteries of subheadings 8506.12.00 or 8506.13.00; Parts of 9 volt batteries, 1.5 volt AAA batteries, and dry cell batteries other than 1.5 volt AA, 1.5 volt C and 1.5 volt D alkaline batteries of subheading 8506.11.00; and Parts of dry cell batteries of subheading 8506.20.00 other than 6 volt alkaline lantern batteries (all the foregoing goods provided for in subheading 8506.90.00).....	Free (CA)
9905.85.39	Alternator assemblies for diesel locomotives; and Motorcycle generators (all the foregoing goods provided for in subheading 8511.50.00).....	Free (CA)
9905.85.51	Parts of automatic drip coffee makers; Parts of coffee percolators, of stainless steel; Parts of electrothermic hairdressing or hand-drying apparatus; Parts of electric flatirons; Parts of toasters; and Parts of warm-steam vaporizers of subheading 8516.79.00 (all the foregoing goods provided for in subheading 8516.90.60).....	Free (CA)
9905.85.66	Connector kits for isolating transformers for airfield lighting; and Pantographs (all the foregoing goods provided for in subheading 8535.90.00).....	Free (CA)
9905.85.67	Contactors certified by the importer as intended for use in passenger rail cars; and Shunt contactors for direct current controls (all the foregoing goods provided for in subheading 8536.49.00).....	Free (CA)
9905.85.68	Connector adapters for goods of subheading 9030.39.00; Contactors and terminals for automatic motor protectors; Terminal blocks and terminals certified by the importer as intended for use in air conditioning machines; and Y-adapter connectors for telephone headsets (all the foregoing goods provided for in subheading 8536.90.00).....	Free (CA)
9905.85.71	Direct current magnetic coils for switchgear of heading 8536; Parts of lightning or lighting arresters of subheading 8535.40.00, of contactors of subheading 8536.49.00, and of electrical plugs and cylindrical multicontact connectors of subheading 8536.69.00, all the foregoing certified by the importer as intended for use in passenger rail cars; Parts of connector kits for isolating transformers of subheading 8539.90.00 and parts of connector kits of subheading 8536.69.00, all the foregoing for airfield lighting; Parts of plug-in busways, fusible or circuit breaker type, of subheading 8536.10.00, 8536.20.00 or 8536.30.00; Parts of thermal protectors certified by the importer as intended for use in ballasts for fluorescent lamps, of subheading 8536.30.00; Parts of microswitches rated at 20 amperes or less for use in machinery and other industrial applications, of subheading 8536.50.00; Parts of busway connector assemblies of subheading 8536.69.00; Parts of terminal blocks and terminals certified by the importer as intended for use in air conditioning machines, of subheading 8536.90.00; Parts of Y-adapter connectors for telephone headsets, of subheading 8536.90.00; Ignition panels for motorcycles; and Parts of pantographs of subheading 8535.90.00 (all the foregoing goods provided for in subheading 8538.90.00)... ...	rree (CA)
9905.87.20	Brake drums for semi-trailers for road tractors; and Hubs, wheels and spindles for agricultural trailers (all the foregoing goods provided for in subheading 8716.90.50).....	Free (CA)
9905.95.03	Golf club shafts of fiberglass or wood; Golf club heads, of wood, rough cut; and Forged golf club heads of iron or steel, not ground, polished, plated or otherwise finished (all the foregoing goods provided for in subheading 9506.39.00).....	Free (CA)"

(A) (con.):

(5) General note 3(c)(vii) to the HTS is modified:

(i) By adding the following new subdivision (R)(15)(aaa) at the same level of indentation as subdivision (R)(15)(aa):

"(aaa) A change from a parts subheading to a subheading other than a parts subheading; provided that the value of the materials originating in the territory of Canada and/or the United States plus the direct cost of processing performed in the territory of Canada and/or the United States constitute not less than 50 per cent of the value of the goods when exported to the territory of the United States."

(ii) By striking the text of subdivision (R)(15)(jj) and inserting in lieu thereof the following:

"A change to headings of 7309-7311, 7313-7314, 7316, 7319 or 7321-7326 from any heading other than any of those headings."

(iii) By striking the text of subdivision (R)(16)(cc) and inserting in lieu thereof the following:

"A change to heading 8407 or 8408 from any other heading; provided, that the value of materials originating in the territory of Canada and/or the United States plus the direct cost of processing performed in Canada and/or the United States constitute not less than 50 percent of the value of the goods when exported to the territory of the United States."

(iv) By adding the following new subdivision (R)(16)(eee) at the same level of indentation as subdivision (R)(16)(ee):

"(eee) A change to subheading 8471.99 from subheading 8471.93."

Section B. Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the date specified in a notice by the U.S. Trade Representive and published in the Federal Register (such date to coincide with the date of implementation of the North American Free Trade Agreement) the HTS is modified as follows:

(1) For HTS subheadings 5801.25.00, 5801.35.00 and 8540.11.00, in the Rates of Duty 1-Special subcolumn, by striking the symbol "(CA)" and the duty rate preceding it, and inserting in lieu thereof in the parentheses following the "Free" rate of duty the symbol "CA," in alphabetical order.

(2) By deleting from the article description of HTS subheading 9905.00.30 "5801.25" and "5801.35".

(B) (con.):

(3) By inserting the following HTS subheading in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in understanding of proclaimed modifications.

	[Goods originating...:]	
"9905.73.04	Tubes, pipes and hollow profiles of stainless steel containing by weight 24 percent or more of nickel (provided for in subheading 7304.41.00 or 7304.49.00).....	Free (CA)"

Section C. Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

For subheading 4421.90.95, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1994	1995	1996	1997	1998
4421.90.95	2%	1.5%	1%	0.5%	Free

[FR Doc. 93-16385
Filed 7-6-93; 5:00 pm]
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Thursday, July 8, 1993

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To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes. (July 2, 1993; 107 Stat. 234; 5 pages)

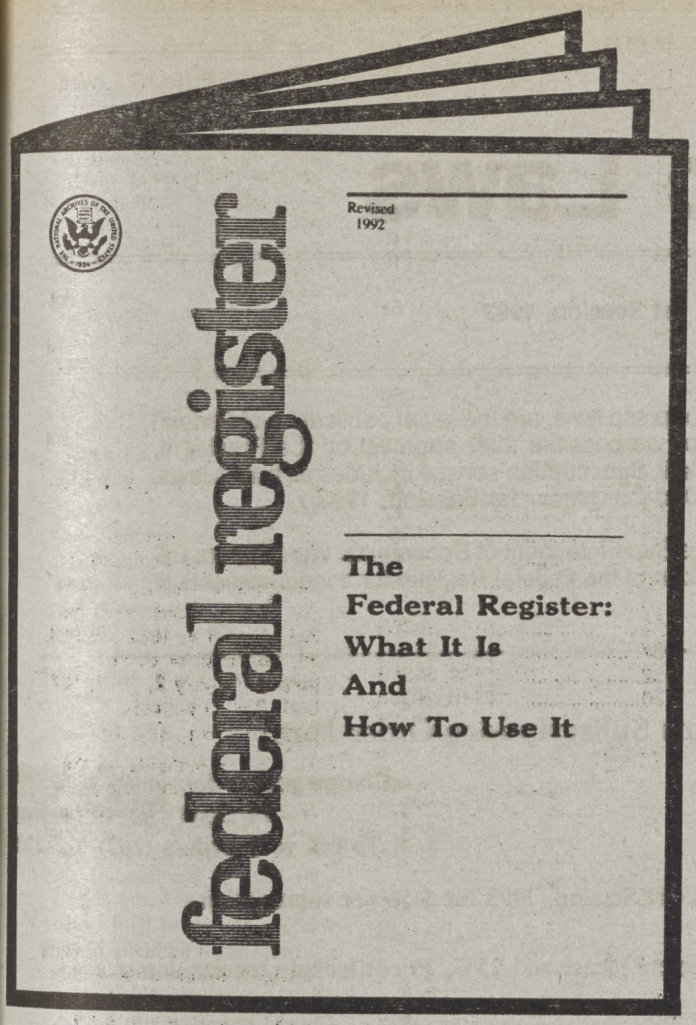
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To provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements. (July 2, 1993; 107 Stat. 239; 2 pages)

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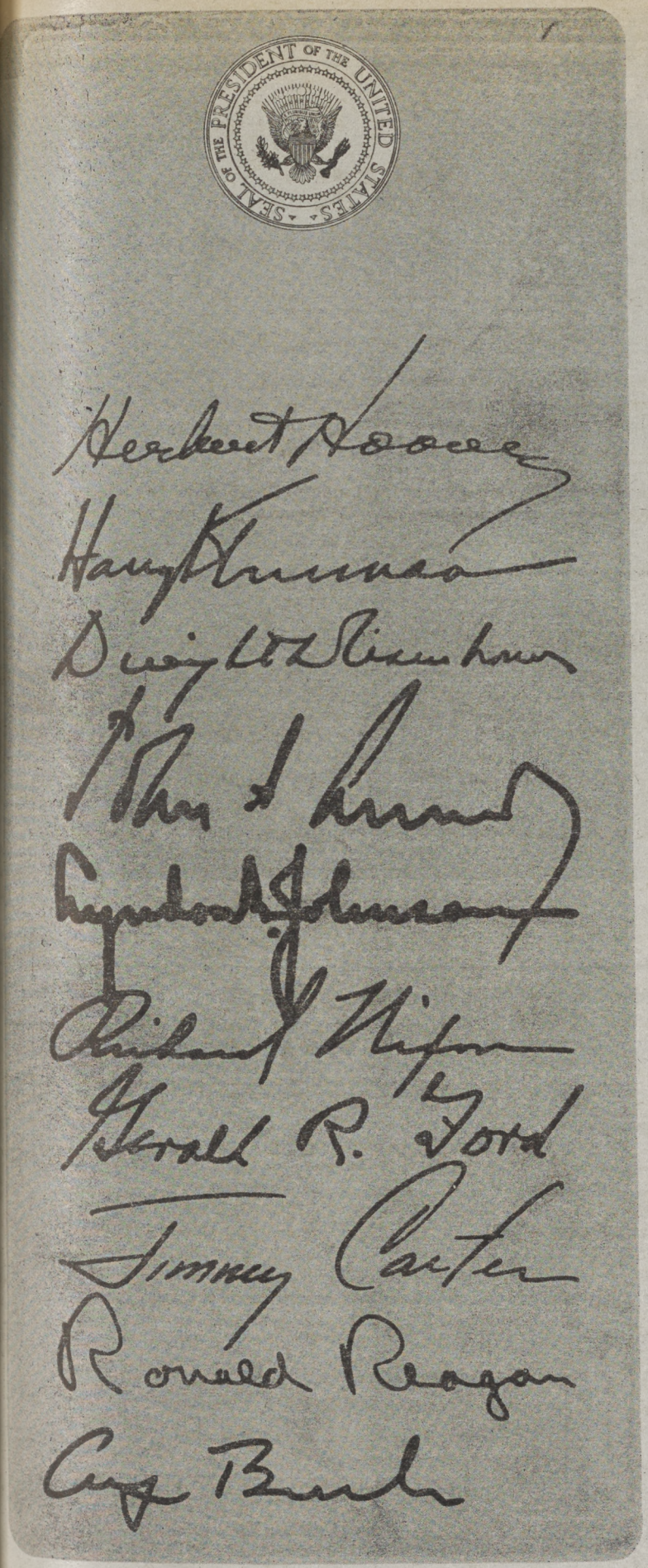
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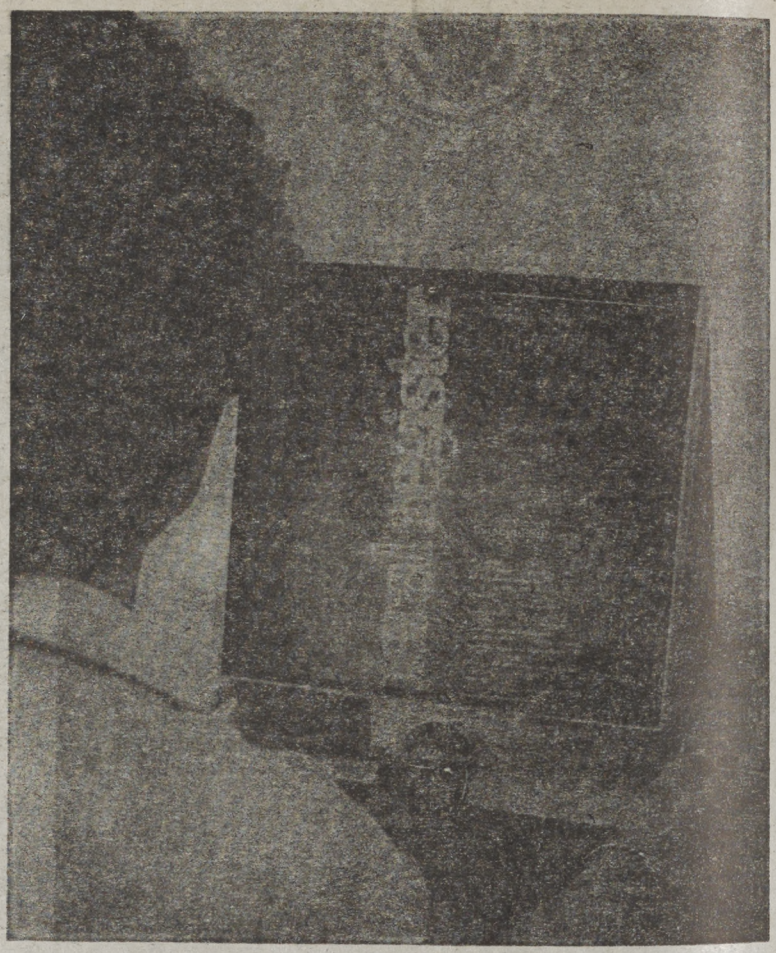
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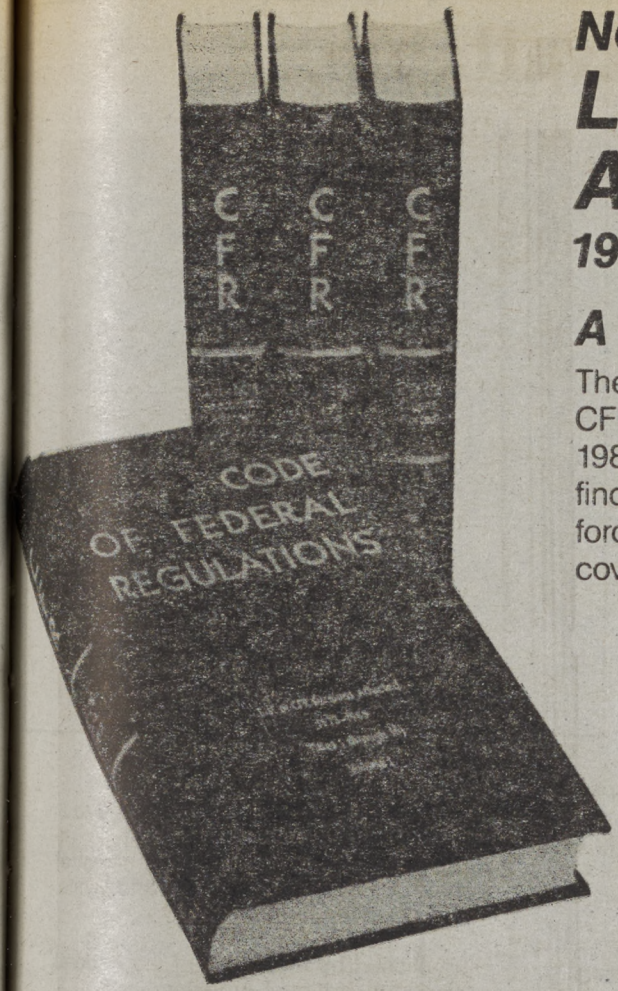
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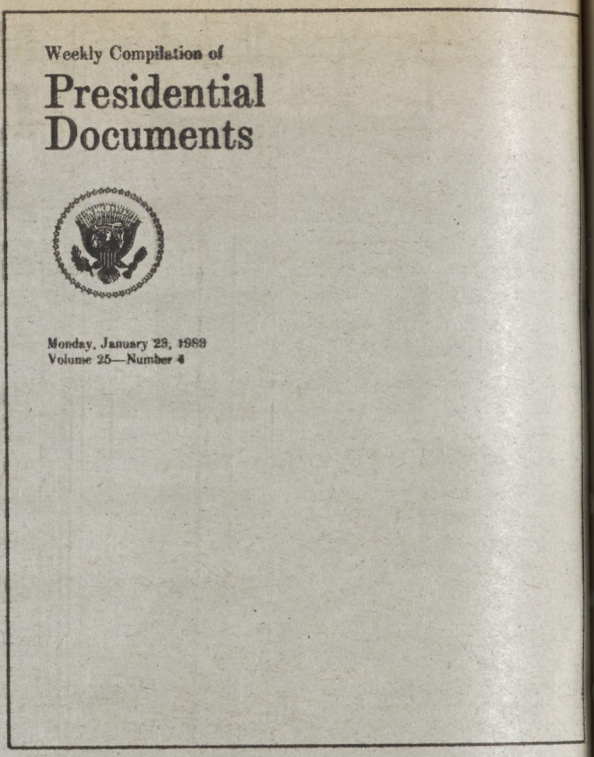
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