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WHO: The Office of the Federal Register.

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Where: Jimmy Carter Presidential Library
One Copenhill Avenue, Atlanta, GA
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WASHINGTON, DC

(two briefings)

When: September 17 at 9:00 am and 1:30 pm
Where: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
Reservations: 202–523–4538

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[FV93–945–1FR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Temporary Suspension of Date for Continuance Referendum on Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This rule temporarily suspends an order provision which required a continuance referendum to be conducted on the marketing order. The suspension will allow the Department of Agriculture (Department) time to complete an order amendment proceeding, including an amendment referendum. If the order is subsequently amended, this action will allow the industry sufficient time to test operations under such an amended order before producers would be asked to vote whether they favor continuance of the order.

EFFECTIVE DATE: September 23, 1993.

FOR FURTHER INFORMATION CONTACT: Dennis West, Northwest Marketing Field Office, 1220 SW. Third Avenue, room 369, Portland, Oregon 97204; telephone (503) 326–2724, or FAX (503) 326–7440; or Valerie L. Emmer or James B. Wendland, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 205–2829 or (202) 720–2170 respectively, or FAX (202) 720–5698.

SUPPLEMENTARY INFORMATION: This suspension of a provision of Marketing Agreement No. 98 and Order No. 945 [7 CFR part 945], both as amended, regulating the handling of potatoes grown in designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the "order," is issued under section 16 of the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the "Act."

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

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

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

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

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

There are approximately 65 handlers of potatoes subject to regulation under the order and approximately 2,200 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $3,500,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A majority of the handlers and producers of Idaho-Eastern Oregon potatoes may be classified as small entities.

This rule finalizes the June 15, 1993 [58 FR 33037] proposed suspension to temporarily suspend the provisions in section 945.83(d) of the order which specify that the Secretary shall conduct a referendum as soon as practicable after July 31, 1992, and at such time every sixth year thereafter, to ascertain whether continuance of this order is favored by the producers. Interested persons were invited to submit written comments through July 15, 1993. No comments were received.

In June 1992, the Idaho-Eastern Oregon Potato Committee (Committee) recommended several amendments to improve the operations of the marketing order. A public hearing to consider the various proposals had been scheduled to begin March 4, 1993. However, since adequate notice could not be provided to interested parties, the Committee recommended that the hearing be rescheduled for this fall. Under the applicable rules of practice [7 CFR part 900], the next step in the amendment process, after the oral hearing and the receipt of post-hearing briefs, would be for the Administrator of the AMS to issue a Recommended Decision, with a period allowed to file exceptions thereto. Thereafter, the Secretary would consider the entire record, including any exceptions to the Recommended Decision, and then issue a Secretary's Decision and, if warranted, a Referendum Order. Without this temporary suspension of the initial continuance referendum, producers will be asked to vote on whether to continue a program which the Committee, which is representative of the industry as a whole, believes may need improvements. Thus, such a vote will not likely give the best indication of producers' true sentiments regarding continuation of the program.

The suspension will allow the Department time to complete the amendatory proceeding, which may result in a referendum of industry producers to determine whether they favor any amendments that may result from the hearing.

The Committee also has recommended that the industry be allowed a year or two to test operations under any such amended order before being asked to vote on whether or not to continue the program. Although the Department could potentially hold a continuance referendum in 1995, that would result in conducting three producer referenda within a five year period. Such action would be an unnecessary use of the time and funds of the industry and the Department.

Therefore, the provisions regarding the initial continuance referendum and the requirement for a referendum every sixth year thereafter will be temporarily suspended through July 31, 1998, which is when the next continuance referendum would have been scheduled. However, the Department could decide to hold a continuance referendum earlier than July 31, 1998, if an order amendment referendum is not held.

This rule will not have a significant economic impact on small producers or handlers. The temporary suspension of the order provision will allow the Secretary to conduct a continuance referendum later than the initial date specified in the order. No increased costs on producers or handlers are anticipated as a result of this administrative action.

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

After consideration of all available information, it is found that the first sentence in section 945.83(d), does not tend to effectuate the declared policy of the Act for the period specified herein and should be temporarily suspended for that period.

List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 945 is amended by suspending a provision thereof as follows:

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OR

1. The authority citation for 7 CFR part 945 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

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

§ 945.83 [Amended]

2. In section 945.83, paragraph (d), the first sentence is temporarily suspended through July 31, 1998.

Dated: August 17, 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–20387 Filed 8–23–93; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 204

[INS No. 1609–931]

RIN 1115–AD38

Immigrant Investor Pilot Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1933 ("Appropriations Act"). Section 610 of the Appropriations Act provides that the Secretary of State, together with the Attorney General, shall set aside visas for a pilot program (the "Immigrant Investor Pilot Program") to implement the provisions of section 203(b)(5) of the Immigration and Nationality Act, as amended, (the "Act"). Under the pilot program, 300 immigrant visas will be set aside annually for five years for aliens who make qualifying investments in commercial enterprises located within regional centers in the United States for the promotion of economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.

DATES: This interim rule is effective on August 24, 1993. Written comments must be submitted on or before September 23, 1993.

ADDRESSES: Please submit written comments, in triplicate, to the Records Systems Division, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling please reference INS No. 1609–93 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Michael W. Straus, Senior Immigration Examiner, Adjudications Division, Immigration and Naturalization Service, 425 I Street NW., room 7122, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION:

Section 203(b)(5) of the Act

Under section 203(b)(5) of the Act, an alien may qualify for an immigrant visa if he or she is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established, in which he or she has invested one million dollars (or a lower amount for targeted areas), and which will benefit the United States economy and create full-time employment for no fewer than 10 eligible United States workers. Under current Immigration and Naturalization Service (Service) regulations, such full-time employment must be in the commercial enterprise established by the alien.

Under section 203(b)(5) of the Act, visas in a number not to exceed 7.1 percent of the worldwide level (approximately 10,000) are available to qualified immigrants, including their spouses and unmarried minor children. Of that number, not less than 3,000 visas are set aside for immigrants establishing commercial enterprises in targeted areas (rural areas and areas of high unemployment).

Section 610 of the Appropriations Act

In order to increase interest in the existing alien entrepreneur immigrant classification under section 203(b)(5) of the Act, Congress enacted section 610(a) of the Appropriations Act, Public Law 102–395, dated October 6, 1992. Section 610(a) of the Appropriations Act creates a pilot program which "shall involve a regional center in the United States for the promotion of economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment."

Section 610(c) of the Appropriations Act expressly relaxes the job creation requirement currently set forth in 8 CFR 204.6 by allowing aliens investing in new commercial enterprises located within regional centers to establish "reasonable methodologies" for

determining the number of jobs created, "including such jobs which are estimated to have been created indirectly through revenues generated from increased exports resulting from the pilot program." Under section 610(c), while the revenues generated by the qualifying commercial enterprise must result in exports, the commercial enterprise need not be engaged directly in generating exports of goods or services. Therefore, immigrants participating in the pilot program may credit jobs they create indirectly through contract or subcontract with commercial enterprises involved in direct export. *See* S. Rep. No. 918, 102 Cong., 2d Sess. (1992). To establish the requisite relation to exports, however, the alien must demonstrate the existence of a reasonable nexus between the commercial enterprise and the production of exports.

Under the pilot program, 300 visas of the overall total number for the fifth employment-based immigrant visa classification will be set aside annually for five years, commencing not later than October 1, 1993. The annual figure of 300 visas includes visas for qualified immigrants, as well as their spouses and unmarried minor children.

Requirements for Obtaining Approval as a Regional Center

Section 610(a) of the Appropriations Act states that the pilot program "shall involve a regional center in the United States for the promotion of economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment." Section 610(a), however, does not designate a particular regional center in the United States for the program. This interim regulation sets forth at 8 CFR 204.6(m)(3) the criteria by which interested regional centers may obtain approval for participation in the pilot program.

Time for Submission of Proposals

Upon publication of this interim rule, the Service will begin accepting proposals from regional centers for participation in the Immigrant Investor Pilot Program.

Criteria for Participation as a Regional Center

Under 8 CFR 204.6(m)(3), each proposal for participation as a regional center must:

(1) Clearly describe how the center focuses on a geographical region of the United States and how it will promote economic growth through increased export sales, improved regional productivity, job creation, and increased domestic capital investment;

(2) Provide in verifiable detail how jobs will be created indirectly through increased exports;

(3) Provide a detailed statement regarding the amount and source of capital which has been committed to the regional center, as well as a description of the promotional efforts taken and planned by the sponsors of the regional center;

(4) Contain a detailed prediction regarding the manner in which the center will have a positive impact on the regional or national economy in general as reflected by such factors as increased household earnings, greater demand for business services, utilities, maintenance and repair, and construction both within and without the regional center; and

(5) Be supported by economically or statistically valid forecasting tools, including, but not limited to, feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and/or multiplier tables.

Although section 610(a) of the Appropriations Act provides that the pilot program "shall involve a regional center" (emphasis added), the Service recognizes that more than one regional center may be able to meet the statutory criteria for participation under the pilot program. Absent a clear statutory directive requiring the Service to select only one regional center for participation in the pilot program, the Service believes that the purpose of Congress in enacting section 610(a)—to obtain empirical evidence of the effectiveness of the regional center concept in promoting economic growth—will be best served by permitting more than one statutorily qualifying regional center to participate in the pilot program. If more than one regional center is found to be qualified, all selected regional centers will draw off the annual allocation of 300 visas which section 610(b) of the Appropriations Act requires to be set aside for the pilot program. To ensure that regional centers continue to meet the requirements of section 610(a) of the Appropriations Act, the Service shall have the authority to terminate the participation of a regional center in the pilot program should it fail to satisfy these requirements.

Requirements for Filing Petitions for Alien Entrepreneurs

Section 610 of the Appropriations Act permits aliens under the pilot program to meet the requirement of job creation by establishing "reasonable methodologies" for determining the number of jobs created, including such jobs which are estimated to have been created indirectly through revenues generated from increased exports resulting from the program. Such reasonable methodologies may include multiplier tables, feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and other economically or statistically valid forecasting devices which indicate the likelihood that the business will result in increased employment.

It is important to note that section 610 of the Appropriations Act does not relieve individuals seeking to immigrate to this country as alien entrepreneurs from any of the other requirements of section 203(b)(5) of the Act or 8 CFR 204.6. Therefore, among other things, prospective immigrants must show actual commitment of the required amount of capital in the commercial enterprise and be able to demonstrate that such capital was lawfully obtained. To demonstrate that the investment in a new commercial enterprise is *bona fide*, the prospective immigrant should also provide credible projections of the costs of doing business, including, but not limited to, estimated salaries to be paid to employees. In addition, persons immigrating pursuant to section 203(b)(5) of the Act must show that they are or will be engaged in the management of the new commercial enterprise, either through the exercise of day-to-day managerial control or through policy formulation, as opposed to maintaining a purely passive role in regard to the investment. Alien entrepreneurs will also be required to apply for removal of the conditional basis of permanent residence during the ninety-day period before the second anniversary of their lawful admission for conditional permanent residence.

To effect the above, the Service is revising the definitions of the terms "employee" and "full-time employment" in 8 CFR 204.6(e), and adding a definition of the term "regional center." In addition, the Service is amending 8 CFR 204.6(j) to reflect the evidence to be submitted with a petition for classification as an alien entrepreneur under the Immigrant Investor Pilot Program. Finally, the Service is adding a new paragraph, 8 CFR 204.6(m).

This new paragraph sets forth the specific procedures to be followed by regional centers seeking to participate in the pilot program. In addition, 8 CFR 204.6(m) provides procedures for aliens seeking to immigrate under the pilot program. This new paragraph also

provides for termination of participation, under certain circumstances, of a regional center to participate in the pilot program, and describes the impact such termination will have on alien entrepreneurs who have obtained lawful permanent residence on a conditional basis pursuant to the pilot program.

Time for Filing of Petitions

Commencing on October 1, 1993, petitions will be accepted for filing and adjudicated in accordance with the provisions of this section if the alien entrepreneur has invested or is actively in the process of investing within a regional center which has been approved by the Service for participation in the pilot program.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(3)(B), (d)(3). The reasons and necessity for immediate implementation of this interim rule are as follows:

Immediate promulgation of this interim rule is necessary to ensure fair and orderly administration of the pilot program. In light of the limited number of visas available under the pilot program, the Service wishes to begin soliciting proposals from qualifying regional centers for participation in the pilot program immediately upon publication of this interim rule. The Service must allow a reasonable time for interested regional centers to submit their proposals before beginning the adjudication of individual visas petitions. Under this interim rule, the Service will be able to make the determinations with respect to interested regional centers in time to begin accepting for filing individual visa petitions on October 1, 1993, the deadline imposed by Congress for "setting aside" visas for the pilot program. Immediate implementation of this rule will ensure that on October 1, 1993, all aliens seeking to qualify under the pilot program will have an equal opportunity to participate. Without immediate implementation, the Service would be required to take the unacceptable choice of delaying adjudication of individual petitions until a date well after October 1, 1993, pending determination of proposals by regional centers to participate in the pilot program. For these reasons, immediate implementation is necessary to further Congress' goal in creating the pilot program of promoting economic growth, including job creation, in regional centers as soon as possible.

In accordance with 5 U.S.C. 605(b), the Acting Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The OMB control number for this collection is 1115–0183.

List of Subjects

8 CFR Part 103

Administrative practice and procedures, Archives and records, Authority delegations (Government agencies), Bonding, Fees, Forms, Freedom of Information, Organization and functions (Government agencies), Privacy, Reporting and recordkeeping requirements, surety bonds.

8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

2. In § 103.1, paragraph (f)(2) is amended by:

a. Removing the word "and" at the end of paragraph (f)(2)(xxxvi);

b. Replacing the "." with a ";" at the end of paragraph (f)(2)(xxxvii); and by

c. Adding new paragraph (f)(2)(xxxviii) and (f)(2)(xxxix), to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(f) * * *

(2) * * *

(xxxviii) Request for participation as a regional center under § 204.6(m) of this chapter; and

(xxxix) Termination of participation of regional center under § 204.6(m) of this chapter.

* * * * *

PART 204—IMMIGRANT PETITIONS

3. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR part 2.

4. In § 204.6, paragraph (e) is amended by revising the definition of "Employee", "Full-time employment"; and by adding the definition "Regional center" in alphabetical sequence, to read as follows:

§ 204.6 Petitions for employment creation aliens.

* * * * *

(e) * * *

Employee means an individual who provides services or labor for the new commercial enterprise and who receives wages or other remuneration directly from the new commercial enterprise. In the case of the Immigrant Investor Pilot Program, "employee" also means an individual who provides services or labor in a job which has been created indirectly through investment in the new commercial enterprise. This definition shall not include independent contractors.

Full-time employment means employment of a qualifying employee by the new commercial enterprise in a position that requires a minimum of 35 working hours per week. In the case of the Immigrant Investor Pilot Program, "full-time employment" also means employment of a qualifying employee in a position that has been created indirectly through revenues generated from increased exports resulting from the Pilot Program that requires a minimum of 35 working hours per week. A job-sharing arrangement whereby two or more qualifying employees share a full-time position shall count as full-time employment provided the hourly requirement per week is met. This definition shall not include combinations of part-time positions even if, when combined, such positions meet the hourly requirement per week.

* * * * *

Regional center means any economic unit, public or private, which is involved with the promotion of economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.

* * * * *

5. Section 204.6 is amended by:

a. Revising introductory text in paragraph (j);

b. Adding a new paragraph (j)(4)(iii); and by

c. Adding a new paragraph (m), to read as follows:

§ 204.6 Petitions for employment creation aliens.

* * * * *

(j) *Initial evidence to accompany petition.* A petition submitted for classification as an alien entrepreneur must be accompanied by evidence that the alien has invested or is actively in the process of investing lawfully obtained capital in a new commercial enterprise in the United States which will create full-time positions for not fewer than 10 qualifying employees. In the case of petitions submitted under the Immigrant Investor Pilot Program, a petition must be accompanied by evidence that the alien has invested, or is actively in the process of investing, capital obtained through lawful means within a regional center designated by the Service in accordance with paragraph (m)(4) of this section. The petitioner may be required to submit information or documentation that the Service deems appropriate in addition to that listed below. * * *

* * * * *

(4) * * *

(iii) *Immigrant Investor Pilot Program.* To show that the new commercial enterprise located within a regional center approved for participation in the Immigrant Investor Pilot Program meets the statutory employment creation requirement, the petition must be accompanied by evidence that the investment will create full-time positions for not fewer than 10 persons either directly or indirectly through revenues generated from increased exports resulting from the Pilot Program. Such evidence may be demonstrated by reasonable methodologies including those set forth in paragraph (m)(3) of this section.

* * * * *

(m) *Immigrant Investor Pilot Program.*

(1) *Scope.* The Immigrant Investor Pilot Program is established solely pursuant to the provisions of section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, and subject to all conditions and restrictions stipulated in that section. Except as provided herein, aliens seeking to obtain immigration benefits under this paragraph continue to be subject to all conditions and restrictions set forth in section 203(b)(5) of the Act and this section.

(2) *Number of immigrant visas allocated.* The annual allocation of the visas available under the Immigrant Investor Pilot Program is set at 300 for each of the five fiscal years commencing on October 1, 1993.

(3) *Requirements for regional centers.* Each regional center wishing to participate in the Immigrant Investor Pilot Program shall submit a proposal to the Assistant Commissioner for Adjudications, which:

(i) Clearly describes how the regional center focuses on a geographical region of the United States, and how it will promote economic growth through increased export sales, improved regional productivity, job creation, and increased domestic capital investment;

(ii) Provides in verifiable detail how jobs will be created indirectly through increased exports;

(iii) Provides a detailed statement regarding the amount and source of capital which has been committed to the regional center, as well as a description of the promotional efforts taken and planned by the sponsors of the regional center;

(iv) Contains a detailed prediction regarding the manner in which the regional center will have a positive impact on the regional or national economy in general as reflected by such factors as increased household earnings, greater demand for business services, utilities, maintenance and repair, and construction both within and without the regional center; and

(v) Is supported by economically or statistically valid forecasting tools, including, but not limited to, feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and/or multiplier tables.

(4) *Submission of proposals to participate in the Immigrant Investor Pilot Program.* On August 24, 1993, the Service will accept proposals from regional centers seeking approval to participate in the Immigrant Investor Pilot Program. Regional centers that have been approved by the Assistant Commissioner for Adjudications will be eligible to participate in the Immigrant Investor Pilot Program.

(5) *Decision to participate in the Immigrant Investor Pilot Program.* The Assistant Commissioner for Adjudications shall notify the regional center of his or her decision on the request for approval to participate in the Immigrant Investor Pilot Program, and, if the petition is denied, of the reasons for the denial and of the regional center's right of appeal to the Associate Commissioner for Examinations. Notification of denial and appeal rights, and the procedure for appeal shall be the same as those contained in 8 CFR 103.3.

(6) *Termination of participation of regional centers.* To ensure that regional centers continue to meet the requirements of section 610(a) of the Appropriations Act, the Assistant Commissioner for Adjudications shall issue a notice of intent to terminate the participation of a regional center in the pilot program upon a determination that the regional center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment. The notice of intent to terminate shall be made upon notice to the regional center and shall set forth the reasons for termination. The regional center must be provided thirty days from receipt of the notice of intent to terminate to offer evidence in opposition to the ground or grounds alleged in the notice of intent to terminate. If the Assistant Commissioner for Adjudications determines that the regional center's participation in the Pilot Program should be terminated, the Assistant Commissioner for Adjudications shall notify the regional center of the decision and of the reasons for termination. The regional center may appeal the decision within thirty days after the service of notice to the Associate Commissioner for Examinations as provided in 8 CFR 103.3.

(7) *Requirements for alien entrepreneurs.* An alien seeking an immigrant visa as an alien entrepreneur under the Immigrant Investor Pilot Program must demonstrate that his or her qualifying investment is within a regional center approved pursuant to paragraph (m)(4) of this section and that such investment will create jobs indirectly through revenues generated from increased exports resulting from the new commercial enterprise.

(i) *Exports.* For purposes of paragraph (m) of this section, the term "exports" means services or goods which are produced directly or indirectly through revenues generated from a new commercial enterprise and which are transported out of the United States;

(ii) *Indirect job creation.* To show that 10 or more jobs are actually created indirectly by the business, reasonable methodologies may be used. Such methodologies may include multiplier tables, feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and other economically or statistically valid forecasting devices which indicate the

likelihood that the business will result in increased employment.

(8) *Time for submission of petitions for classification as an alien entrepreneur under the Immigrant Investor Pilot Program.* Commencing on October 1, 1993, petitions will be accepted for filing and adjudicated in accordance with the provisions of this section if the alien entrepreneur has invested or is actively in the process of investing within a regional center which has been approved by the Service for participation in the Pilot Program.

(9) *Effect of termination of approval of regional center to participate in the Immigrant Investor Pilot Program.*

Upon termination of approval of a regional center to participate in the Immigrant Investor Pilot Program, the director shall send a formal written notice to any alien within the regional center who has been granted lawful permanent residence on a conditional basis under the Pilot Program, and who has not yet removed the conditional basis of such lawful permanent residence, of the termination of the alien's permanent resident status, unless the alien can establish continued eligibility for alien entrepreneur classification under section 203(b)(5) of the Act.

Dated: July 29, 1993.

Chris Sale,

Acting Commissioner, Immigration and Naturalization Service.

[FR. Doc. 93–20174 Filed 8–23–93; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

RIN 3150–AE56

Withdrawal of Below Regulatory Concern Policy Statements

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of policy statements.

SUMMARY: The Nuclear Regulatory Commission is formally withdrawing its Below Regulatory Concern (BRC) policy statements. This action is necessary to comply with provisions of the Energy Policy Act of 1992. Specifically, this action removes the BRC Policy Statement issued on July 3, 1990, and the BRC Policy issued in 1986 concerning the submittal of petitions for disposal of radioactive waste streams below regulatory concern that were set out in the Commission's regulations.

EFFECTIVE DATE: This action is effective August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 504–1642.

SUPPLEMENTARY INFORMATION: Section 10 of the Low-Level Radioactive Waste Policy Amendments Act (LLRWPAA) of 1985 directed the Commission to develop criteria and procedures to act upon petitions "to exempt specific radioactive waste streams from regulation * * * due to the presence of radionuclides * * * in sufficiently low concentrations or quantities as to be below regulatory concern." The Commission responded to this statutory provision by issuing a policy statement on August 29, 1986 (51 FR 30839) that contained criteria for evaluating such petitions. These criteria and the procedures for NRC staff implementation are set forth in 10 CFR part 2, appendix B, of the Commission's regulations. In order to establish a consistent risk framework for making regulatory exemption decisions across the broad spectrum of activities regulated by the Commission, the Commission later issued a second policy statement addressing the below regulatory concern issue, "General Statement of Policy on Below Regulatory Concern," July 3, 1990 (55 FR 27522).

In reaction to the public concern about the implications of the 1990 Policy, the Commission initiated a consensus-building process in July 1991 to seek the advice of affected interests on a re-evaluation of the Policy. In conjunction with the initiation of the consensus-building process, the Commission placed a moratorium on the implementation of the 1990 Policy. When the consensus-building process was terminated in December 1991 due to the difficulty of obtaining the participation of all affected interests in the process, the Commission indefinitely extended the moratorium on the implementation of the Policy. In October 1992, the Congress enacted the Energy Policy Act of 1992 (H.R. 776), and the bill was subsequently signed into law by President Bush. Section 2901 revoked the Commission's 1986 and 1990 BRC Policy Statements.

The Commission formally withdraws the two BRC Policy Statements in response to the Congressional action. In a document published in the proposed rule section of this issue of the **Federal Register**, the Commission also announces the termination of a rulemaking action that was initiated to implement the 1986 BRC Policy.

Although section 2901 of the Energy Policy Act effectively revoke the 1986 BRC Policy Statement by providing that it should have no further effect, it did not explicitly remove the Commission's obligation under section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 to develop criteria and procedures for evaluating exemption requests for specific radioactive waste streams on an expedited basis. Nor did the Act revoke the Commission's authority under the Atomic Energy Act to exempt classes of materials from licensing. The Commission does not believe that it is necessary at this time to initiate the development of new generic criteria and procedures to replace those established in the 1986 Policy Statement that implemented section 10 of the LLRWPAA. The Commission believes that the current situation could allow these types of exemption requests to be effectively handled on a case-by-case basis using the Commission's existing authority under the Atomic Energy Act and the existing general procedures for the expedited processing of petitions for rulemaking. This is consistent with the Commission's policy to address individual exemption requests using the criteria and guidance in existence prior to the July 3, 1990, BRC Policy Statement.

Paperwork Reduction Act Statement

Withdrawal of this policy statement removes information collection matters that were subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Office of Management and Budget approval of the provisions contained in appendix B to 10 CFR part 2 was allowed to expire on December 31, 1992. The 10 CFR part 2 information collection requirements that remain in effect were approved by the Office of Management and Budget approval number 3150–0136.

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 2.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

1. The authority citation for part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.206 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135).

Appendix B to Part 2 [Removed and Reserved]

2. Appendix B to 10 CFR part 2 is removed and reserved.

Dated at Rockville, Maryland, this 18th day of August 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–20403 Filed 8–23–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for three new animal drug applications (NADA's) from Pet Products Plus, Inc., to Farnam Companies, Inc.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1646.

SUPPLEMENTARY INFORMATION: Pet Products Plus, Inc., 45 Corporate Woods Dr., Bridgeton, MO 63044, has informed FDA that it has transferred ownership of, and all rights and interests in, approved NADA's 101–331, 125–730, and 139–191 to Farnam Companies, Inc., 301 West Osborn, Phoenix, AZ 85013–3928. Accordingly, FDA is amending the regulations in 21 CFR 520.1806, 520.2041, and 520.2042 to reflect the change of sponsor. Furthermore, FDA is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) by removing Pet Products Plus, Inc., because the firm is no longer the sponsor of any approved NADA's.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 is revised to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e).

§ 510.600 [Amended]

2. Section 510.600 *Names, addressess, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry for "Pet Products Plus, Inc.," and in the table in paragraph (c)(2) by removing the entry for "059447".

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.1806 [Amended]

4. Section 520.1806 *Piperazine monohydrochloride liquid* is amended in paragraph (b) by removing "059447" and adding in its place "017135".

§ 520.2041 [Amended]

5. Section 520.2041 *Pyrantel pamoate chewable tablets* is amended in paragraph (b) by removing "059447" and adding in its place "017135".

§ 520.2042 [Amended]

6. Section 520.2042 *Pyrantel pamoate tablets* is amended in paragraph (b) by removing "059447" and adding in its place "017135".

Dated: August 18, 1993.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 93–20420 Filed 8–23–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Extension of Temporary Placement of Aminorex Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to extend the temporary scheduling of aminorex in Schedule I of the Controlled Substances Act (CSA). The temporary scheduling of aminorex is due to expire on September 21, 1993. This notice will extend the

temporary scheduling of aminorex for six months or until rulemaking proceedings pursuant to the Act are completed, whichever occurs first.

EFFECTIVE DATE: September 21, 1993.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: On September 21, 1992, the Administrator of the DEA published a final rule in the **Federal Register** (57 FR 43399) amending § 1308.11(g) of title 21 of the Code of Federal Regulations to temporarily place aminorex into Schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). This final rule, which became effective on the date of publication, was based on the findings by the Administrator that the temporary scheduling of aminorex was necessary to avoid an imminent hazard to the public safety. Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) requires that the temporary scheduling of a substance expires at the end of one year from the effective date of the order. However, during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, temporary scheduling of that substance may be extended for up to six months. Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of the DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of Health and Human Services, or on the petition of any interested party. Such proceedings regarding aminorex have been initiated by the Administrator.

Therefore, the temporary scheduling of aminorex, which is due to expire on September 21, 1993, may be extended until March 21, 1994, or until proceedings initiated in accordance with 21 U.S.C. 811(a) are completed, whichever occurs first.

Pursuant to U.S.C. 811(h)(2) the Administrator hereby orders that the temporary scheduling of aminorex be extended until March 21, 1994, or until the conclusion of scheduling proceedings initiated in accordance with 21 U.S.C. 811(a), whichever occurs first. The Administrator of the DEA hereby certifies that extension of the temporary placement of aminorex into Schedule I of the CSA will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This action involves the extension of temporary control of a substance with no currently approved medical use or manufacture in the United States.

This final rule is not a major rule for the purposes of Executive Order 12291 (46 FR 13193) of February 17, 1981. It has been determined that drug scheduling matters are not subject to review by the Office of Management and Budget (OMB) pursuant to provisions of Executive Order 12291. Accordingly, this extension of temporary scheduling is not subject to the provisions of Executive Order 12778 which are contingent on review by OMB.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Dated: August 16, 1993.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 93–20292 Filed 8–23–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CCGD13–93–019]

Drawbridge Operation Regulations; East Fork of Hoquiam River, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: This amendment removes all regulations for the Panhandle Bridge across the East Fork of the Hoquiam River, mile 0.7, near Hoquiam in Grays Harbor County, Washington. The regulations are being revoked because the drawbridge has been modified to a fixed structure. A notice of proposed rulemaking has not been issued for this regulation because the conversion of the vertical lift to a fixed span eliminates the need for existing regulations.

DATES: This final rule becomes effective on August 24, 1993.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans and Programs Section, Thirteenth Coast Guard District, at (206) 220–7282.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this amendment are Austin Pratt, project officer, and Lieutenant Laticia J. Argenti, project attorney.

Discussion of Final Rule

On April 28, 1993, the Commander, Thirteenth Coast Guard District, approved a bridge permit amendment which authorized the bridge owner to remove machinery, counterweights and cables from the vertical lift span thereby converting the drawbridge to a fixed span bridge. This modification has been completed. This final rule has no economic consequences since it merely revokes the operating regulations for a drawbridge that no longer exists.

Regulatory Evaluation

This proposed rule 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). Since there is no economic impact, a full regulatory evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) the U.S. Coast Guard must consider whether rules will have 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. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). Nevertheless, the Coast Guard certifies that this action will not have significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Parts 117

Bridges.

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

§ 117.1047 [Amended]

2. Section 117.1047 is amended by removing paragraph (e).

Dated: August 12, 1993.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 93–20457 Filed 8–23–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CCGD13–93–002]

Drawbridge Operation Regulations; Youngs Bay and Lewis and Clark River, OR

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the New Youngs Bay Bridge across Youngs Bay, mile 0.7, the Old Youngs Bay Bridge across Youngs Bay, mile 2.4, and the Lewis and Clark River Bridge across the Lewis and Clark River, mile 1.0, at Astoria, Oregon. This change requires that four hours notice be given for opening any of the three drawspans from 9 p.m. to 5 a.m. This change is being made because of the decreased number of requests from vessel operators for openings during the subject period. This action will relieve the owner of the bridges from having a person constantly available at the bridges. This new regulation will still provide for the reasonable needs of navigation.

DATES: This regulation becomes effective on September 23, 1993.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (206) 220–7272.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of these regulations are Austin Pratt, project officer, and Lieutenant Laticia J. Argenti, project attorney.

Regulatory History

On April 9, 1993, the Coast Guard published a proposed rule (58 FR 18358) concerning this regulation change. The Commander, Thirteenth Coast Guard District, also published the proposal as a public notice in the Local Notice to Mariners Number 16 on April 20, 1993. In each notice interested persons were given until May 24, 1993, to submit comments. No objections to the proposed rule were received. A public hearing was not requested and one was not held.

Background and Purpose

The drawbridges presently open if a half hour notice is provided. Only the Lewis and Clark River Bridge has an operator in attendance 24 hours a day. This person also responds to the calls for opening the Old and New Youngs Bay Bridges. This final rule alters only the length of required notice between the hours of 9 p.m. and 5 a.m. This will relieve the bridge owner from having an operator present at the Lewis and Clark Bridge during the hours when requests for opening are seldom made.

Discussion of Comments and Changes

No comments were received either for or against the proposed rulemaking.

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 impacts of this rule to be so minimal that a Regulatory Evaluation is unnecessary. We conclude this because there is little or no commercial traffic on the subject waterways during the hours affected by this rule.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), the U.S. Coast Guard must consider whether rules will have 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. Because this final rule imposes no new requirements on small businesses and will result in partial relief from a regulatory burden on the owner or operator of these bridges, the Coast Guard does not expect this rule to have significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.899 is revised to read as follows:

§ 117.899 Youngs Bay and Lewis and Clark River.

(a) The draw of the US101 (New Youngs Bay) highway bridge, mile 0.7, across Youngs Bay at Smith Point, shall open on signal for the passage of vessels if at least one half hour's notice is given to the drawtender at the Lewis and Clark River Bridge by marine radio,

telephone, or other suitable means from 5 a.m. to 9 p.m. At all other times four hour's notice by telephone is required. The opening signal is two prolonged blasts followed by one short blast.

(b) The draw of the Oregon State (Old Youngs Bay) highway bridge, mile 2.4, across Youngs Bay at the foot of Fifth Street, shall open on signal for the passage of vessels if at least one half hour's notice is given to the drawtender at the Lewis and Clark River Bridge by marine radio, telephone, or other suitable means from 5 a.m. to 9 p.m. At all other times four hour's notice by telephone is required. The opening signal is two prolonged blasts followed by one short blast.

(c) The draw of the Oregon State (Lewis and Clark River) highway bridge, mile 1.0, across the Lewis and Clark River, shall open on signal for the passage of vessels if at least one half hour's notice is given by marine radio, telephone, or other suitable means from 5 a.m. to 9 p.m. At all other times four hour's notice by telephone is required. The opening signal is one prolonged blast followed by four short blasts.

Dated: August 9, 1993.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 93–20459 Filed 8–23–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[COTP Paducah Regulation 93–012]

Safety Zone Regulations; Lower Mississippi River Mile 931.0–936.0, and Mile 910.0–916.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard has established two safety zones restricting vessel traffic from navigating the back sides of Island 8 and Wolf Island on the Lower Mississippi River. These regulations are needed to control vessel traffic in these regulated areas to prevent further wake damage to earthen levees, and property along the river. These regulations will restrict general navigation in the regulated areas for the safety of vessel traffic and the protection of life and property along the river.

EFFECTIVE DATE: These regulations are effective on July 30, 1993 and will terminate on August 30, 1993.

FOR FURTHER INFORMATION CONTACT: ENS Robert I. Coller, Assistant Chief Operations Department, Captain of the Port, Paducah, Kentucky at (502) 442–1621.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafter of these regulations is ENS Robert I. Coller, Project Officer, Marine Safety Office, Paducah, Kentucky, and CDR Walt Brawand, Project Attorney, Second Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making this effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, with the recent rise in river levels on the Lower Mississippi River, the earth levees protecting agricultural lowlands have been deteriorating. This deterioration and weakening has been further aggravated by commercial towboats navigating the back side of these islands, out of the charted navigable channel. Recent rainfall in the Upper Mississippi valley has caused an increase in river currents and water levels on the Upper Mississippi which, have in turn, adversely affected the river conditions on the Lower Mississippi and lower Ohio Rivers, leaving insufficient time to publish a notice of proposed rulemaking. The Coast Guard deems it to be in the public's best interest to issue regulation without waiting for a comment period since the flood conditions are presenting immediate hazards.

Background and Purpose

The Upper Mississippi River and its tributaries have been suffering from high water conditions for more than four months. This has contributed to increased currents and unusually wet conditions along the rivers with the resultant softening of the earth levees which protect the adjacent agricultural lowlands. With the closure of the Upper Mississippi River fleeting areas are becoming overwhelmed with barges awaiting transit North. The present river conditions and operations being conducted present a hazard not only to the earth levees protecting the low lying farm lands, but to fleeting areas as well. Recently, a local advisory was issued for the Lower Mississippi River requesting commercial vessel operators to follow some general rules while transiting these designated sensitive areas. The advisory has been proven ineffective and river flood conditions continue to worsen, therefore these regulations are required.

Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979), it is not expected to have a significant economic impact on a substantial number of small entities, and it contains no collection of information requirements.

A full regulatory analysis is unnecessary because the Coast Guard expects the impact of this regulation to be minimal when compared to the overriding nature of the damage which the flood conditions on the western rivers has caused and is expected to produce. To avoid any unnecessary adverse economic impact on businesses which use the river for commercial purposes, Captain of the Port, Paducah, Kentucky will monitor river conditions and will terminate the safety zones for specific areas as river conditions allow.

Federalism Assessment

Under the principles and criteria of Executive Order 12612, this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not necessary because the regulation is categorically excluded from further environmental documentation. The regulation serves to avoid further damage to the environment beyond that which will result from naturally occurring flood conditions. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 165

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

Temporary Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

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

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

2. A temporary § 165.T0261 is added, to read as follows:

§ 165.T0261 Safety zone: Lower Mississippi River from mile 931.0–936.0 and mile 910.0–916.0.

(a) *Location.* The Lower Mississippi River between mile 931.0–936.0 and mile 910.0–916.0 is established as a safety zone.

(b) *Effective dates.* This regulation becomes effective on July 30, 1993 and will terminate on August 30, 1993.

(c) *Regulations.* The general regulations under § 165.23 of this part which prohibit entry into the described zones without authority of the Captain of the Port apply.

Dated: July 30, 1993.

Robert M. Segovis,

Commander, U.S. Coast Guard, Captain of the Port, Paducah, Kentucky.

[FR Doc. 93–20458 Filed 8–23–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[COTP Paducah Regulation 93–011]

Safety Zone Regulations; Upper Mississippi River Mile 0.0–55.3

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard has established a safety zone on the Upper Mississippi River. This regulation is needed to control vessel traffic in the regulated area to prevent further wake damage to levees and property along the river. The regulations will restrict general navigation in the regulated areas for the safety of vessel traffic and the protection of life and property along the river.

EFFECTIVE DATE: These regulations are effective on July 11, 1993 and will terminate September 15, 1993.

FOR FURTHER INFORMATION CONTACT: ENS Robert I. Coller, Assistant Chief, Operations Department, Captain of the Port, Paducah, Kentucky at (502) 442–1621.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafter of this regulation is ENS Robert I. Coller, Project Officer, Marine Safety Office Paducah, Kentucky and CDR Walt Brawand, Project Attorney, Second Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making this effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, the recent rainfall in the Upper Mississippi drainage area has caused unanticipated flood conditions on the Mississippi River leaving insufficient time to publish a notice of proposed rulemaking. The Coast Guard deems it to be in the public's best interest to issue regulation without waiting for a comment period since the flood conditions are presenting immediate hazards.

Background and Purpose

The Upper Mississippi River and its tributaries have been suffering from high water conditions for more than four months. This has contributed to unusually wet conditions along the river with the resultant softening of the earth levees which protect the adjacent lowlands.

The recent rainfall over the Midwest pushed the rivers above the flood stage, setting records for high water. As a result, the waters of the Mississippi River have overflowed its banks and some levees in the area have failed. The Army Corps of Engineers has reported that additional levees will erode, presenting an imminent danger to ongoing flood relief efforts and to life and property along the river, if the levees are subjected to wakes and wheelwash from passing vessels. The flood conditions also present a hazard to navigation in that area's rivers are carrying larger amounts of trees and other debris which have been washed from the river banks and inundated lowlands; once visible obstructions to navigation are not submerged; and river currents are not following normal patterns. Taken as a whole, these conditions present hazards which greatly hinder the safe navigation of recreational and commercial traffic. The Army Corps of Engineers anticipates that it may take several weeks for the waters to recede to normal levels. Subsequently, the Captain of the Port Paducah as closed the Upper Mississippi River from mile 0.0 UMR to mile 55.3 UMR.

Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979), we do not expect this regulation to have a significant economic impact on a substantial number of small entities, and it contains no collection of information requirements. A full regulatory analysis is unnecessary because the Coast Guard expects the impact of this regulation to be minimal when compared to the overriding nature of the damage which the flood conditions on the western rivers has caused and is expected to produce. To avoid any unnecessary adverse economic impact on businesses which use the river for commercial purposes, Captain of the Port Paducah, Kentucky will monitor river conditions and will permit limited operations in specific areas as river conditions allow.

Federalism Assessment

Under the principles and criteria of Executive Order 12612, this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not necessary because the regulation is categorically excluded from further environmental documentation. The regulation serves to avoid further damage to the environment beyond that which will result from naturally occurring flood conditions. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 165

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

Temporary Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

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

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

2. A temporary § 165.T0257 is added, to read as follows:

§ 165.T0257 Safety zone: Upper Mississippi River from mile 0.0 UMR to mile 55.3 UMR.

(a) *Location.* The Mississippi River between mile 0.0 and 55.3 is established as a safety zone.

(b) *Effective dates.* This regulation becomes effective on July 11, 1993 and will terminate September 15, 1993.

(c) *Regulations.* The general regulations under § 165.23 of this part which prohibit entry into the described zones without authority of the Captain of the Port apply.

Dated: July 11, 1993.

Robert M. Segovis,

Commander, U.S. Coast Guard, Captain of the Port, Paducah, Kentucky.

[FR Doc. 93–20460 Filed 8–23–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL–4697–7]

Outer Continental Shelf Air Regulations

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Final rule.

SUMMARY: The EPA is finalizing the update of the Outer Continental Shelf ("OCS") Air Regulations proposed in the **Federal Register** on June 18, 1993. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act ("the Act"), as amended by the Clean Air Act Amendments of 1990. The portion of the OCS Air Regulations that is being updated pertains to the requirements for OCS sources for which the San Luis Obispo County Air Pollution Control District (San Luis Obispo County APCD), the Santa Barbara County Air Pollution Control District (Santa Barbara APCD), and the Ventura County Air Pollution Control District (Ventura County APCD) are the designated COAs. This approval action incorporates the requirements contained in "San Luis Obispo County Air Pollution Control District Requirements Applicable to OCS Sources" (July 30, 1993), "Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources" (July 30, 1993), and "Ventura County Air Pollution Control District Requirements Applicable to OCS Sources" (July 30, 1993) as proposed to be modified in the notice of proposed rulemaking on the consistency update, published on June 18, 1993.

EFFECTIVE DATE: This action is effective September 23, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Jerry Kurtzweg ANR 443, 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1195.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 1993 at 58 FR 33589, EPA proposed to approve the following requirements into the Outer Continental Shelf Air Regulations: "San Luis Obispo County Air Pollution Control District Requirements applicable to OCS Sources" (July 30, 1993), "Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources" (July 30, 1993), and "Ventura County Air Pollution Control District Requirements Applicable to OCS Sources" (July 30, 1993), with some modifications as set forth in the proposal. These requirements represent the second update of part 55 and are being promulgated in response to the submittal of rules from local air pollution control agencies. EPA has evaluated the above requirements to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules.

A 30-day public comment period was provided in 58 FR 33589 and no comments were received.

EPA Action

In today's notice, EPA takes final action to incorporate the proposed changes into 40 CFR part 55. Minor changes were made to the proposal set forth in the June 18, 1993 notice of proposed rulemaking. These changes include the addition of a document date for the requirements to be incorporated into part 55 and the deletion of a duplicate rule 74.12, Surface Coating of Metal Parts and Products, in Ventura County Air Pollution Control District Requirements Applicable to OCS Sources. EPA is approving the submittal as modified under section 328(a)(1) of the Act, 42 U.S.C. 7627. The intended effect of approving these requirements is to regulate emissions from OCS sources in accordance with the requirements onshore. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore.

Administrative Requirements

A. Executive Order 12291 (Regulatory Impact Analysis)

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

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each federal agency to perform a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities." Small entities include small businesses, organizations, and governmental jurisdictions.

As was stated in the final OCS regulation, the OCS rule does not apply to any small entities, and the structure of the rule averts direct impacts and mitigates indirect impacts on small entities. This consistency update merely incorporates onshore requirements into the OCS rule to maintain consistency with onshore regulations as required by Section 328 of the Act and does not alter the structure of the rule.

The EPA certifies that this notice of final rulemaking will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the final OCS rulemaking dated September 4, 1992 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0249. This consistency update does not add any further requirements.

List of Subjects in 40 CFR Part 55

Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by

reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 12, 1993.

John C. Wise,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 55, is to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101–549.

2. Section 55.14 is amended by revising paragraphs (e) (3) (ii) (E), (e) (3) (ii) (F), and (e) (3) (ii) (H) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of states seaward boundaries, by state.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(E) *San Luis Obispo County Air Pollution Control District Requirements Applicable to OCS Sources,* July 30, 1993.

(F) *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources,* July 30, 1993.

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(H) *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources,* July 30, 1993.

* * * * *

3. Appendix A to CFR Part 55 is amended by revising paragraphs (b)(5), (b)(6), and (b)(8) under the heading, "California" to read as follows:

Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State.

* * * * *

California * * *

(b) * * *

(5) The following requirements are contained in *San Luis Obispo County Air Pollution Control District Requirements Applicable to OCS Sources,* July 30, 1993:

Rule 103 Conflicts Between District, State and Federal Rules (Adopted 8/6/76)

Rule 104 Action in Areas of High Concentration (Adopted 7/5/77)

Rule 105 Definitions (Adopted 11/5/91)

Rule 106 Standard Conditions (Adopted 8/6/76)

Rule 108 Severability (Adopted 11/13/84)

Rule 113 Continuous Emissions Monitoring, except F. (Adopted 7/5/77)

Rule 201 Equipment not Requiring a Permit, except A.1.b. (Adopted 11/5/91)

Rule 202 Permits, except A.4. and A.8. (Adopted 11/5/91)

Rule 203 Applications, except B. (Adopted 11/5/91)

Rule 204 Requirements, except B.2. and C. (Adopted 11/5/91)

Rule 209 Provision for Sampling and Testing Facilities (Adopted 11/5/91)

Rule 210 Periodic Inspection, Testing and Renewal of Permits to Operate (Adopted 11/5/91)

Rule 213 Calculations, except E.4. and F. (Adopted 11/5/91)

Rule 302 Schedule of Fees (Adopted 9/15/92)

Rule 305 Fees for Acid Deposition Research (Adopted 7/18/89)

Rule 401 Visible Emissions (Adopted 8/6/76)

Rule 403 Particulate Matter Emissions (Adopted 8/6/76)

Rule 404 Sulfur Compounds Emission Standards, Limitations and Prohibitions (Adopted 12/6/76)

Rule 405 Nitrogen Oxides Emission Standards, Limitations and Prohibitions (Adopted 11/13/84)

Rule 406 Carbon Monoxide Emission Standards, Limitations and Prohibitions (Adopted 11/14/84)

Rule 407 Organic Material Emission Standards, Limitations and Prohibitions (Adopted 1/10/89)

Rule 411 Surface Coating of Metal Parts and Products (Adopted 1/10/89)

Rule 416 Degreasing Operations (Adopted 6/18/79)

Rule 417 Control of Fugitive Emissions of Volatile Organic Compounds (Adopted 2/9/93)

Rule 422 Refinery Process Turnarounds (Adopted 6/18/79)

Rule 501 General Burning Provisions (Adopted 1/10/89)

Rule 503 Incinerator Burning, except B.1.a. (Adopted 2/7/89)

Rule 601 New Source Performance Standards (Adopted 9/4/90)

(6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources,* July 30, 1993:

Rule 102 Definitions (Adopted 7/30/91)

Rule 103 Severability (Adopted 10/23/78)

Rule 201 Permits Required (Adopted 7/2/79)

Rule 202 Exemptions to Rule 201 (Adopted 3/10/92)

Rule 203 Transfer (Adopted 10/23/78)

Rule 204 Applications (Adopted 10/23/78)

Rule 205 Standards for Granting Applications (Adopted 7/30/91)

Rule 206 Conditional Approval of Authority to Construct or Permit to Operate (Adopted 10/15/91)

Rule 207 Denial of Application (Adopted 10/23/78)

Rule 210 Fees (Adopted 5/7/91)

Rule 301 Circumvention (Adopted 10/23/78)

Rule 302 Visible Emissions (Adopted 10/23/78)

Rule 304 Particulate Matter—Northern Zone (Adopted 10/23/78)

Rule 305 Particulate Matter Concentration—Southern Zone (Adopted 10/23/78)

Rule 306 Dust and fumes—Northern Zone (Adopted 10/23/78)

Rule 307 Particulate Matter Emission Weight Rate—Southern Zone (Adopted 10/23/78)

Rule 308 Incinerator Burning (Adopted 10/23/78)

Rule 309 Specific Contaminants (Adopted 10/23/78)

Rule 310 Odorous Organic Sulfides (Adopted 10/23/78)

Rule 311 Sulfur Content of Fuels (Adopted 10/23/78)

Rule 312 Open Fires (Adopted 10/2/90)

Rule 317 Organic Solvents (Adopted 10/23/78)

Rule 318 Vacuum Producing Devices or Systems—Southern Zone (Adopted 10/23/78)

Rule 321 Control of Degreasing Operations (Adopted 7/10/90)

Rule 322 Metal Surface Coating Thinner and Reducer (Adopted 10/23/78)

Rule 323 Architectural Coatings (Adopted 2/20/90)

Rule 324 Disposal and Evaporation of Solvents (Adopted 10/23/78)

Rule 325 Storage of Petroleum and Petroleum Products (Adopted 12/10/91)

Rule 326 Effluent Oil Water Separators (Adopted 10/23/78)

Rule 327 Organic Liquid Cargo Tank Vessel Loading (Adopted 12/16/85)

Rule 328 Continuous Emission Monitoring (Adopted 10/23/78)

Rule 330 Surface Coating of Miscellaneous Metal Parts and Products (Adopted 11/13/90)

Rule 331 Fugitive Emissions Inspection and Maintenance (Adopted 12/10/91)

Rule 332 Petroleum Refinery Vacuum Producing Systems. Wastewater Separators and Process Turnarounds (Adopted 6/11/79)
Rule 333 Control of Emissions from Reciprocating Internal Combustion Engines (12/10/91)
Rule 342 Control of Oxides of Nitrogen (NO_x from Boilers, Steam Generators and Process Heaters) (03/10/92)
Rule 505 Breakdown Conditions Sections A.,B.1., and D. only (Adopted 10/23/78)
Rule 603 Emergency Episode Plans (Adopted 6/15/81)

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(8) The following requirements are contained in *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*, July 30, 1993:

Rule 2 Definitions (Adopted 12/15/92)
Rule 5 Effective Date (Adopted 5/23/72)
Rule 6 Severability (Adopted 11/21/78)
Rule 7 Zone Boundaries (Adopted 6/14/77)
Rule 10 Permits Required (Adopted 7/5/83)
Rule 11 Application Contents (Adopted 8/15/78)
Rule 12 Statement by Application Preparer (Adopted 6/16/87)
Rule 13 Statement by Applicant (Adopted 11/21/78)
Rule 14 Trial Test Runs (Adopted 5/23/72)
Rule 15 Permit Issuances (Adopted 7/5/83)
Rule 16 Permit Contents (Adopted 12/2/80)
Rule 18 Permit to Operate Application (Adopted 8/17/76)
Rule 19 Posting of Permits (Adopted 5/23/72)
Rule 20 Transfer of Permit (Adopted 5/23/72)
Rule 21 Expiration of Applications and Permits (Adopted 6/23/81)
Rule 23 Exemptions from Permits (Adopted 1/8/91)
Rule 24 Source Recordkeeping, Reporting, and Emission Statements (Adopted 09/15/92)
Rule 26 New Source Review (Adopted 10/22/91)
Rule 26.1 New Source Review—Definitions (Adopted 10/22/91)
Rule 26.2 New Source Review—Requirements (Adopted 10/22/91)
Rule 26.3 New Source Review—Exemptions (Adopted 10/22/91)
Rule 26.6 New Source Review—Calculations (Adopted 10/22/91)
Rule 26.8 New Source Review—Permit To Operate (Adopted 10/22/91)
Rule 26.10 New Source Review—PSD (Adopted 10/22/91)
Rule 28 Revocation of Permits (Adopted 7/18/72)
Rule 29 Conditions on Permits (Adopted 10/22/91)
Rule 30 Permit Renewal (Adopted 5/30/89)
Rule 32 Breakdown Conditions: Emergency Variances, A., B.1., and D. only. (Adopted 2/20/79)
Appendix II–A Information Required for Applications to the Air Pollution Control District (Adopted 12/86)
Appendix II–B Best Available Control Technology (BACT) Tables (Adopted 12/86)
Rule 42 Permit Fees (Adopted 12/22/92)
Rule 44 Exemption Evaluation Fee (Adopted 1/8/91)
Rule 45 Plan Fees (Adopted 6/19/90)
Rule 45.2 Asbestos Removal Fees (Adopted 8/4/92)
Rule 50 Opacity (Adopted 2/20/79)
Rule 52 Particulate Matter—Concentration (Adopted 5/23/72)
Rule 53 Particulate Matter—Process Weight (Adopted 7/18/72)
Rule 54 Sulfur Compounds (Adopted 7/5/83)
Rule 56 Open Fires (Adopted 5/24/88)
Rule 57 Combustion Contaminants—Specific (Adopted 6/14/77)
Rule 60 New Non-Mobile Equipment—Sulfur Dioxide, Nitrogen Oxides, and Particulate Matter (Adopted 7/8/72)
Rule 62.7 Asbestos—Demolition and Renovation (Adopted 6/16/92)
Rule 63 Separation and Combination of Emissions (Adopted 11/21/78)
Rule 64 Sulfur Content of Fuels (Adopted 7/5/83)
Rule 66 Organic Solvents (Adopted 11/24/87)
Rule 67 Vacuum Producing Devices (Adopted 7/5/83)
Rule 68 Carbon Monoxide (Adopted 6/14/77)
Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 9/11/90)
Rule 71.1 Crude Oil Production and Separation (Adopted 6/16/92)
Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 9/26/89)
Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 6/16/92)
Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 6/16/92)
Rule 72 New Source Performance Standards (NSPS) (Adopted 6/19/90)
Rule 74 Specific Source Standards (Adopted 7/6/76)
Rule 74.1 Abrasive Blasting (Adopted 11/12/91)
Rule 74.2 Architectural Coatings (Adopted 08/11/92)
Rule 74.6 Surface Cleaning and Degreasing (Adopted 5/8/90)
Rule 74.6.1 Cold Cleaning Operations (Adopted 9/12/89)
Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 9/12/89)
Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 1/10/89)
Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)
Rule 74.9 Stationary Internal Combustion Engines (Adopted 9/5/89)
Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 6/16/92)
Rule 74.11 Natural Gas-Fired Residential Water Heaters—Control of NO_x (Adopted 4/9/85)
Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 11/17/92)
Rule 74.15 Boilers, Steam Generators and Process Heaters (Adopted 3/28/89)
Rule 74.16 Oil Field Drilling Operations (Adopted 1/8/91)
Rule 75 Circumvention (Adopted 11/27/78)
Appendix IV–A Soap Bubble Tests (Adopted 12/86)
Rule 100 Analytical Methods (Adopted 7/18/72)
Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)
Rule 102 Source Tests (Adopted 11/21/78)
Rule 103 Stack Monitoring (Adopted 6/4/91)
Rule 154 Stage 1 Episode Actions (Adopted 9/17/91)
Rule 155 Stage 2 Episode Actions (Adopted 9/17/91)
Rule 156 Stage 3 Episode Actions (Adopted 9/17/91)
Rule 158 Source Abatement Plans (Adopted 9/17/91)
Rule 159 Traffic Abatement Procedures (Adopted 9/17/91)

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[FR Doc. 93–20384 Filed 8–23–93; 8:45 am]
BILLING CODE 6560–50–P

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1105

[Ex Parte No. 55 (Sub-No. 22C)]

Technical Amendments to Environmental Rules

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is making technical changes to its environmental regulations. These changes reflect new telephone numbers; clarify the environmental reporting requirements for States without clearinghouses; and provide additional information on how to file pleadings with the Commission on trail use, public use, and offers of financial assistance.

EFFECTIVE DATE: The rules are effective August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Thomas L. McClelland, Jr., (202) 927–6197 or Elaine K. Kaiser (202) 927–6248. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The general purpose of this rulemaking is to update various telephone numbers set forth in the environmental rules. Also, we are amending § 1105.7(b) to clarify that if a State does not have a clearinghouse, environmental reports must be served on an equivalent State agency. Finally, we are adding information to the Sample Newspaper Notices required for Abandonment Exemption cases at § 1105.12 to ensure that pleadings regarding trail use, public use, and offers of financial assistance are filed properly.

Regulatory Flexibility Analysis

Under 5 U.S.C. 605(b), we conclude that our action regarding these rule changes will not have a significant economic impact on a substantial number of small entities. The purpose of our action is to reflect new telephone numbers, clarify the environmental reporting requirements for States without clearinghouses, and provide additional information regarding the proper methods of filing certain pleadings with the Commission. Accordingly, the economic impact, if any, is not likely to be felt by a substantial number of small entities.

Environmental And Energy Considerations

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR part 1105

Environmental impact statements, Reporting and record keeping requirements.

Decided: August 9, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1105 of the Code of Federal Regulations is amended as follows:

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

1. The authority citation for Part 1105 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10901, 10903–10906, and 11343; 16 U.S.C. 470f, 1451, and 1531; 42 U.S.C. 4332 and 6362(b); and 5 U.S.C. 553 and 559.

§ 1105.3 [Amended]

2. In § 1105.3, last line, the telephone number "202–275–7684" is revised to read "202–927–6211".

§ 1105.7 [Amended]

3. In § 1105.7(b)(1), the phrase "(unless the State has no clearinghouse)" is revised to read "(or other State equivalent agency if the State has no clearinghouse)".

§ 1105.11 [Amended]

4. In § 1105.11, Appendix, second paragraph, second sentence, the telephone number "(202) 275–7684" is revised to read "202–927–6211".

§ 1105.12 [Amended]

5. In § 1105.12, the Appendix is amended as follows:

a. In the first sample newspaper notice, second paragraph, last line, the telephone number "202–275–7684" is revised to read "202–927–6211".

b. In the first sample newspaper notice, third paragraph, third sentence, the telephone number "202–275–7597" is revised to read "202–927–7597".

c. In the second sample newspaper notice, second paragraph, last line, the telephone number "202–275–7684" is revised to read "202–927–6211".

d. In the second sample newspaper notice, third paragraph, third sentence, the telephone number "202–275–7597" is revised to read "202–927–7597".

e. In both the first and second sample newspaper notices, third paragraph, after the second sentence, add the following sentence:

"An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Commission's Office of the Secretary, 12th and Constitution Avenue NW., Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]."

[FR Doc. 93–20408 Filed 8–23–93; 8:45 am]

BILLING CODE 7035–01–P

Proposed Rules

Federal Register
Vol. 58, No. 162
Tuesday, August 24, 1993

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 20

RIN 3150–AC35

Radioactive Waste Below Regulatory Concern; Generic Rulemaking, Withdrawal

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking, withdrawal.

SUMMARY: The Nuclear Regulatory Commission is formally withdrawing its advance notice of proposed rulemaking concerning a generic rulemaking for the disposal of radioactive waste below regulatory concern (BRC). This action is being taken to conform with the Commission's formal withdrawal of the BRC Policy issued in 1986 concerning the submittal of petitions for disposal of radioactive waste streams below regulatory concern that was set out in the Commission's regulations.

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 504–1642.

SUPPLEMENTARY INFORMATION: In a document published in the final rule section of this issue of the **Federal Register**, the Commission formally announced the withdrawal of the BRC Policy Statements issued on August 29, 1986 (51 FR 30839) and on July 3, 1990 (55 FR 27522).

In this document, the Commission is terminating the rulemaking action that was initiated to implement the 1986 BRC Policy. On December 2, 1986 (51 FR 43367), the Commission published an advance notice of proposed rulemaking (ANPR) entitled "Radioactive Waste Below Regulatory Concern; Generic Rulemaking" (RIN 3150–AC35). This ANPR is withdrawn. However, the NRC staff will evaluate the public comments submitted on the ANPR to ensure that any comments that are relevant to the enhanced participatory rulemaking on the radiological criteria for site cleanup and decommissioning are considered as part of that rulemaking process.

Dated at Rockville, Maryland, this 18th day of August, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–20402 Filed 8–23–93; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Size Standards; Establishment of Size Standards

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The Small Business Administration (SBA) is proposing regulations which amend the Small Business Size Regulations, to implement the Small Business Credit and Business Opportunity Enhancement Act of 1992. These regulations would set forth the limited circumstances under which the Secretary of a department or the head of a Federal agency may prescribe, for the use of such department or agency, a numerical size standard for determining whether or not an entity is small.

DATES: Written comments should be submitted on or before September 23, 1993.

ADDRESSES: Comments should be submitted to: Gary Jackson, Director, Size Standards Staff, U.S. Small Business Administration, 409 Third Street, SW., 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gary Jackson, Director, Size Standards Staff, or Ajoy Sinha, Size Standards Staff, (202) 205–6618.

SUPPLEMENTARY INFORMATION: Section 222 of Public Law 102–366 amends section 3(a) of the Small Business Act (15 U.S.C. 632(a)) to delineate the limited circumstances under which a Secretary of a department or the head of a Federal agency may prescribe, for the use of such department or agency, a numerical size standard for determining whether or not an entity is small. SBA is proposing these regulations, amending 13 CFR part 121, to implement this law.

Specifically, these proposed regulations would amend 13 CFR 121.1502 to include a description of the requirements which a Secretary of a department or head of a Federal agency must meet in order to promulgate a numerical industry size standard other than one which has been established by SBA. First, the Secretary of a department or the head of a Federal agency may only prescribe a numerical size standard different from the size standard prescribed by SBA for use in connection with a program of such department or agency.

Second, unless a numerical size standard is specifically authorized by statute, the Secretary of a department or the head of a Federal agency may only prescribe a size standard different from that determined by SBA when the contemplated size standard:

(a) Is being proposed after an opportunity for public notice and comment;

(b) Provides for determining, over a period of not less than three (3) years (i) the size of a manufacturing concern on the basis of the number of its employees during that period; and (ii) the size of a concern providing services on the basis of the average gross receipts of the concern during that period; and (c) is approved by the SBA Administrator.

Finally, these proposed regulations would amend 13 CFR 121.1502 to include a provision which would require the Administrator of SBA to ensure, when establishing or approving a numerical size standard pursuant to the criteria stated above, that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries and to consider other factors as the Administrator deems relevant.

Compliance With Executive Orders 12291, 12612, and 12778; Regulatory Flexibility Act, 5 U.S.C. 601 et seq.; and the Paperwork Reduction Act, 44 U.S.C. Ch. 35

For purposes of Executive Order 12291, SBA certifies that this proposed rule, if promulgated as a final rule, would not have an annual economic effect in excess of $100 million, result in a major increase in costs for individuals or governments, or have a significant adverse effect on competition and, therefore, would not constitute a major rule. SBA has made this

determination based upon the fact that, to date, the Agency has received very few requests from other Federal departments or agencies who wish to prescribe a numerical size standard different from that declared by SBA for purposes other than to perform a Regulatory Flexibility Analysis. SBA does not believe this proposed rule will increase the frequency of these requests.

For purposes of Executive Order 12612, SBA certifies that this proposed rule, if promulgated in final, would not have federalism implications warranting the preparation of a Federalism assessment.

For purposes of Executive Order 12778, SBA certifies that this proposed rule is drafted, to the extent practicable, in accordance with the standards set forth in section 2 of that Order.

For purposes of the Regulatory Flexibility Act, SBA certifies that this proposed rule, if promulgated as a final rule, would not have a significant economic effect on a substantial number of small entities for the same reason that it is not a major rule.

For purposes of the Paperwork Reduction Act, SBA certifies that this proposed rule, if promulgated in final form, would not impose any new reporting or recordkeeping requirements.

List of Subjects in 13 CFR Part 126

Administrative practice and procedure, Government procurement, Government property, Grant programs-business, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set out above, title 13 of Code of Federal Regulations, part 121 is proposed to be amended to read as follows:

PART 121—[AMENDED]

1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b), 637(a), and 644(c).

2. Section 121.1502 is revised to read as follows:

§ 121.1502 Size standards of other agencies.

(a) Federal agencies which administer programs relating to small businesses which are not covered by the Small Business Act generally utilize small business size criteria developed pursuant to the Small Business Act. However, in limited circumstances, SBA's numerical size standards may not be appropriate for the particular program involved. In cases where a Federal department or agency decides the SBA numerical size standard is not appropriate, the Secretary of the department or the head of the Federal agency may, pursuant to the procedures set forth in paragraph (b) of this section, establish a numerical size standard which is more appropriate to the activities of the department or agency.

(b) Unless a numerical size standard is specifically authorized by statute, the Secretary of a department or the head of a Federal agency may prescribe a size standard for determining whether or not an entity is a small business concern, for the exclusive use of such department or agency, only when such numerical size standard:

(1) Is proposed pursuant to an opportunity for public notice and comment, as prescribed in the Administrative Procedure Act, 5 U.S.C. 553;

(2) Provides for determining, over a period of not less than three (3) years—

(i) The size of a manufacturing concern on the basis of the number of its employees during that period; or

(ii) The size of a concern providing services on the basis of the average gross receipts of the concern during that period; and

(3) Is approved by the SBA Administrator.

(c)(1) In order to receive the approval of the SBA Administrator, the Secretary of a department or the head of a Federal agency must communicate in writing to the SBA Administrator, prior to publishing the new numerical size standard as a proposed rule. The letter must:

(i) Explain the contemplated industry size standard, the reasons the SBA numerical standard is not appropriate, and the reasons the proposed numerical size standard would be appropriate; and

(ii) Certify that the criteria set forth in paragraph (b) (1) and (2) of this section will be complied with.

(2) The Secretary of a department or head of a Federal agency must also contact, in writing, the SBA Administrator prior to publishing the contemplated numerical size standard as a final rule after the public notice and comment period has expired. The correspondence must include the following:

(i) A copy of the intended final rule, including the preamble;

(ii) Copies of any public comments received in response to the proposed rule; and

(iii) Any other supporting documentation deemed relevant and requested by the SBA Administrator.

(d) When approving any numerical size standard established pursuant to paragraph (b) of this section, the SBA Administrator shall:

(1) Ensure that the numerical size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries; and

(2) Consider other factors the Administrator deems to be relevant.

(e) In those circumstances where the Secretary of a department or head of a Federal agency is developing a numerical size standard for the sole purpose of performing a Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the department or agency may, after consultation with the SBA Office of Advocacy, establish a numerical size standard different from SBA's which is more appropriate for the Regulatory Flexibility Analysis.

Dated: June 21, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93–20388 Filed 8–23–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–CE–33–AD]

Airworthiness Directives: Cessna Aircraft Company 210, P210, and T210 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 92–26–04, which applies to certain Cessna Aircraft Company (Cessna) 210, P210, and T210 series airplanes. That AD specifies operational checks of the fuel gauges, fuel cap and adapter modifications, and preflight fuel system quantity checks. The FAA received a petition for reconsideration of AD 92–26–04, and subsequently suspended the effectiveness of this AD while the concerns specified in the petition were evaluated. The proposed AD would retain certain actions of AD 92–26–04, and incorporates certain other actions raised by the petition for reconsideration. The actions specified by the proposed AD are intended to prevent loss of engine power caused by inadvertent fuel loss or inadequate fuel servicing.

DATES: Comments must be received on or before November 1, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–CE–33–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Cessna Aircraft Company, Customer Services, P.O. Box 1521, Wichita, Kansas 67201. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Wichita, Kansas 67209; Telephone (316) 946–4143; Facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes 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 No. 93–CE–33–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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–CE–33–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

On December 1, 1992, the FAA issued AD 92–26–04, Amendment 39–8431 (57 FR 57658, December 7, 1992), to require the following on certain Cessna 210, P210, and T210 series airplanes: (1) Performing operation checks of the fuel gauges; (2) modifying the fuel caps and adapters; and (3) incorporating pilot operating procedures that relate to preflight fuel system quantity checks into the airplane flight manual or airplane records. The modification is accomplished in accordance with the instructions to Cessna Service Kit SK210–136, which is referenced by Cessna Service Bulletin SEB91–10, dated October 25, 1991.

Over 100 accidents/incidents involving fuel exhaustion on Cessna 210, T210, and P210 Series airplanes prompted the actions specified in AD 92–26–04. After issuance of AD 92–26–04, the Cessna Pilots Association (CPA) petitioned the FAA to withdraw the AD. The Aircraft Owners and Pilots Association (AOPA) supported CPA's petition. This petition raised the following issues: (1) The required procedures for calibrating installed fuel quantity indicating systems are ineffective; (2) the required test equipment is unavailable; and (3) required parts are unavailable, FAA-approved repair facilities are scarce, and the cost of repairs is expensive. Without agreeing or disagreeing, the FAA determined that the issues raised by the petition warranted further consideration, and subsequently suspended the effectiveness of AD 92–26–04 on January 15, 1993.

After investigating and reviewing the issues raised by the petition referenced above, the FAA has determined the following regarding each of the issues raised in the petition:

(1) The procedures specified in the maintenance manual have been utilized for over 20 years, but maintenance personnel simplify these procedures for practical expediency when accomplishing fuel gauge calibration. The owner/operator should be allowed the option of accomplishing calibration procedures in accordance with an FAA-approved maintenance program or the applicable maintenance manual;

(2) To the best of the FAA's knowledge, test equipment for the Cessna Model 400 series airplanes has been available from the Cessna Aircraft Company for many years. The 400 series airplanes utilize the same type fuel quantity capacity gauging system as the 210 series airplanes. Repair facility personnel have found this test equipment easy to utilize on Cessna 210 series airplane fuel quantity capacity gauging systems for many years. As specified previously, the FAA is proposing to allow the option of accomplishing the calibration procedures in accordance with an FAA-approved maintenance program or the applicable maintenance manual; and

(3) New fuel quantity gauge systems will probably be available in January 1994, which, realistically, is about the time this proposed rule would become a final rule (if determined necessary). At the same time, FAA-certified repair facilities have maintained and continue to carry an adequate stock of fuel quantity gauge repair or replacement parts. The FAA also maintains that the cost of obtaining and installing these repair or replacement parts when deficiencies are found outweighs the risk of returning the airplane to service without repairing or replacing. In addition, the FAA has proposed to allow the owner/operator the option of accomplishing certain fuel checks (as specified by placards) after refueling as an alternative to installing raised fuel caps. With this in mind, parts cost for installing raised fuel caps would be eliminated, as well as providing an alternative if these raised fuel caps would become unavailable.

After examining the circumstances and reviewing all available information related to the aspects described above, the FAA has determined that additional AD action should be taken to prevent loss of engine power caused by inadvertent fuel loss or inadequate fuel servicing.

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna 210, P210, and T210 airplanes of the same type design, the proposed AD would supersede AD 92–26–04 with a new AD that would (1) retain the requirements of the current AD; (2) provide the option of utilizing approved alternative procedures for calibrating the fuel systems; (3) provide the option of accomplishing fuel capacity checks after refueling the airplane or installing raised fuel caps; and (4) revise the applicability of the actual AD to more fully clarify which airplanes are affected.

The FAA estimates that 5,000 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $150 per airplane. Based on these figures, the total cost impact of

the proposed AD on U.S. operators is estimated to be $1,850,000. This figure takes into account that none of the affected airplanes have the proposed actions incorporated. In addition, AD 92–26–04 would have had a cost impact of $2,125,000 (5 workhours × $55 per hour plus $150 for parts × 5,000 airplanes) if the FAA had not suspended the effectiveness of that AD. This is actually a reduction of one workhour per airplane over that specified in AD 92–26–04, or a reduction of $275,000 for the entire U.S. fleet.

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 action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 92–26–04, Amendment 39–8431 (57 FR 57658, December 7, 1992), and by adding the following new airworthiness directive:

Cessna Aircraft Company: Docket No. 93–CE–33–AD. Supersedes AD 92–26–04, Amendment 39–8431.

Applicability: The following Model and serial number airplanes, certificated in any category.

Model	Serial Nos.
210G through 210R, and T210G through T210R.	21058819 through 21065009, and T210–0198 through T210–0454.
P210N, and P210R ...	P21000001 through P21000874.

Compliance: Required within the next 12 calendar months after the effective date of this AD, unless already accomplished.

To prevent loss of engine power caused by inadvertent fuel loss or inadequate fuel servicing, accomplish the following:

(a) Incorporate the Pilot Operating Procedures—Preflight Fuel System Quantity Check that is Figure 1 of this AD into the airplane flight manual or airplane records.

Pilot Operating Procedures—Preflight Fuel System Quantity Check

The following procedures are to be used on certain Cessna 210, P210, and T210 Series airplanes whenever more than 75 gallons of fuel are needed for range and reserve.

1. Verify that the airplane is level laterally and is approximately 4.5 degrees nose up (normal nose strut on a level surface).

Note: The airplane turn and bank instrument may be used to check lateral leveling.

2. Visually inspect each fuel tank for fuel level with the upper wing surface when full fuel capacity is intended to be in each tank.

3. Check each fuel cap and seal for security and wing surface for a lack of fuel stains aft of each fuel cap.

Note: It is highly recommended that the tips and flap trailing edges are checked during flight for evidence of fuel siphoning.

Figure 1

(b) The incorporation of Figure 1 of this AD into the airplane flight manual or airplane records as required by paragraph (a) of this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by FAR 43.7, and must be entered into the aircraft records showing compliance with this AD in accordance with FAR 43.11.

(c) Calibrate the fuel quantity indicating system at the unusable (empty) fuel gauge indication by accomplishing the calibration procedures that are outlined in the applicable maintenance manual or FAA-approved maintenance program. Prior to further flight, correct any deficiencies detected during these procedures.

(d) Accomplish one of the following:

(1) Install raised fuel caps in accordance with the instructions to Cessna Service Kit SK210–136, which is referenced by Cessna SB SEB91–10, dated October 25, 1991; or Supplemental Type Certificate SA2456CE (owned by Mr. William J. Barton) for Monarch Air & Development, Inc., Assembly No. WW–100–2 fuel caps (only); or

(2) Fabricate two placards with the following words on each using letters at least ⅛-inch in height and install a placard on each wing fuel filler opening: "To Assure Full Capacity While Filling, Fill Slowly During Last 5 Gallons. Recheck for Full After 2 Minutes."

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

(f) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

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

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67277; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 18, 1993.

John E. Tigue,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–20392 Filed 8–23–93; 8:45 am]

BILLING CODE 4910–13–U

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 12

Rules Relating to Reparation Proceedings

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking and correcting amendments.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") seeks comments on its proposal to amend and correct rules relating to proceedings last revised substantively February 22, 1984. The proposed modifications update and streamline Commission procedures in light of the Commission's experience in the past nine years. In addition, the Commission seeks comment on whether

the voluntary decisional procedure should be retained in the reparation program.

DATES: Comments are due no later than October 25, 1993.

ADDRESSES: Comments should be sent to Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Merry Lymn, Assistant General Counsel, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–9880.

SUPPLEMENTARY INFORMATION:

I. Background

In light of the recent passage of the Futures Trading Practices Act of 1992, 102 Cong., 2d Sess., Public Law 102–546 (Oct. 28, 1992), which amended the Commodity Exchange Act, the Commission has reexamined the regulations governing reparation proceedings and found a need for certain corrections. Some references are outdated and need to be deleted or updated. Commission practice has found certain time limits may be compressed and procedures streamlined. Additionally, the Commission is considering raising jurisdictional and fee levels and removing the voluntary decisional procedure.

II. Need for Correction

The current regulations became applicable to matters filed on or after April 23, 1984. Since there are no matters pending before the Commission which date back to April 23, 1984, the date reference is unnecessary and should be deleted.

The definitional section is not in alphabetical order. The Commission believes that re-ordering the definitions alphabetically will make it easier for the user and will facilitate adding or deleting definitions in the future.

The Office of Government Ethics established uniform standards of ethical conduct for officers and employees of the Federal Government (57 FR 35006, Aug. 7, 1992). These were published as new government-wide regulations superseding individual agency regulations. Consequently, the reference in § 12.7 to 17 CFR 140.735–3(b)(3) needs to be updated to 5 CFR 2635.101(b).

Additionally, the current regulations refer to the "Chief of the Opinions Section." There is no longer an "Opinions Section." Consequently, references to the "Chief of the Opinions Section" have been changed to the "Deputy General Counsel for Opinions" and references to "Opinions Section" have been changed to "Office of General Counsel." Typographical errors are also corrected.

III. Need for Revisions

Based on its experience in the nearly ten years since the reparation rules were last revised substantively, the Commission has identified several rules which it believes should be modified. The Commission invites comments regarding the proposed revisions.

A. Response to Complaint

The Commission has identified two areas which should be revised in order to further the express purpose of the reparation procedures: "to provide a just, speedy and inexpensive determination of the issues" (§ 12.1(a)). Rule 12.16 currently affords a respondent 45 days to respond to a reparation complaint and permits the Director of the Office of Proceedings to extend the filing deadline for an additional 15 days. Initially, the Commission chose this time period to provide additional time in which to settle the complaint. See 41 FR 3994, 3995 (January 27, 1976). Actual experience, however, has disclosed no evidence that settlements are more likely to occur during this extended answering period.

In comparison, Rule 12(a) of the Federal Rules of Civil Procedure requires that an answer to a complaint be filed within 20 days after service of the summons and complaint. In reviewing the relative generosity of the length of time for filing a response in the current Commission rules, it is apparent that the processing of reparation proceedings could be expedited by reducing the time for filing the response to the complaint set forth in § 12.16 to 25 days, and the additional time that the Director of the Office of Proceedings could extend that deadline to 10 days. This would reduce the amount of total time in which to file a response from a maximum of 60 days to about half that time without infringing on the ability of the parties to present their cases. Moreover, it would shorten the total time for processing claims. Accordingly, the Commission proposes to revise § 12.16 to compress the filing deadlines.

B. Discovery

The Commission also identified an opportunity for time savings in the discovery process. Section 12.30(d) provides that discovery notices and requests be served within 40 days after the Proceedings Clerk notifies the parties of the commencement of a proceeding. It appears that the disposition of proceedings could be expedited by compressing the discovery period. Thus, the Commission is proposing to amend § 12.30(d) to reduce the time for serving discovery notices and requests to 20 days after notification by the Proceedings Clerk of the commencement of a proceeding.

C. The Voluntary Decisional Procedure

The voluntary decisional procedure is a low-cost decisional procedure instituted in 1984 (49 FR 6602, Feb. 22, 1984). Its purpose is to provide an inexpensive, expeditious, and unappealable final decision. No oral hearing rights are afforded to the parties. It was expected that this procedure would result in a much faster and less costly final determination of reparation claims than would occur under the Commission's other procedures. At the time it was instituted, the voluntary decisional procedure was seen as meeting the desires of customers for an arbitration style forum. See 49 FR 6602, 6611 (February 22, 1984).

The voluntary decisional procedure has several advantages. Most significantly, parties waive certain procedural rights, including an oral hearing, for an inexpensive procedure in which the decision is immediately enforceable, public, and presumably consistent with Commission precedent. The procedure allows claims and counterclaims to be addressed in the same forum. If a need for more formality becomes apparent, the case can be "upgraded" to a summary or formal decisional procedure. In the fiscal years 1990 through 1992, of 354 complaints filed choosing voluntary proceedings, respondents upgraded approximately two-thirds to summary or formal proceedings, evidencing a benefit litigants obtain by having the flexibility to choose the level of proceeding they prefer. Finally, because unpaid reparation awards result in automatic suspension of registration and trading privileges, customers and the Commission have a potent weapon to ensure that violators pay judgments.

A question has arisen regarding the continuing need for the voluntary procedure. With the development of arbitration programs by the National Futures Association ("NFA"), the exchanges, and other private forums, the voluntary decisional procedure may be duplicative and unnecessary. However, some differences between private arbitration and the voluntary procedure are apparent. For example, NFA charges

filing fees according to a sliding scale, based on the amount of the claim, which are generally higher than the filing fee of $25 for the voluntary procedure in reparations. (However, by this notice the Commission proposes raising the fee to $50.) Hearings are available under NFA's arbitration procedure; the complainant pays a hearing fee—the amount dependent upon the amount of the claim. While there is no opportunity for oral hearing under the Commission's voluntary procedure, respondents may upgrade to either a summary or a formal decisional procedure to obtain an oral hearing by paying the difference in the filing fee. Finally, the records of voluntary proceedings are public whereas private arbitrations are confidential. However, both procedures result in a binding, non-appealable decision. While the decisions under the voluntary procedure are unappealable, the Commission maintains some control over the outcome because they are decided by Commission experts and are presumably consistent with Commission precedent. Thus, the public interest may be served by retaining the procedure. On the other hand, since the private arbitrations programs were required to be implemented under the provisions of the Commodity Exchange Act, in principle, they should be consistent with Commission precedent also. Thus, elimination of the reparation voluntary procedure may reduce government costs without depriving the public of its access to this style forum.

The Commission seeks public comment as to the continuing usefulness of the voluntary decisional procedure. Specifically, the Commission would like to know whether this forum serves a purpose that the NFA and other private arbitration forums do not. In responding to the questions, commenters are encouraged to focus attention on the general nature of the reparation program as one of the significant antifraud tools and customer protections created by Congress in the Commodity Exchange Act. The Commission wants to know whether eliminating voluntary proceedings as an option in reparations will tend to shift a number of cases from the public record to private decisionmakers, and if so, what the impact will be on the benefits and costs of these proceedings. Specifically, the Commission would like comments on the following questions:

1. Does the widespread availability of private arbitration render unnecessary the retention of the voluntary proceeding as an option in reparations? Are there any significant differences between the procedures used in Commission voluntary proceedings and those used in private arbitration?

2. What considerations are most important to customers choosing in which of several forums to file a commodity-related complaint? What considerations are most important to respondents in deciding whether to consent to a voluntary proceeding or to pay the filing fee for a summary or formal proceeding instead?

3. If the Commission were to eliminate the voluntary proceeding option, what would be the likely effect on its caseload? Would the cases that would have been filed as voluntary proceedings be filed with the Commission as summary and formal proceedings, alternatively in one of the private arbitration forums, or would such complaints not be filed at all?

4. Does the existence of voluntary proceedings help ensure the fairness of private arbitration by providing an alternative to customers? If so, would eliminating voluntary proceedings result in hidden costs exceeding the savings the Commission might realize?

5. If the Commission were to eliminate voluntary proceedings, should it simultaneously require private arbitrations subject to its regulation to provide the opportunity for litigants to select a proceeding in which filing fees are not based on the size of the claim? Should the complaints filed in these forums be made available to the public? What would be the costs and benefits of such a requirement and what would be the impact on incentives for private arbitrators to provide such services?

D. Filing Fees

Filing fees of $25 for the voluntary decisional procedure, $100 for the summary decisional procedure, and $200 for the formal decisional procedure were set in 1984 (49 FR 6602, Feb. 22, 1984). While the filing fees do not come close to covering the Commission's cost of processing the claims, they contribute in a small way. Costs generally have increased and a small increase in fees seems reasonable. Accordingly, the Commission is considering raising the filing fees for the voluntary decisional procedure to $50, for the summary decisional procedure to $125, and to $250 for the formal decisional procedure. The Commission proposes to amend § 12.25 accordingly. Additionally, the Commission proposes to amend § 12.106 to authorize Judgment Officers to assess the cost of the filing fee as part of the damage award in voluntary proceedings.

E. Summary Decisional Procedure

The summary decisional procedure was created by the Commission based upon the belief that parties with smaller claims should be entitled to a less expensive, more expeditious procedure which offers a greater likelihood of an early damage award and recovery. In 1978 Congress raised the ceiling, set in 1974, for damage claims eligible for summary proceedings from $2,500 to $5,000. In 1982 Congress removed the statutory ceiling. As a result, in 1984 the Commission raised the ceiling for damage claims eligible for summary decisional proceedings from $5,000 to $10,000 (49 FR 6602, Feb. 22, 1984). The Commission based its rationale on the decline in the value of the dollar in the years 1979 to 1982 and found that it was "reasonable to establish $10,000 as an amount above which a damage claim will not be considered small." (*Id.*, 6613) Upon reflection, the Commission believes that the size of the damage claim is not necessarily a measure of the difficulty of the case. Further, the Commission does not think that the relative smallness of the claim should be the only consideration in the allocation of Commission resources. The Commission's concern with the expeditious and efficient handling of cases is an equally valid consideration. Moreover, the Commission believes that it can save parties some costs related to litigation by making the summary procedure available to a greater number of parties. Thus, the Commission has examined the workload of the Office of Proceedings and believes that raising the ceiling from $10,000 to $30,000 will greatly increase the efficiency of that office. Allowing Judgment Officers to hear a greater number of cases will free the Administrative Law Judges to concentrate on enforcement proceedings and cases in which the damages claimed are greater than $30,000. Should the Judgment Officers become overburdened, ALJ's can be assigned cases below $30,000. The Commission believes that this change will result in more expeditious disposition of cases. Consequently, for the summary decisional procedure the Commission proposes to raise the ceiling for damage claims from $10,000 to $30,000. Accordingly, the Commission proposes to revise the applicable provisions.

Cases under the summary decisional procedure are usually decided based upon the written submissions of the parties. In some cases where the testimony of the parties conflicts, it is necessary for the Judgment Officer to make a credibility finding. Often, the Judgment Officer needs to see or hear

the parties in order to make a reliable credibility determination. The current rules allow a Judgment Officer to order a hearing only upon motion of a party. On occasion, the Commission has remanded cases with directions to hold an oral hearing when the parties did not request one or it has authorized Judgment Officers to invite oral hearing requests when they determine that a hearing is required. The proposed rule would accelerate the disposition of these proceedings by eliminating the need to remand for a hearing and the present practice of inviting a motion and then ruling on that motion. Accordingly, the Commission is proposing to modify § 12.208 and § 12.209 to authorize Judgment Officers to order oral hearings on their own motion. Hearings will be conducted by telephone unless the parties agree to a hearing in Washington, DC.

Additionally, the time frames in these sections have been compressed in order to expedite proceedings. Currently, the rules require that the parties be given 60 days notice prior to a hearing. It is the Commission's experience that shorter time periods generally would be adequate. Thus, the proposed rules require that the Judgment Officers set the time and place of the hearing with consideration for the convenience of the parties, but allow for 15 days notice for telephonic hearings and 30 days notice for in-person hearings.

Furthermore, the proposed rules make it clear that failure to appear at telephonic and in-person hearings and to provide correct telephone numbers is subject to sanctions, including default.

IV. Related Matter

Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.* (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The Commission has previously determined that part 12 reparation rules are not subject to the provisions of RFA because they relate solely to agency organization, procedure, and practice.[1] Nevertheless, because they do not impose regulatory obligations on commodity professionals and small commodity firms, and because, if instituted, the proposed corrections and amendments will expedite and improve the reparation process, the Commission does not expect the proposed rule to have a significant economic impact on a substantial number of small business entities.

Accordingly, pursuant to Rule 3(a) of the RFA (5 U.S.C. 605(b)), the Acting Chairman, on behalf of the Commission, certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. The Commission nonetheless invites comment from any member of the public who believes that these revisions and corrections would have a significant impact on small businesses.

List of Subjects in 17 CFR Part 12

Administrative practice and procedure, Commodity exchanges, Commodity futures, Reparations.

PART 12—RULES RELATING TO REPARATIONS

The Commodity Futures Trading Commission proposes to amend part 12 of chapter I of title 17 of the Code of Federal Regulations as follows:

1. The authority citation for part 12 is revised to read as follows:

Authority: 7 U.S.C. 4a(j), 12(a)(5), and 18.

§ 12.1 [Corrected]

2. In the first sentence of § 12.1(c) the comma after "complaints" is removed; the comma after "thereto" is removed and a period is added in its place. The rest of the paragraph is removed.

3. § 12.2 is revised to read as follows:

§ 12.2 Definitions.

For purposes of this part:

Act means the Commodity Exchange Act, as amended, 7 U.S.C. 1, *et seq.*;

Administrative Law Judge means an administrative law judge appointed pursuant to the provisions of 5 U.S.C. 3105;

Commission means the Commodity Futures Trading Commission;

Commission decisional employee means an employee or employees of the Commission who are or may reasonably be expected to be involved in the decisionmaking process in any proceeding, including, but not limited to: A Judgment Officer; members of the personal staffs of the Commissioners, but not the Commissioners themselves; members of the staffs of the Administrative Law Judges, but not an Administrative Law Judge; members of the staffs of the Judgment Officers; members of the Office of General Counsel; members of the staff of the Office of Proceedings; and other Commission employees who may be assigned to hear or to participate in the decision of a particular matter.

Complainant means a person who, individually or jointly with others, has applied to the Commission for a reparation award pursuant to section 14(a) of the Act, but shall not include a cross claimant or any other type of third party claimant. The term "complainant" under these rules applies equally to two or more persons who have applied jointly for a reparation award;

Complaint mean any document which constitutes an application for a reparation award pursuant to section 14(a) of the Act, regardless of whether it is denominated as such;

Counterclaim means an application for a reparation award by a respondent against a complainant which satisfies the requirements of § 12.19. A counterclaim does not mean a cross claim or other type of third party claim;

Director of the Office of Proceedings means an employee of the Commission who serves as the administrative head of that Office, with responsibility and authority to assure that the part 12 Reparation Rules are administered in a manner which will effectuate the purposes of section 14(b) of the Act. The Director is authorized to convene meetings of all personnel in the Office of Proceedings, including Administrative Law Judges and their personally assigned law clerks. The Director shall have the authority to delegate his duties to administer §§ 12.15, 12.24, 12.26 and 12.27, and, shall have the authority to assign and, if necessary, reassign the duties of, and set reasonable standards for performance for, all personnel in the Office, including the Judgment Officers, but not including Administrative Law Judges and their personally assigned law clerks;

Ex parte communication means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include:

(1) A discussion, after consent has been obtained from all of the named parties, between a party and a Judgment Officer or Administrative Law Judge, or the staffs of the foregoing, pertaining solely to the possibility of settling the case without the need for a decision;

(2) Requests for status reports, including questions relating to service of the complaint, and the registration status of any persons, on any matter or proceeding covered by these rules; or

(3) Requests made to the Office of Proceedings or the Office of General Counsel for interpretation of these rules.

Formal decisional procedure means, where the amount of damages claimed exceeds $30,000, exclusive of interest and costs, a procedure elected by the complainant or a respondent where the

[1] 49 FR 6602, 6621 (February 22, 1984).

parties may be granted an oral hearing. A formal decisional proceeding is governed by subpart E;

Hearing means that part of a proceeding which involves the submission of proof, either by oral presentation or written submission;

Interested person means any party, and includes any person or agency permitted limited participation or to state views in a reparation proceeding, or other person who might be adversely affected or aggrieved by the outcome of a proceeding (including the officers, agents, employees, associates, affiliates, attorneys, accountants or other representatives of such persons), and any other person having a direct or indirect pecuniary or other interest in the outcome of a proceeding;

Judgment Officer means an employee of the Commission who is authorized to conduct the proceeding and render a decision in a summary decisional proceeding or a voluntary decisional proceeding. In appropriate circumstances, the functions of a Judgment Officer may be performed by an Administrative Law Judge;

Office of the General Counsel refers to the members of the Commission's staff who provide assistance to the Commission in its direct review of any proceeding conducted pursuant to these rules;

Office of Proceedings means that Office within the Commission comprised of the Administrative Law Judges, Judgment Officers, the Director of that Office, the Proceedings Clerk, and members of the staffs of the foregoing, which administers these part 12 Reparation Rules, other than the rules authorizing direct review by the Commission;

Order means the whole or any part of a final procedural or substantive disposition of a reparation proceeding by the Commission, an Administrative Law Judge, a Judgment Officer, or the Proceedings Clerk;

Party means a complainant, respondent or any other person or agency named or admitted as a party in a reparation matter;

Person means any individual, association, partnership, corporation or trust;

Pleading means the complaint, the answer to the complaint, any supplement or amendment thereto, and any reply to the foregoing;

Proceeding means a case in which the pleadings have been forwarded and in which a procedure has been commenced pursuant to § 12.26;

Proceedings Clerk means that member of the Commission's staff in the Office of Proceedings who shall maintain the Commission's reparation docket, assign reparation cases to an appropriate decisionmaking official, and act as custodian of the records of proceedings;

Registrant means any person who—

(1) Was registered under the Act at the time of the alleged violation;

(2) Is subject to reparation proceedings by virtue of section 4m of the Commodity Exchange Act, regardless of whether such person was ever registered under the Act; or

(3) Is otherwise subject to reparation proceedings under the Act.

Reparation award means the amount of monetary damages a party may be ordered to pay;

Respondent means any person or persons against whom a complainant seeks a reparation award pursuant to section 14(a) of the Act; and

Summary decisional procedure means, where the amount of damages claimed does not exceed $30,000, exclusive of interest and costs, a procedure elected by the complainant or the respondent wherein an oral hearing need not be held and proof in support of each party's case may be supplied in the form and manner prescribed by § 12.208. A summary decisional proceeding is governed by subpart D.

Voluntary decisional procedure means, regardless of the amount of damages claimed, a procedure which the complainant and the respondent have chosen voluntarily to submit their claims and counterclaims, allowable under these rules, for an expeditious resolution by a Judgment Officer. By electing the voluntary decisional procedure, parties agree that a decision issued by a Judgment Officer shall be without accompanying findings of fact and shall be final without right of Commission review or judicial review. A voluntary decisional proceeding is governed by subpart C of these rules;

§ 12.6 [Corrected]

4. In § 12.6(b) the word "the" is added between "expiration of" and "time".

§ 12.7 [Corrected]

5. In § 12.7(b) introductory text, the phrase "communication prohibited by paragraph (b)" is revised to read "communication prohibited by paragraph (a)".

6. In § 12.7(c)(3) the reference to "17 CFR 140.735–3(b)(3)." is revised to read "5 CFR 2635.101(b).".

§ 12.10 [Corrected]

7. In § 12.10(a)(1) add "a" between "course of" and "proceeding".

8. In § 12.10(a)(3) the phrase "Chief of the Opinions Section" is revised to read "Deputy General Counsel for Opinions".

§ 12.13 [Corrected and Amended]

9. In § 12.13(b)(2) the phrase "believes that" is revised to read "believes the".

10. § 12.13(b)(1)(viii) is revised to read as follows:

§ 12.13 Complaint; election of procedure.

* * * * *

(b) * * *

(1) * * *

(viii) An election of a decisional procedure pursuant to subpart C, D, or E. (A procedure pursuant to subpart D may be elected only if the amount of damages claimed, exclusive of interest and costs, does not exceed $30,000. A procedure pursuant to subpart E may be elected only if the amount claimed as damages, exclusive of interest and costs, exceeds $30,000); and

* * * * *

11. § 12.16 is revised to read as follows:

§ 12.16 Response to complaint.

Within 25 days after the complaint has been served by the Office of Proceedings on the registrant, or within such additional time (not to exceed 10 days absent extraordinary circumstances) as the Director of the Office of Proceedings, or his/her delegee may grant, for good cause shown, each registrant shall either—

(a) Satisfy the complaint in accordance with § 12.17 of these rules; or

(b) Answer the complaint in the manner prescribed by § 12.18 of these rules.

§ 12.18 [Amended]

12. In § 12.18(a)(7) "$10,000." is revised to read "$30,000." and "$10,000);" is revised to read "$30,000);".

§ 12.25 [Amended]

13. In § 12.25(a)(1) "$25.00;" is revised to read "$50.00;".

14. In § 12.25(a)(2) "$10,000;" is revised to read "$30,000," and "$100.00." is revised to read "$125.00.".

15. In § 12.25(a)(3) "$10,000," is revised to read "$30,000," and "$200.00." is revised to read "$250.00.".

16. In § 12.25(b)(1) "$10,000," is revised to read "$30,000,".

17. In § 12.25(b)(2) "$10,000," is revised to read "$30,000," and "$175.00." is revised to read "$200.00.".

18. In § 12.25(c) "$175.00;" is revised to read "$200.00".

§ 12.26 [Corrected]

19. In § 12.26(b) "$10,000," is revised to read "$30,000.00,".

20. In § 12.26(c) "$10,000," is revised to read "$30,000.00," and the words "to

a Proceedings Officer for discovery purposes" are removed.

§ 12.30 [Amended]

21. In § 12.30(d) revised the phrase "within forty (40) days" to read "within twenty (20) days" and remove the last sentence.

§ 12.106 [Amended]

22. In § 12.106(c) the phrase "(other than costs assessed as a sanction for abuse of discovery)." is revised to read "(other than the filing fee and costs assessed as a sanction for abuse of discovery)."

23. § 12.201(g) is revised to read as follows:

§ 12.201 Functions and responsibilities of the Judgment Officer.

* * * * *

(g) If an oral hearing is ordered, to preside at the hearing, which shall include the authority to receive relevant evidence, to administer oaths and affirmations, to examine witnesses, and to rule on offers of proof;

* * * * *

§ 12.204 [Amended]

24. In § 12.204(a) "$10,000" is revised to read "$30,000".

25. In § 12.204(b) "$10,000" is revised to read "$30,000".

26. § 12.208(b) is revised to read as follows:

§ 12.208 Submissions of proof.

* * * * *

(b) *Oral testimony and examination.* The Judgment Officer may order an oral hearing for the presentation of testimony and examination of the parties and their witnesses when appropriate and necessary for the resolution of factual issues, upon motion by either a party or the Judgment Officer. An oral hearing held under this section will be convened by conference telephone call as provided in § 12.209(b), except that an in-person hearing may be held in Washington, DC, under the circumstances set forth in § 12.209(c).

27. § 12.209 is revised to read as follows:

§ 12.209 Oral testimony.

(a) *Generally.* When the Judgment Officer determines that an oral hearing is necessary and appropriate, such oral hearing will be held either by telephone or in person in Washington, DC, as set forth below. The Judgment Officer, in his or her discretion with consideration for the convenience of the parties and their witnesses, will determine the time and date of such hearing. During an oral hearing, in his or her discretion, the Judgment Officer may regulate appropriately the course and sequence of testimony and examination of the parties and their witnesses and limit the issues.

(b) *Telephonic hearings.* When a Judgment Officer has determined to hold an oral hearing by telephone, an order to that effect will be issued at least 15 days prior to the hearing notifying the parties of the date and time of the hearing. The order will direct the parties to confirm, at least 48 hours in advance of the hearing, that the correct telephone numbers for the parties and their witnesses are on file with the Office of Proceedings, and warn that failure to provide correct telephone numbers may be deemed waiver of that party's right to participate in the hearing, to present evidence, or to cross-examine other witnesses. If a party is unavailable by telephone at the appointed time, any other party in attendance may present testimony; and the Judgment Officer also may impose any appropriate sanction listed in § 12.35. All telephonic hearings will be recorded electronically but will be transcribed only upon direction of the Judgment Officer (if necessary) or in the event of Commission review. The parties may secure a copy of the recording of the hearing from the Proceedings Clerk upon written request and payment of the cost of the recording.

(c) *Washington, DC hearings.* In exceptional circumstances and when an in-person hearing is determined to be necessary in resolving the issues, the Judgment Officer may order an in-person hearing in Washington, DC upon written request by a party and the agreement of at least one opposing party. The Judgment Officer will issue notice of the time, date, and location of an in-person hearing to the parties at least 30 days in advance of the hearing. Except as otherwise provided herein, an in-person hearing will be held and recorded in the manner prescribed in § 12.312 (c) through (f) of these rules. A party not agreeing to appear at the hearing in Washington, DC, may be ordered to participate by telephone. Any party not appearing in person or by telephone will be deemed to have waived the right to participate in the hearing, to present evidence, or to cross-examine other witnesses; further, that party may be subject to such action under § 12.35 as the Judgment Officer may find appropriate. The Judgment Officer may order any party who requests or agrees to appear at a hearing in Washington, DC and fails to appear without good cause, to pay any reasonable costs unnecessarily incurred by parties appearing at such a hearing.

(d) *Compulsory process.* An application for a subpoena requiring a non-party to participate in a telephonic hearing or to appear at an in-person hearing in Washington, DC, may be made in writing to the Judgment Officer without notice to the other parties. The standards for issuance or denial of an application for a subpoena, the service and travel fee requirements, and the method for enforcing such subpoenas are set forth at § 12.313 of these rules.

§ 12.210 [Corrected and Amended]

28. In § 12.210(a) the phrase "pay reparation award" is revised to read "pay a reparation award".

29. In § 12.210(b)(4) "$10,000," is revised to read "$30,000," both times that it appears.

§ 12.315 [Amended]

30. In the heading of § 12.315 "$10,000." is revised to read "$30.000.".

31. In § 12.315 "$10,000," is revised to read "$30,000," both times that it appears.

§ 12.404 [Corrected]

32. In § 12.404 the phrase "of proceeding on appeal of review before" is revised to read "of proceedings on appeal before".

§ 12.408 [Corrected]

33. The heading of § 12.408 is revised to read "Delegation of authority to the Deputy General Counsel for Opinions."

34. In the first sentence of § 12.408 revise the phrase "Chief of the Opinions Section" to read "Deputy General Counsel for Opinions".

35. In § 12.408(b) revise the phrase "Chief of the Opinions Section" to read "Deputy General Counsel for Opinions".

Issued by Order of the Commission.

Dated: August 18, 1993.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 93–20348 Filed 8–23–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[EE–79–89]

RIN 1545–AN40

Requirement of Making Quarterly Payments of the Railroad Unemployment Repayment Tax; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations stating the time and manner of making payments of the railroad unemployment repayment tax.

DATES: The public hearing for this proposed regulation originally scheduled for Monday, August 30, 1993, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–8452 or (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 6011 and 6302 of the Internal Revenue Code. A notice of proposed rulemaking and public hearing appearing in the **Federal Register** for Thursday, May 13, 1993 (58 FR 28374), announced that the public hearing on the proposed regulations would be held on Monday, August 30, 1993, beginning at 10 a.m., in the Internal Revenue Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC.

The public hearing scheduled for Monday, August 30, 1993, has been cancelled for this proposed regulation. However, the public hearing will be held, as scheduled, on August 30, 1993, for two additional separately issued notices of proposed rulemaking relating to the supplemental annuity tax—railroad retirement (EE–9–92), which appeared in the **Federal Register** for Thursday, May 13, 1993 (58 FR 28371), and on the update of Railroad Retirement Tax Act regulations (EE–63–92), which appeared in the **Federal Register** for Thursday, May 13, 1993 (58 FR 28366).

Jackie Burgess,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–20368 Filed 8–23–93; 8:45 am]

BILLING CODE 4830–01–U

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 5

[Notice No. 778; Re: Notice No. 773]

Standards of Fill

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: This document extends the comment period for Notice No. 773, an advance notice of proposed rulemaking (ANPRM) published in the **Federal Register** on July 2, 1993. Notice No. 773 solicited comments on proposals to either retain, revise, or eliminate the existing standards of fill for distilled spirits and wine containers. ATF received a number of requests to extend the comment period in order to provide sufficient time for all interested parties to respond to the issues addressed in the ANPRM.

DATES: Comments must be filed on or before November 30, 1993.

ADDRESSES: Send written comments to: Chief, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221. ATTN: Notice No. 778.

FOR FURTHER INFORMATION CONTACT: Gail Hosey, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, telephone (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 1993, the Bureau of Alcohol, Tobacco and Firearms (ATF) published Notice No. 773, an advance notice of proposed rulemaking, in the **Federal Register** (58 FR 35908). ATF has been petitioned to amend the regulations to reinstate the 500 milliliter standard of fill for distilled spirits containers and to authorize three new sizes for distilled spirits containers: A 296 milliliter can, a 680 milliliter bottle and a 946 milliliter bottle. The petitioners take the position that the existing standards of fill are actually operating as impediments to international trade. Historically, it has been ATF's position that standards of fill for distilled spirits and wine containers are necessary, and that without such standards there would be a proliferation of bottle sizes, possibly resulting in consumer confusion and deception. However, due to the concerns raised by these petitions, ATF wishes to solicit comments on the following questions:

(1) Should the existing standards of fill for distilled spirits and wine be retained, and if so, why?

(2) If the standards of fill are retained, should the regulations be amended to expand the authorized standards of fill to include a 296 milliliter can, a 500 milliliter bottle, a 680 milliliter bottle, and a 946 milliliter bottle for distilled spirits products?

(3) Should ATF eliminate the existing standards of fill for wine and distilled spirits products, in favor of allowing marketing practices and consumer preferences to dictate container sizes? Have changes in the world economy necessitated such an action?

(4) If standards of fill are abolished, should the regulations impose any additional labeling requirements in order to prevent consumer confusion which might result from the possible proliferation of bottle and can sizes?

In addition to the above questions, ATF is soliciting comments on any other suggestions or alternatives relating to the issue of standards of fill for wine and distilled spirits.

The comment period for Notice No. 773 was scheduled to close on August 31, 1993. Prior to the end of the comment period, ATF received three requests for an extension of the comment period. The first request was submitted on behalf of the Federation des Exportateurs de Vins et Spiritueux de France (FEVS).

The Federation is the French national trade association representing exporters of wine and spirits. It is a private organization composed of 550 members. Because July and August are traditionally "down" business months in Europe due to vacations and reduced staff levels, the FEVS requested an extension of 60 days.

The second request was submitted by the National Association of Beverage Importers, Inc. (NABI). NABI is a national trade association representing the companies that import 90% of all alcoholic beverages brought into the United States. A large number of its parent companies and foreign suppliers are located in Europe. Therefore, an extension of 90 days was requested based on the same reason given by FEVS.

The third request was submitted by the Wine and Spirits Wholesalers of America, Inc., (WSWA). WSWA members distribute over 90% of the wines and spirits imported into the United States. The association also requested a 90 day extension in order to have sufficient time for its members to assess the proposals and report their views.

In consideration of these requests, ATF has determined that in addition to the 60 days already allowed, an extension of 90 days is appropriate. Therefore, the comment period for Notice No. 773 will be extended to November 30, 1993.

Drafting Information

The principal author of this document is Gail Hosey of the Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority: This notice is issued under the authority in 27 U.S.C. 205.

Signed: August 17, 1993.

Stephen E. Higgins,

Director.

[FR Doc. 93–20404 Filed 8–23–93; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 773, 778, and 784

Surface Coal Mining and Reclamation Operations, Permanent Regulatory Program; Availability of Decision; Public Participation in Permit Processing and Landowner Protection; Partial Granting of Petition

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

ACTION: Notice of decision on petition for rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is making available to the public its final decision on a petition for rulemaking from Mr. Jim B. Wyant of Vincennes, Indiana. The petition requested that OSM amend its existing regulations regarding the time frames for regulatory authority decisions following an informal conference and the notice to participants of such decisions; the notification requirements to people potentially affected by mining during the permit application review process; the inclusion of property within the permit area for which the applicant has not established uncontested surface rights; and the need for the permit to set forth projected land use within the 5-year term of permit.

ADDRESSES: Copies of the petition, and other relevant materials comprising the Administrative Record of this petition are available for public review and copying at Office of Surface Mining Reclamation and Enforcement, room 660, 800 North Capitol Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Scott Boyce, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington DC 20240; Telephone: 202–343–3839 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Petition for Rulemaking Process

II. The Wyant Petition

I. Petition for Rulemaking Process

Pursuant to section 201(g) of the Surface Mining Control and Reclamation Act of 1977 (the Act), any person may petition the Director of OSM for a change in OSM's regulations. The regulations governing the handling of rulemaking petitions are found at 30 CFR 700.12. Under the rules, the Director may publish a notice in the **Federal Register** seeking comments on the petition and hold a public hearing, conduct an investigation, or take other action to determine whether the petition should be granted. If the petition is granted, the Director initiates a rulemaking proceeding. If the petition is denied, the Director notifies the petitioner in writing setting forth the reasons for denial. Under 30 CFR 700.12 the Director's decision constitutes the final decision for the Department of the Interior.

II. The Wyant Petition

OSM received a letter dated September 29, 1992, from Mr. Jim B. Wyant of Vincennes, Indiana, (the petitioner) to amend certain parts of OSM's regulations regarding the review and content of permit applications. The principal requests of the petition are set forth below. On November 12, 1992, OSM published a notice in the **Federal Register** containing the petition for rulemaking and providing a public comment period until December 14, 1992. (57 FR 53670.)

The principal requests of the petition are to—

1. Amend the permit application rules of 30 CFR 773.15 to require that all parties to an informal conference be notified of any decision requiring modification of the permit application within 60 days of the close of the conference or within some other fixed appropriate period of time following the close of such conference.

2. Amend 30 CFR 773.15 to require that a final decision on the permit application be made within 150 days of the close of an informal conference or within some other fixed appropriate period of time following the close of such conference.

3. Amend the public participation rules at 30 CFR 773.13 to require that during the pendency of the permit application review process the same notification requirements be applied to persons within the permit area (the "surface effects area" in Indiana for underground mines) as to persons adjacent to the permit area.

4. Amend the right-of-entry rules at 30 CFR 778.15 to require that the permit area (the "surface effects area" in Indiana for underground mines) designated in a permit application only be allowed to include property to which the applicant has established uncontested surface rights.

5. Amend the operation and reclamation plan requirements at 30 CFR 784.11 and 784.13 to require that the applicant set forth the proposed uses of land within the permit area (the "surface effects area" in Indiana for underground mines) during the 5-year term of the permit.

For the reasons discussed in the appendix to this notice, the Director has granted that part of the petitioner's first request which would require that all parties to an informal conference be notified of any decision to require modification of the permit application. OSM will initiate a rulemaking on this subject. The Director has denied that part of the first request which would impose fixed time frames for providing such notice. The Director has also denied the remainder of the petition requests. OSM will, however, propose a rule based on the fourth request that will prevent the inclusion of properties in the permit area of approved permits to which the applicant does not have uncontested right-of-entry. OSM will also through its oversight of the Indiana program address issues raised in the third request.

The Director's letter of response to the petitioner on this rulemaking petition appears in the appendix to this notice. This letter reports the Director's decision to the petitioner. Included in the appendix is an evaluation report on the issues raised by the petitioner. Included in this report are the comments received on the petition, a discussion of the comments, and OSM's position on the issues.

Dated: July 23, 1993.

W. Hord Tipton,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

Appendix

July 23, 1993.

Mr. Jim B. Wyant,

R.R. 4 Box 71A, Vincennes, IN 47591.

Dear Mr. Wyant: This letter is in response to your September 29, 1992, petition for rulemaking to the Office of Surface Mining Reclamation and Enforcement (OSM) to amend certain OSM permitting regulations.

On October 27, 1992, the Director determined that the petition for rulemaking had sufficient basis to seek public comments on the proposed rule changes. Accordingly, on November 12, 1992, OSM published a notice of availability in the **Federal Register** and requested comments on the petition. (57

FR 53670.) The comment period closed on December 14, 1992. Ten comments were received by OSM during the comment period.

After careful consideration of the arguments presented in the petition and public comments, I am granting the petition in part. As a result, OSM will initiate Federal rulemaking proposing to revise the permit application provisions of 30 CFR 773.15 to require notification of all parties to an informal conference of any decision to require modification of the permit application. OSM will also initiate a rulemaking to revise the provisions of 30 CFR 778.15 to address the degree to which lands may be included in the permit area where the permittee does not have the right to enter. OSM will further address in its oversight of the Indiana program the issues raised in your third request regarding the different notification requirements for land owners adjacent to and those within a proposed permit area. The basis for my decision is fully disclosed in the enclosed evaluation of the petition. As provided in 30 CFR 700.12 this decision constitutes the final decision for the Secretary of the Interior.

Sincerely,

W. Hord Tipton,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

Evaluation of the Petition to Amend OSM's Rules Governing Public Participation in Permit Processing and Permit Conditions

Under section 201(g) of the Surface Mining Control and Reclamation Act of 1977 (the Act), any person may petition the Director for a change in OSM's regulations. The rules governing the handling of rulemaking petitions are found at 30 CFR 700.12. To accept a petition for rulemaking, the petition must cite facts, technical justification, or law which was not previously considered in a petition or prior rulemaking and which justifies a need for a new rule or amending an existing rule.

On October 7, 1992, OSM received a petition from Mr. Jim B. Wyant, Vincennes, Indiana (the petitioner).

The principal requests in the petition were to—

1. Amend the permit application rules of 30 CFR 773.15 to require that all parties to an informal conference be notified of any decision requiring modification of the permit application within 60 days of the close of the conference or within some other fixed appropriate period of time following the close of such conference.

2. Amend 30 CFR 773.15 to require that a final decision on the permit application be made within 150 days of the close of an informal conference or within some other fixed appropriate period of time following the close of such conference.

3. Amend the public participation rules at 30 CFR 773.13 to require that during the pendency of the permit application review process the same notification requirements be applied to persons within the permit area (the "surface effects area" in Indiana for underground mines) as to persons adjacent to the permit area.

4. Amend the right-of-entry rules at 30 CFR 778.15 to require that the permit area (the "surface effects area" in Indiana for underground mines) designated in a permit application only be allowed to include property to which the applicant has established uncontested surface rights.

5. Amend the operation and reclamation plan requirements at 30 CFR 784.11 and 784.13 to require that the applicant set forth the proposed uses of land within the permit area (the "surface effects area" in Indiana for underground mines) during the 5-year term of the permit.

On November 12, 1992, OSM published a notice in the **Federal Register** containing the petition for rulemaking and providing public comment period until December 14, 1992 (57 FR 53670).

Analysis of Requests Made by the Petitioner and Comments in Response to the Petition

This analysis addresses the requests made by the petitioner. The requests, as given in this document, have been rephrased to facilitate analysis. Each request is stated followed by applicable regulations. Comments addressing the requests are then presented along with OSM's response to each comment and an analysis of the petitioner's request. OSM's decision is then stated.

Request number 1. Petitioner requests that OSM amend the permit application rules of 30 CFR 773.15 to require that all parties to an informal conference be notified of any decision requiring modification of the permit application within 60 days of the close of the conference or within some other fixed appropriate period of time following the close of such conference.

Applicable regulations: 30 CFR 773.15 Review of permit applications. Section 773.15(a)(1) requires that "(t)he regulatory authority shall review the application for a permit, revision, or renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application and issue a written decision, within a reasonable time set by the regulatory authority, either granting, requiring modification of, or denying the application. If an informal conference is held under § 773.13(c), the decision shall be made within 60 days of the close of the conference, unless a later time is necessary to provide an opportunity for a hearing under paragraph (b)(2) of this section."

The petitioner objects to the fact that following an informal conference to which he was a party the regulatory authority did not notify him and other concerned citizens of its decision to require modification of the permit. He states that "a response should be required to be made to individuals participating in an informal conference within 60 days following the conference" or, if there is justification, a more appropriate time period. He cites section 514 of the Act as evidencing the intent to provide a reasonably quick decision on permit applications once an informal conference has been held.

Comments and analysis: One commenter stated that the request to impose a requirement that the regulatory authority respond to participants of an informal conference within 60 days has no basis in the Act. Another commenter stated that the Act does not authorize OSM to promulgate regulations requiring the regulatory authority to respond to each participant in an informal conference.

The petitioner's request that the Federal rules be amended to provide notice of informal conference decisions on permit applications to all persons party to the conference raises legitimate issues. While OSM's current regulations at 30 CFR 773.19(b)(1) require the regulatory authority to provide written notification of its final decision on the permit application to all parties to an informal conference, its regulations at 30 CFR 773.15(a) do not oblige the regulatory authority to provide the same notification to the same parties for a required modification of the permit application. Such notification was originally provided in the 1979 final permanent program regulations at 30 CFR 786.23(c) (March 13, 44 FR 15381) but dropped without explanation in the 1983 revision of OSM's regulations. (September 28, 48 FR 44371, 44395.) Accordingly, the Secretary will institute a Federal rulemaking on this subject. If a need for a rule exists, authority is provided under section 201(c)(2) of the Act.

Request number 2. The petitioner requests that OSM amend 30 CFR 773.15 to require that a final decision on the permit application be made within 150 days of the close of an informal conference or within some other fixed appropriate period of time following the close of such conference.

Applicable regulations: 30 CFR 773.15 Review of permit applications. This

request is closely allied with request number 1. The § 773.15 regulations which are described in part under request number 1. apply to this request as well.

In support of his request, the petitioner states that the uncertainty associated with having his property included in a permit application pending for over a year has had a negative impact on the property's value. Cited as principally contributing to this pendency of application is the fact that the applicant has an unlimited amount of time to respond to the modification letter sent by the regulatory authority some six months before. The petitioner contends that if a permit application is substantially inadequate at the end of some fixed time period, the regulatory authority should then deny the application and require the applicant to submit an entirely new permit application when the missing data can be provided. The petitioner further states his belief that section 514 of the Act was intended to provide for a reasonably quick decision on the permit application once an informal conference has been held.

Comments and analysis: Several commenters opposing the petition's request noted that section 510(a) of the Act leaves to each regulatory authority the discretion to place reasonable time limits on the decision to "grant, require modification of, or deny the application for a permit." Another commenter supporting the petition pointed out that, once a modification letter has been sent to an applicant, the applicant has unlimited time to respond and there is nothing requiring the process to be brought to closure to the potential detriment of third party interests. This commenter also pointed out that OSM was not overly concerned with third party interests in its 1979 rulemaking because permit decisions could be expected to occur routinely in as little as 60 to 80 days. (44 FR 15102.)

OSM agrees with the petitioner and commenters regarding the need under sections 510 and 514 of the Act to provide reasonably quick decisions on a permit application once an informal conference has been held. The Secretary's regulations at 30 CFR 773.15(a)(1) accommodate the need for an expeditious decision regarding issues raised by an informal conference and satisfy the statutory requirements. Where an informal conference is held, the rule requires a decision granting, denying, or modifying the permit application within 60 days of the close of the conference (with one minor exception unrelated to this issue). In effect, a decision requiring modification of a permit application may be construed to be a denial in part of that portion of the application required to be modified.

In its 1979 rulemaking, OSM previously considered and rejected a comment request to set further time limits for the processing of permit applications. Contrary to the characterization of commenter to the instant petition that OSM was not overly concerned with third party interests in its 1979 rulemaking, the preamble to that rule specifically stated that OSM concluded it to be in the "best interest of all parties" to allow the regulatory authority as much flexibility as possible regarding the time needed to judiciously consider the complex data often required in permit applications (44 FR 15102). As contemplated by OSM in 1979, regulatory authorities regularly require a substantial period of time to make informed decisions on increasingly large and complex administratively complete permit applications. In turn, permit applicants often legitimately require an equally substantial period of time to respond to the permit modifications imposed by the regulatory authority. In the great majority of such cases, it is in the applicant's best interests to move the permit application review process along as rapidly as possible. Required permit modifications even for the most diligently prepared permit application may reasonably take anywhere from a few months to over a year to respond to. Therefore, to require a final decision on the permit application within the 150 plus days requested by the petitioner would, in many cases, not only prevent meaningful review by the regulatory authority but also preclude meaningful compliance by the applicant to required modifications and would be contrary to the public's and petitioner's best interest.

To further require, as the petitioner requests, that a "substantially inadequate" (yet administratively complete) permit application be denied after some fixed period of time would force the applicant to later resubmit his application and start afresh the permit review process. This would unnecessarily increase the existing administrative burden of the regulatory authority and the applicant, needlessly drag out the permit application process, and further extend the uncertainty complained of by the petitioner as negatively affecting the value of his property.

On this basis, the Director is denying the petitioner's second request that OSM amend its national rules to require final decisions on the permit application be made within a fixed time period following the close of an informal conference.

Request number 3: Amend the public participation rules at 30 CFR 773.13 to require that during the pendency of the permit application review process the same notification requirements be applied to persons within the permit area (the "surface effects area" in Indiana for underground mines) as to persons adjacent to the permit area.

Applicable regulations: 30 CFR 773.13 Public participation in permit processing. These regulations track the public notice provisions of Section 513 of the Act and require that "an applicant * * * shall place an advertisement in a local newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least once a week for four consecutive weeks." The Indiana program has, in addition to counter-part notice regulations to 30 CFR 773.13, statutory requirements I 13–4. 1–4–1(a)(2) which requires the permit applicant to mail a copy of the newspaper advertisement to "owners of record of all surface and subsurface areas adjacent to any part of the permit area" and I 13–4.1–4–1(a)(3) which requires the applicant to mail copies of the newspaper advertisement "to every person who had requested notice of such applications."

The petitioner contends that persons with property within the permit area should be entitled to receive the same level information from the applicant as persons with property adjacent to the permit area. The petitioner further argues that the current situation in Indiana allows the applicant to manipulate the mailing of information to land owners by varying the size and shape of the permit area (surface effects area) so as to exclude individuals within the permit area from receiving information by mail.

Comments and analysis: Several commenters opposing the petition pointed out that the specific mailing notice requirements of the Indiana regulations go beyond the general newspaper notice requirements of the Federal regulations and that the different mailing requirements (inside the permit area vs. adjacent to the permit area) about which the petitioner objects are themselves outside the purview of OSM.

As noted above, the general Federal newspaper notice requirements of 30 CFR 773.13 track the notice provisions of section 513 of the Act. The petitioner has not provided sufficient basis for amending these regulatory provisions. The notice problem about which the petitioner complains appears to be

unique to the Indiana program. On this basis, the petitioner's third request for rulemaking is denied.

While OSM agrees with commenters that the Indiana mailing provisions provide more notice than that required by the Federal regulations, OSM does not agree with these commenters that such provisions are therefore outside the purview of OSM. Sections 201(c)(1), 503, 505, and 517 of the Act clearly charge the Secretary with the duty and give the authority to evaluate the content and administration of approved State programs. Accordingly, OSM will address this issue through its oversight of the Indiana program.

Request number 4: Amend the right-of-entry rules at 30 CFR 778.15 to require that the permit area (the "surface effects area" in Indiana for underground mines) designated in a permit application only be allowed to include property to which the applicant has established uncontested surface rights.

Applicable regulations: 30 CFR 778.15 Right-of-entry information. These regulations require that "an application shall contain a description of the documents upon which the applicant bases his legal right to enter and begin surface coal mining * * * shall state whether that right is the subject of pending litigation * * * and explain the legal rights claimed by the applicant."

The petitioner objects to the inclusion of properties in the permit area designated in a permit application when the applicant does not have surface rights to such properties. He states his firm intention of never granting to the applicant the surface rights to his own property. He also objects to the characterization of all such properties as in "pending litigation" and "surface rights pending" as implying that the properties have been sold or will be sold to the applicant. The petitioner further states his belief that it is the intent of sections 507(b)(8) and 507(b)(9) of the Act to prevent the conditions to which he objects.

Comments and analysis: Several commenters opposing the petition argued for continuation of the current Indiana practice of allowing "uncontrolled" property in the permit area designated in the application. As used here and elsewhere in this document, the term "uncontrolled property" means property for which the applicant does not have uncontested right of entry. These commenters feel that allowing uncontrolled property to be included in the permit area enables the creation of a logical unit from which projection of environmental impact can more accurately and easily be made. They also asserted that this practice accommodates the realities of the real estate market where it is not always possible nor prudent to acquire property rights long in advance of actual mining. These commenters pointed out that approval of a permit with uncontrolled property does not constitute the right to mine such property until the surface rights are acquired. They suggested that if particular surface rights are in dispute, the regulatory authority could condition the permit to preclude mining until the rights are resolved.

Another commenter opposing the practice of including uncontrolled property in the permit area stated that "(o)wnership of the rights is supposed to be a prerequisite, not an after-thought * * * I would be very upset if the State granted someone else a permit to mine my coal, if they can later gain my consent."

In response, section 507(b)(8) of the Act is not germane to the petitioner's fourth request. Section 507(b)(9) is more to the point and states "the applicant shall file with the regulatory authority on an accurate map or plan, to an appropriate scale, clearly showing the land to be affected as of the date of the application, the area of land within the permit area upon which the applicant has the legal right to enter and commence surface mining operations and shall provide to the regulatory authority a statement of those documents upon which the applicant bases his legal right to enter and commence surface mining operations on the area affected, and whether that right is the subject of pending court litigation: *Provided,* That nothing in this Act shall be construed as vesting in the regulatory authority the jurisdiction to adjudicate property title disputes."

It is OSM's practice under its Federal and Indian lands programs to allow inclusion in the permit application of land for which the applicant can not establish uncontested right-of-entry but to prohibit inclusion of such land in the permit at its time of issuance. OSM believes this practice strikes a reasonable balance between unnecessarily burdening the legitimate mining industry and protecting the rights of landowners. OSM's practice is not replicated by State programs, however. On this basis and in partial response to the issues raised by the petitioner, OSM will initiate a rulemaking proceeding which will address the issue of inclusion of land in the approved permit for which the applicant does not have right-of-entry.

Request number 5: Amend the operation and reclamation plan requirements at 30 CFR 784.11 and 784.13 to require that the applicant set forth the proposed uses of land within the permit area (the "surface effects area" in Indiana for underground mines) during the 5-year term of the permit.

Applicable regulations: § 784.11 Operation plan: General requirements. Section 784.13 Reclamation plan: General requirements. Section 784.11 requires that "(e)ach application shall contain a description of the mining operation proposed to be conducted during the life of the mine within the proposed permit area, including, at a minimum, the following: * * * coal mining procedures * * * equipment to be used * * * construction, modification, use, maintenance, and removal of * * * dams * * * overburden and topsoil handling and storage areas * * * coal processing waste", etc. Section 784.13 requires analogous information for the reclamation plan including a detailed timetable for the completion of each major step in the reclamation plan.

Comments and analysis: No commenters addressed this issue. The proposed land use information requested by the petitioner is already required to be included in a mining permit on a life of mine basis by §§ 784.11 and 784.13. OSM believes that breaking out this information into consecutive 5-year permit terms represents an unnecessary burden to the applicant and would not provide tangible benefit to other parties. On this basis, the petitioner's fifth request is denied.

Other Issues Raised by Commenters But Not Included in the Petition

Two commenters noted that permit applications may be revised subsequent to the informal conference with no mechanism for public comment. One commenter believes that revisions should be made available to the public at the place of public filing, and that comments should be accepted concerning such revisions up to the time of the final decision. The commenter believes this can be accomplished under existing regulations by a change in policy. Another commenter noted this lack of a specific mechanism to comment on a modified permit application as a weakness in the regulations protection of landowner's rights.

In response to these comments, OSM notes that when an application is revised responsive to required modifications, the regulatory authority already has sufficient authority under its approved program to require, as appropriate, readvertisement of the

application and opportunity for public comments.

Two commenters raised issues peripheral to the petitioner's request. One commented as to an alleged problem with another state program. The second expressed concerns about the protection of surface and near surface property rights in coal producing states particularly as such rights are affected by subsidence. Both of the issues addressed by these commenters fall outside the scope of this petition. The comments will, however, be forwarded to appropriate offices within OSM. The subsidence comment will be placed in the administrative record of the subsidence related rulemaking required by OSM under section 2504(a) of the National Energy Policy Act of 1992, Public Law 102–486.

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BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 166 and 167

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 935, 936, 942 and 944

[CGD 93–044]

Port Access Routes Off the Coast of California; Vessel Traffic Regulations for Offshore California National Marine Sanctuaries

AGENCIES: Coast Guard, DOT; National Oceanic and Atmospheric Administration, DOC.

ACTION: Notice of study.

SUMMARY: The Coast Guard and the National Oceanic and Atmospheric Administration (NOAA) are conducting a study to evaluate the need for vessel routing measures in the approaches to California ports and the need for measures to regulate vessel traffic in the offshore California national marine sanctuaries to protect sanctuary resources. As a result of the study, new or modified vessel routing measures or new or modified vessel traffic regulations for the sanctuaries may be proposed in the **Federal Register** if such measures are found necessary. This notice invites information and comments from persons who have an interest in the safe routing of vessels and protection of environmental resources in the study area.

DATES: Comments must be received on or before November 22, 1993.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 93–044), U.S. Coast Guard Headquarters, 2100 Second Street, SW. Washington, DC 20593–0001 or comments may be delivered to room 3406 at the same address between the hours of 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 notice. 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: Margie G. Hegy, Project Manager, U.S. Coast Guard, Office of Navigation Safety and Waterway Services, (202) 267–0415; Lieutenant (junior grade) Walter Grudzinski, Eleventh Coast Guard District (oan), (310) 980–4300 Ext. 501; Commander Larry F. Simoneaux, NOAA Corps Sanctuaries Coordinator, (206) 526–4295; or Commander Terry D. Jackson, Sanctuary Manager, Monterey Bay National Marine Sanctuary, (408) 647–4201

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard and NOAA are interested in receiving information and opinions from persons who have an interest in safe routing of vessels and protection of environmental resources in the study area. The public is invited to comment, and to identify and support with documentation or other reasons, any positive or negative effects that could result from either further regulation or accepting the status quo with regard to vessel traffic within the study area.

In addition to addressing the specific questions asked herein, comments from the maritime community, offshore development concerns, environmental groups and any other interested parties are requested. All comments and supporting information will be considered in the study and development of any regulatory proposals. Persons submitting comments should include their names and addresses, and identify this notice (CGD 93–044). All comments and attachments should 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 acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Background and Purpose

The 1978 amendments to the Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1223(c), require that a port access route study be conducted prior to establishing or adjusting a traffic separation scheme (TSS). The port access route study determines the need for TSSs or shipping safety fairways to increase vessel traffic safety in areas subject to the jurisdiction of the United States. The Coast Guard initiated the first port access route study (which included the California coast) by publishing a Notice of Proposed Study on April 16, 1979 (44 FR 22543).

For the purposes of the first port access route study, the U.S. coastline was divided into 32 geographically defined areas. Study area 22 included the coast of southern California and was assigned to the Eleventh Coast Guard District (Long Beach, CA). Study areas 23 to 25 included the central and northern California coast and were assigned to the former Twelfth Coast Guard District (San Francisco, CA). Through public participation and government agency consultation, the study evaluated potential traffic density patterns, waterways use conflicts, and the need for safe access routes in offshore areas.

The study results for the coast of southern California (area 22) were published on June 24, 1982 (47 FR 27430). An additional study of the Port Access Routes, Northern Approach to Santa Barbara Channel, was announced on July 26, 1984 (49 FR 30078), with results of that study published on December 5, 1985 (50 FR 49861).

The study results for the central and northern coast of California (areas 23–25) were published on October 14, 1982 (47 FR 46043). An additional study on Port Access Routes, Entrance to San Francisco Bay was announced on December 17, 1984 (49 FR 48949), and the study results were published on May 8, 1986 (51 FR 17071).

The port access route studies recommended amendments to the TSSs off the coast of California and the designation of new shipping safety fairways to establish a comprehensive safe routing system for vessels proceeding to, from, or between the ports of San Francisco and Los Angeles-Long Beach. The Coast Guard published a proposed rule in the **Federal Register** on April 27, 1989 (54 FR 18258) to implement the study recommendations. However, after public hearings and extensive written comments opposing

the shipping safety fairway portion of the proposal, the Coast Guard intends to withdraw that portion of the proposal and restudy the area to determine what routing measures are needed. Such review is consistent with the Coast Guard's responsibilities under the National Marine Sanctuaries Program Amendments Act of 1992 (pub. L. 102–587).

On November 4, 1992, the President signed into law Public Law 102–587, title II of which is the National Marine Sanctuaries Program Amendments Act of 1992. Section 2203(d) of that act requires that within 18 months after the date of enactment of this act, the Secretary of Commerce and the Secretary of Transportation, in consultation with the State of California and with adequate opportunity for public comment, report to Congress on measures for regulating vessel traffic in the Monterey Bay National Marine Sanctuary if it is determined that such measures are necessary to protect sanctuary resources. NOAA has determined that a vessel traffic study would also be useful with regard to the other three offshore California national marine sanctuaries.

A number of vessel routing measures exist in the study area to mitigate navigation safety problems identified through the port access route study process. A "traffic separation scheme" (TSS) is an internationally recognized routing measure that minimizes the risk of collision by separating vessels into opposing streams of traffic through the establishment of traffic lanes. Vessel use of a TSS is voluntary; however, vessels operating in or near an IMO approved TSS are subject to Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

A "precautionary area" is a routing measure comprising an area within defined limits where ships must navigate with particular caution. Direction of traffic flow may be recommended within a precautionary area.

An "area to be avoided" is a voluntary routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties. All ships, or certain classes of ships may be advised to avoid the area.

A "shipping safety fairway" is a lane or corridor in which no fixed structures, either temporary or permanent, are permitted. Shipping safety fairways are routing measures which provide safe port access routes for vessels where the primary risk to vessels is collision with offshore structures. Vessel use of shipping safety fairways is voluntary and the direction of traffic flow within a shipping safety fairway may be recommended.

Study Area

The study area is bounded by a line connecting the following geographic positions (all coordinates in this notice are shown in North American 1983 datum, unless otherwise indicated):

Latitude	*Longitude*
38°20′ N	123°04′ W
38°20′ N	123°40′ W
37°30′ N	123°40′ W
36°37′ N	123°15′ W
33°52′ N	121°19′ W
33°08′ N	119°34′ W
33°13′ N	118°11′ W
33°28′ N	118°11′ W
33°28′ N	117°41′ W

The study area includes the waters of the Monterey Bay, Cordell Bank, Gulf of the Farallones, and Channel Islands National Marine Sanctuaries as well as the existing traffic separation schemes and precautionary areas off California.

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431 et seq., as amended, authorizes the Secretary of Commerce to designate discrete marine areas of special national significance as national marine sanctuaries. The purpose is to promote comprehensive, long-term protection and management of the special conservation, ecological, historical, recreational, research, educational and aesthetic resources of such areas.

National marine sanctuaries may be designated in coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law. NOAA administers the National Marine Sanctuary Program through the Sanctuaries and Reserves Division (SRD), in the Office of Ocean and Coastal Resource Management (OCRM).

The Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries are located along the central California coast. The Cordell Bank National Marine Sanctuary is located approximately 20 nautical miles due west of Point Reyes, California and is approximately 9.5 nautical miles long and approximately 4.5 nautical miles wide. The Gulf of the Farallones National Marine Sanctuary, which abuts the Cordell Bank National Marine Sanctuary, is located approximately 26 nautical miles west of the Golden Gate Bridge, with an outer boundary approximately 12 nautical miles around the Farallon Islands, approximately 6 nautical miles off Point Reyes Peninsula between Bodega Head and Rocky Point. The Monterey Bay National Marine Sanctuary extends from the Gulf of the Farallones National Marine Sanctuary near San Francisco, south past San Simeon to Cambria Rock and from the high tide mark, up to approximately 50 nautical miles seaward. The Channel Islands National Marine Sanctuary is located southwest of Santa Barbara and encompasses the waters within approximately 6 nautical miles around the northern Channel Islands and Santa Barbara Island. The precise boundaries of the four sanctuaries are:

Latitude	*Longitude*
Monterey Bay National Marine Sanctuary	
37°52′56.09055″ N	122°37′39.12564″ W
37°39′59.06176″ N	122°45′3.79307″ W
37°36′58.39164″ N	122°46′9.73871″ W
37°34′17.30224″ N	122°48′14.38141″ W
37°31′47.55649″ N	122°51′35.56769″ W
37°30′34.11030″ N	122°54′22.12170″ W
37°29′39.05866″ N	123°00′27.70792″ W
37°30′29.47603″ N	123°05′46.22767″ W
37°31′17.66945″ N	123°07′47.63363″ W
37°27.10.93594″ N	123°08′24.32210″ W
37°20′35.37491″ N	123°07′54.12763″ W
37°13′50.21805″ N	123°06′15.50600″ W
37°07′48.76810″ N	123°01′43.10994″ W
37°03′46.60999″ N	122°54′45.39513″ W
37°02′06.30955″ N	122°46′35.02125″ W
36°55′17.56782″ N	122°48′21.41121″ W
36°48′22.74244″ N	122°48′56.29007″ W
36°41′30.91516″ N	122°48′19.40739″ W
36°34′45.76070″ N	122°46′26.96772″ W
36°28′24.18076″ N	122°43′32.43527″ W
36°22′20.70312″ N	122°39′28.42026″ W
36°16′43.93588″ N	122°34′26.77255″ W
36°11′44.53838″ N	122°28′37.16141″ W
36°07′26.88988″ N	122°21′54.37541″ W
36°04′07.08898″ N	122°14′39.75924″ W
36°01′28.22233″ N	122°07′00.19068″ W
35°59′45.46381″ N	121°58′56.36189″ W
35°58′59.12170″ N	121°50′26.47931″ W
35°58′53.63866″ N	121°45′22.82363″ W
35°55′45.60623″ N	121°42′40.28540″ W
35°50′15.84256″ N	121°43′09.20193″ W
35°43′14.26690″ N	121°42′43.79121″ W
35°35′41.88635″ N	121°41′25.07414″ W
35°33′11.75999″ N	121°37′49.74192″ W
35°33′17.45869″ N	121°05′52.89891″ W
37°35′39.73180″ N	122°31′14.96033″ W
37°36′49.21739″ N	122°37′00.22577″ W
37°46′00.98983″ N	122°39′00.40466″ W
37°49′05.69080″ N	122°31′46.30542″ W
Cordell Bank National Marine Sanctuary	
38°15′51.72″ N	123°10′52.44″ W
38°07′55.88″ N	123°38′33.53″ W
38°06′45.21″ N	123°38′00.40″ W
38°04′58.41″ N	123°37′14.34″ W
38°04.28.22″ N	123°37′17.83″ W
38°03′42.75″ N	123°36′55.66″ W
38°03′11.10″ N	123°36′19.78″ W
38°02′46.12″ N	123°36′21.98″ W
37°02′02.74″ N	123°35′56.56″ W
38°01′27.10″ N	123°35′55.12″ W
38°01′22.28″ N	123°36′55.13″ W
38°01′11.54″ N	123°37′28.21″ W
38°00′49.16″ N	123°37′29.77″ W
37°59′54.49″ N	123°36′47.90″ W
37°59′12.39″ N	123°35′59.55″ W
37°58′39.40″ N	123°35′14.85″ W
37°58′00.87″ N	123°34′42.93″ W
37°57′18.99″ N	123°33′43.15″ W
37°56′56.42″ N	123°32′51.97″ W
37°56′18.90″ N	123°32′49.24″ W
37°55′22.37″ N	123°32′36.96″ W
37°54′26.10″ N	123°32′21.73″ W
37°53′07.46″ N	123°31′46.81″ W

37°52'34.93" N	123°31'18.90" W
37°51'42.81" N	123°31'19.10" W
37°50'59.58" N	123°31'02.96" W
37°48'49.14" N	123°28'44.61" W
37°49'22.64" N	123°29'34.07" W
37°48'49.14" N	123°28'44.61" W
37°48'36.95" N	123°28'08.29" W
37°48'03.37" N	123°28'23.27" W
37°47'41.54" N	123°28'01.97" W
37°47'01.78" N	123°27'16.78" W
37°46'51.92" N	123°26'48.98" W
37°46'13.20" N	123°26'04.79" W
37°46'00.73" N	123°25'36.99" W
37°50'25.31" N	123°25'26.53" W
37°54'32.28" N	123°23'16.49" W
37°57'45.71" N	123°19'17.72" W
37°59'29.27" N	123°14'12.16" W
37°59'43.71" N	123°08'27.55" W
38°03'10.20" N	123°07'44.35" W
38°04'01.64" N	123°06'58.92" W
38°08'33.32" N	123°04'56.24" W
38°12'42.06" N	123°07'10.21" W

Above coordinates are shown in North American 1927 Datam

Channel Islands National Marine Sanctuary—Northern Channel Islands Section

33°56'28.959" N	119°16'23.800" W
33°58'03.919" N	119°14'56.964" W
34°01'33.846" N	119°14'07.740" W
34°04'24.203" N	119°15'21.308" W
34°06'06.653" N	119°17'27.002" W
34°06'54.809" N	119°19'46.046" W
34°06'57.988" N	119°23'24.905" W
34°06'51.627" N	119°24'04.198" W
34°07'01.640" N	119°25'40.819" W
34°06'59.904" N	119°26'50.959" W
34°08'02.002" N	119°28'47.501" W
34°08'17.693" N	119°29'27.698" W
34°08'52.234" N	119°30'39.562" W
34°09'16.780" N	119°35'22.667" W
34°09'05.106" N	119°36'41.694" W
34°08'02.782" N	119°09'33.421" W
34°08'46.870" N	119°41'48.621" W
34°09'35.563" N	119°45'57.284" W
34°09'32.627" N	119°46'37.335" W
34°09'33.396" N	119°47'32.285" W
34°09'43.668" N	119°48'09.018" W
34°10'10.616" N	119°50'07.659" W
34°10'21.586" N	119°51'05.146" W
34°19'33.161" N	119°53'17.044" W
34°10'36.545" N	119°55'57.373" W
34°10'21.283" N	119°57'26.403" W
34°08'07.255" N	120°01'07.233" W
34°08'13.144" N	120°02'27.930" W
34°07'47.772" N	120°05'05.449" W
34°07'29.314" N	120°06'36.262" W
34°07'30.691" N	120°09'35.238" W
34°06'36.285" N	120°12'39.335" W
34°06'40.634" N	120°13'33.940" W
34°08'10.759" N	120°15'07.017" W
34°09'12.290" N	120°17'07.046" W
34°09'50.706" N	120°17'31.649" W
34°10'56.346" N	120°18'40.520" W
34°11'28.249" N	120°19'29.213" W
34°12'08.078" N	120°21'00.835" W
34°12'25.468" N	120°25'01.261" W
34°12'18.754" N	120°25'39.373" W
34°11'33.184" N	120°27'33.921" W
34°12'19.470" N	120°30'22.620" W
34°12'17.540" N	120°32'19.959" W
34°10'54.592" N	120°35'57.887" W
34°06'07.491" N	120°38'27.883" W
34°04'53.454" N	120°38'16.602" W
34°03'30.539" N	120°37'39.442" W
34°01'09.860" N	120°35'04.808" W
34°00'48.573" N	120°34'25.106" W
33°59'13.122" N	120°33'53.385" W
33°57'01.427" N	120°31'54.590" W
33°55'36.973" N	120°27'37.188" W
33°55'30.037" N	120°23'14.007" W
33°54'50.522" N	120°22'29.536" W
33°55'01.640" N	120°19'26.722" W
33°54'34.409" N	120°18'27.344" W
33°53'23.129" N	120°17'39.927" W
33°50'39.990" N	120°15'13.874" W
33°49'53.260" N	120°13'41.904" W
33°49'03.437" N	120°12'06.750" W
33°48'36.087" N	120°11'10.821" W
33°47'39.280" N	120°07'59.707" W
33°47'37.617" N	120°06'04.002" W
33°47'59.351" N	120°04'08.370" W
33°48'38.700" N	120°02'33.188" W
33°48'52.187" N	120°01'50.244" W
33°50'28.488" N	119°57'60.820" W
33°50'66.128" N	119°56'19.934" W
33°63'13.333" N	119°52'53.439" W
33°52'04.800" N	119°52'10.719" W
33°51'30.818" N	119°47'21.152" W
33°51'48.592" N	119°48'13.213" W
33°51'35.798" N	119°44'34.689" W
33°51'44.374" N	119°41'12.735" W
33°52'23.857" N	119°38'14.708" W
33°53'08.385" N	119°37'30.706" W
33°53'12.754" N	119°35'35.780" W
33°53'17.114" N	119°34'64.587" W
33°53'38.885" N	119°32'51.578" W
33°84'02.277" N	119°31'08.274" W
33°54'58.444" N	119°20'54.052" W
33°54'39.349" N	119°27'37.512" W
33°54'15.235" N	119°25'23.779" W
33°54'07.547" N	119°24'22.849" W
33°54'04.662" N	119°22'68.006" W
33°04'14.311" N	119°21'44.573" W
33°54'22.024" N	119°21'09.003" W
33°04'46.994" N	119°19'54.577" W
33°55'95.934" N	119°19'16.027" W

Santa Barbara Island Section

33°28'50.904" N	119°10'04.092" W
33°28'32.064" N	119°10'01.325" W
33°24'19.904" N	119°06'52.239" W
33°23'26.019" N	119°07'54.826" W
33°22'04.835" N	119°05'18.710" W
33°21'49.387" N	119°04'01.551" W
33°21'44.534" N	119°02'40.857" W
33°21'49.588" N	119°01'37.839" W
33°22'07.030" N	118°59'49.357" W
33°28'27.774" N	118°58'51.623" W
33°22'47.067" N	118°58'07.833" W
33°23'20.808" N	118°57'14.375" W
33°24'18.458" N	118°58'08.450" W
33°28'24.130" N	118°54'51.352" W
33°29'02.820" N	118°54'22.276" W
33°51'27.917" N	118°54'50.367" W
33°32'17.935" N	118°55'18.398" W
33°35'10.090" N	118°59'40.091" W
33°35'24.575" N	119°01'22.108" W
33°35'08.497" N	119°03'09.463" W
33°34'08.322" N	119°05'03.374" W
33°32'37.151" N	119°08'37.701" W
33°30'41.731" N	119°09'45.846" W

Coordinates are shown in North American 1927 Datum

Gulf of the Farallones National Marine Sanctuary

38°15'50.349" N	123°10'48.933" W
38°12'00.006" N	123°07'04.846" W
38°00'57.000" N	120°05'27.405" W
38°08'28.872" N	120°04'32.584" W
38°07'42.136" N	123°06'10.714" W
38°06'02.017" N	122°08'49.920" W
38°05'28.785" N	123°08'00.922" W
38°06'66.587" N	123°08'29.251" W
38°03'54.438" N	123°08'57.681" W
38°03'07.527" N	123°07'37.735" W
37°59'32.425" N	123°08'24.905" W
37°59'22.344" N	123°14'06.127" W
37°57'31.931" N	123°19'19.187" W
37°54'16.943" N	123°23'18.456" W
37°50'05.522" N	123°25'28.791" W
37°45'33.799" N	123°25'32.686" W
37°41'20.351" N	123°23'29.811" W
37°38'01.053" N	123°19'37.445" W
37°38'04.685" N	123°14'30.483" W
37°36'30.191" N	123°13'31.060" W
37°33'47.197" N	123°11'50.804" W
37°31'12.270" N	123°07'39.515" W
37°30'28.708" N	123°05'42.221" W
37°29'39.287" N	123°00'23.711" W
37°30'34.337" N	122°54'18.138" W
37°31'47.764" N	122°51'31.582" W
37°34'17.583" N	122°45'10.415" W
37°35'58.627" N	122°48'06.779" W
37°38'58.303" N	122°44'59.038" W
37°38'56.085" N	122°07'35.105" W

All coordinates are in North American 1927 Datum.

The traffic separation scheme off San Francisco consists of four parts, an area to be avoided, and a precautionary area as described below:

Part I: Northern Approach

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
37°48.4' N	122°47.6' W
37°56.7' N	123°03.7' W
37°55.2' N	123°04.9' W
37°47.7' N	122°48.2' W

(b) A traffic lane for north-westbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
37°49.2' N	122°46.7' W
37°58.0' N	123°02.7' W

(c) A traffic lane for south-eastbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
37°53.9' N	123°06.1' W
37°46.7' N	122°48.7' W

Part II: Southern Approach

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
37°39.0' N	122°41.4' W
37°00.0' N	122°34.7' W
37°00.0' N	122°32.1' W
37°39.2' N	122°39.8' W

(b) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
37°00.0' N	122°30.9' W
37°39.3' N	122°38.7' W

(c) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
37°39.0' N	122°42.5' W
37°00.0' N	122°36.0' W

Part III: Western Approach

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
37°41.9' N	122°48.0' W
37°38.1' N	122°58.1' W
37°36.5' N	122°57.3' W

37°41.1′ N 122°47.2′ W

(b) A traffic lane for south-westbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°42.8′ N	122°48.5′ W
37°38.6′ N	122°58.8′ W

(c) A traffic lane for north-eastbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
37°35.0′ N	122°56.5′ W
37°40.4′ N	122°46.3′ W

Part IV: Main Ship Channel

(a) A separation line connecting the following geographical positions:

Latitude	Longitude
37°45.9′ N	122°38.0′ W
37°47.0′ N	122°34.3′ W
37°48.1′ N	122°31.0′ W

(b) A traffic lane for eastbound traffic between the separation line and a line connecting the following geographical positions:

Latitude	Longitude
37°45.8′ N	122°37.7′ W
37°47.8′ N	122°30.8′ W

(c) A traffic lane for westbound traffic between the separation line and a line connecting the following geographical positions:

Latitude	Longitude
37°46.2′ N	122°37.9′ W
37°46.9′ N	122°35.3′ W
37°48.5′ N	122°31.3′ W

Area To Be Avoided

A circular area with a radius of half a mile, centered upon geographical position 37°45.0′ N and 122°41.5′ W.

Precautionary Area

A precautionary area bounded to the west by an arc of a circle radius 6 miles centered upon geographical position 37°45.0′ N, 122°41.5′ W and between the following geographical positions:

Latitude	Longitude
37°42.7′ N	122°34.6′ W
37°50.2′ N	122°37.9′ W

and bounded to the east by a line connecting the following geographical positions:

Latitude	Longitude
37°42.7′ N	122°34.6′ W
37°45.9′ N	122°38.0′ W
37°50.2′ N	122°37.9′ W

The traffic scheme separation scheme in the Santa Barbara Channel is as follows:

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
34°20.90′ N	120°30.10′ W
34°04.00′ N	119°15.90′ W
33°44.90′ N	118°35.70′ W
33°43.20′ N	118°36.90′ W
34°02.20′ N	119°17.40′ W
34°18.90′ N	120°30.90′ W

(b) A traffic lane for north-westbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
34°21.80′ N	120°29.90′ W
34°04.80′ N	119°15.10′ W
33°45.80′ N	118°35.10′ W

(c) A traffic lane for south-eastbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°42.30′ N	118°37.50′ W
34°01.40′ N	119°18.20′ W
34°18.00′ N	120°31.10′ W

A shipping safety fairway, the Port Hueneme Fairway in the approach to Port Hueneme as follows:

Latitude	Longitude
34°06.30′ N	119°15.00′ W
34°07.37′ N	119°14.25′ W
34°08.49′ N	119°13.21′ W

Thence generally along the 30-foot-depth curve to the seaward end of the west entrance jetty; seaward end of the east entrance jetty, thence generally along the 30-foot-depth curve to:

Latitude	Longitude
34°08.21′ N	119°12.15′ W
34°07.10′ N	119°13.20′ W
34°05.48′ N	119°13.23′ W

The traffic separation scheme in the Approaches to Los Angeles-Long Beach consists of two parts:

Part I: Western Approach

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
33°39.7′ N	118°17.6′ W
33°38.7′ N	118°17.6′ W
33°38.7′ N	118°27.6′ W
33°43.2′ N	118°36.9′ W
33°44.9′ N	118°35.7′ W
33°39.7′ N	118°24.9′ W

(b) A traffic lane for northbound coastwise traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°40.7′ N	118°17.6′ W
33°40.7′ N	118°24.6′ W
33°45.8′ N	118°35.1′ W

(c) A traffic lane for southbound coastwise traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°37.7′ N	118°17.6′ W
33°37.7′ N	118°28.0′ W
33°42.3′ N	118°37.5′ W

Part II: Southern Approach

(a) A separation zone by a line connecting the following geographical positions:

Latitude	Longitude
33°37.7′ N	118°07.7′ W
33°20.0′ N	118°02.2′ W
33°19.5′ N	118°04.6′ W
33°37.7′ N	118°10.1′ W

(b) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°37.7′ N	118°11.3′ W
33°19.1′ N	118°06.3′ W

(c) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°37.7′ N	118°06.5′ W
33°20.3′ N	118°00.5′ W

Precautionary Area as Follows

The Los Angeles-Long Beach Precautionary Area consists of the water area enclosed by the Los Angeles-Long Beach breakwater and a line connecting Point Fermin Light at 33°42.3′ N, 118°17.6′ W with the following geographical positions:

Latitude	Longitude
33°37.7′ N	118°17.6′ W
33°37.7′ N	118°06.5′ W
33°43.4′ N	118°10.8′ W

Issues

The Department of Commerce is authorized by Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (MPRSA), 16 U.S.C. 1431 et seq., to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to develop and implement coordinated plans for the protection and management of those areas with appropriate Federal agencies, State and local governments, and other public and private interests concerned with the continuing health and resilience of these areas. This authority has been delegated to NOAA. Resource protection is the primary objective of title III of the MPRSA.

Further, in order to provide safe access routes for movement of vessel traffic proceeding to and from U.S. ports, the PWSA directs the Secretary of Transportation to undertake a study of potential traffic density and the need for

safe access routes for vessels. It has been ten years since the last port access route study was conducted off the California coast. During that time, traffic patterns, traffic volumes, waterway uses and users have undoubtedly changed. In addition, the Monterey Bay and Cordell Bank National Marine Sanctuaries were designated.

Vessel traffic either entering or departing San Francisco Bay must transit the waters of the Gulf of the Farallones National Marine Sanctuary. If northbound after departure, they may also transit the waters of the Cordell Bank National Marine Sanctuary. If southbound after departure from San Francisco Bay, vessels may transit the waters of either or both the Monterey Bay or the Channel Islands National Marine Sanctuaries depending on their track line. This study will include all vessel traffic within the study area previously defined, including vessel traffic within the four national marine sanctuaries. For the purposes of this study, vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

This notice specifically requests comments and supporting documentation to help identify the waterway users and on the following relevant factors concerning navigation and vessel safety and protection of the marine environment:

a. The scopes and natures of risks or hazards and the locations;

b. Vessel characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

c. Port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

d. The proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

e. Environmental effects, particularly on national marine sanctuary resources;

f. Economic effects; and

g. Local practices and customs, including voluntary arrangements and agreements within the maritime community.

Procedural Requirements

During the study, the Coast Guard and NOAA will consult with the state of California, Federal and State agencies and consider the views of representatives of the maritime community, port and harbor authorities or associations, environmental groups, and other parties who may be affected.

In accordance with 33 U.S.C. 1223(c), the Coast Guard will, to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved, ensuring that the interests of all affected parties are considered. These uses include, as appropriate, the exploration for, or exploitation of, oil, gas or other mineral resources; the construction or operation of deepwater ports or other structures; the establishment or operation of marine sanctuaries or national estuarine research reserves; and activities involving recreational or commercial fishing. The Coast Guard will also lend its experience in the areas of vessel traffic management, navigation, shiphandling, the effects of weather, and prior analysis of regional traffic densities.

The results of this study will be published in the **Federal Register** and used as the basis for a Report to Congress on the need for vessel traffic regulations for the Monterey Bay National Marine Sanctuary to protect sanctuary resources. If it is determined that new or amended routing measures or new or amended vessel traffic regulations are needed, a notice of proposed rulemaking will be published. The study should be completed by December 31, 1993.

Dated: August 17, 1993.

W. J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93–20456 Filed 8–23–93; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Part 361

The State Vocational Rehabilitation Services Program; Development of Evaluation Standards and Performance Indicators

AGENCY: Department of Education.

ACTION: Notice of public meeting.

SUMMARY: The Secretary announces a public meeting to assist in the development of evaluation standards and performance indicators for The State Vocational Rehabilitation Services Program.

The purpose of the meeting is to provide an opportunity for public comment on the following 10 issues related to the development and implementation of evaluation standards and performance indicators as required by section 106 of the Rehabilitation Act, as amended by the Rehabilitation Act Amendments of 1992 (Pub. L. 102–569).

DATES: The public meeting is to be held on September 23, 1993. Written comments must be submitted by September 30, 1993.

ADDRESSES: Individuals who cannot attend the meeting are invited to send written comments regarding the issues identified in this notice to William L. Smith, Acting Commissioner, Department of Education, 400 Maryland Avenue, SW., room 3028, Switzer Building, Washington, DC 20202–2531.

FOR FURTHER INFORMATION CONTACT: Persons desiring to participate in the public meeting or seeking additional information should contact Beverlee Stafford, 400 Maryland Avenue, SW., room 3028, Switzer Building, Washington, DC 20202–2531. Telephone: (202) 205–9331. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–5538.

SUPPLEMENTARY INFORMATION: A notice of intent to regulate was published in the **Federal Register** on February 19, 1993 (58 FR 9458). The notice provided examples of possible evaluation standards and performance indicators. Sixty-two parties submitted comments in response to that notice. Based on those comments, the Secretary has identified the following new issues on which the Secretary is interested in taking additional public comment before proceeding to publish a notice of proposed rulemaking.

(1) Treatment of Agencies That Serve Only Individuals Who Are Blind or Visually Impaired

State vocational rehabilitation agencies that serve only individuals who are blind or visually impaired are significantly different in size, organizational structure, caseload characteristics, and client outcomes than State vocational rehabilitation agencies that serve individuals with all types of disabilities. Because of these differences, should separate standards and indicators be developed for State vocational rehabilitation agencies that provide services only to individuals who are blind or visually impaired? If so, what should those standards and indicators be? If the same standards and indicators are used, should different weights or performance levels be established for agencies that serve only individuals who are blind or visually impaired?

(2) Use of Client Assistance Program (CAP) and Protection and Advocacy (P&A) Data in Assessing Consumer Satisfaction

Is it useful to consider data collected by CAP or P&A programs under an evaluation standard that would assess consumer satisfaction with services from a State vocational rehabilitation agency? Would this information also be relevant to a possible evaluation standard that would assess equal access to services for individuals with disabilities from traditionally unserved or underserved populations, including minorities? If so, how might the Secretary approach collecting and analyzing these data?

(3) Outreach to Unserved and Underserved Populations

If the Secretary were to propose a standard on equal access to services, should outreach efforts to traditionally unserved or underserved populations, including minorities, be considered? If so, how could outreach efforts be measured uniformly among States?

(4) Valuation of Comparable Services and Benefits

How can the value of comparable services and benefits, as documented in Individualized Written Rehabilitation Programs (IWRPs), be assessed uniformly under an evaluation standard that considers the effective use of total resources by State vocational rehabilitation agencies in relation to client outcomes? Do State agencies currently collect data on the dollar value of comparable services and benefits? If not, would it be burdensome for State agencies to begin collecting and reporting this information?

(5) Limits on Administrative Costs

Should there be a performance indicator that establishes a maximum range or optimum level (e.g., percentage of total expenditures) for administrative costs in a State agency under an evaluation standard that assesses the effective use of resources? If so, how can administrative costs be defined to separate clearly administrative expenses from the costs of services provided to individuals? What definitional changes are needed to ensure that administrative costs are reported in a uniform manner by all States?

(6) Adjusting for Differences in Agency Caseloads

There is some agreement that the percentage of individuals with severe disabilities is not a reliable indicator of differences in agency caseloads with respect to the relative difficulty or costs of achieving successful rehabilitations. Adjustments for such differences are essential if agencies are to be evaluated equitably with respect to rehabilitation rates or average costs-per-rehabilitation. What general approaches could accomplish this? In particular, does a functional assessment approach offer a means for solving this problem?

(7) Timeliness of Service Initiation

Consistent with the intent of the 1992 Amendments to streamline access to services for individuals with disabilities, is there a need to establish a time limit in program regulations for the period from determination of eligibility to the initiation of services, or should timeliness in the rehabilitation process be treated as a performance indicator rather than a compliance requirement? If a time requirement for initiating services is established as a performance indicator, what adjustments would be needed for State agencies operating under an order of selection in relation to waiting lists for eligible individuals in non-priority services categories? What possible adjustments might be made for justifiable delays in service initiation, such as the start of a new school term or delays requested by the eligible individual?

(8) High Quality Employment Outcomes

While public comment generally supported the concept of an evaluation standard for high quality employment outcomes, the collection of data on jobs with promotional potential may not be feasible on the basis of current data collection. Is there a mechanism available through the analysis of occupational codes, as defined in the Dictionary of Occupational Titles, or other sources, that would provide this information without placing an undue information collection burden on State agencies?

(9) Follow-up Surveys

If the Secretary proposes an evaluation standard on long-term retention of benefits, should State agencies be required to conduct follow-up for a statistically significant sample of individuals at various points after case closure? If so, what would be the most appropriate time or times for that post-closure follow-up (e.g., 6 months, 12 months, 18 months)?

(10) Adjustments for Local Economic Conditions

There is considerable agreement that differences in local economic conditions should be considered in evaluating employment outcomes for vocational rehabilitation clients. How should the local areas be defined? In particular, what would be the validity of using the 183 economic areas defined by the Bureau of Economic Analysis, U.S. Department of Commerce? (Information on the 183 economic areas can be obtained by calling (202) 205–9331.) How burdensome would it be to report case closures by local economic areas?

Meeting Information

The public meeting is scheduled to be held from 10 a.m. to 3 p.m. on September 23, 1993, at the Auditorium in the Wilbur J. Cohen Building, 300 C Street, SW., Washington, DC.

The Secretary encourages interested parties to attend the public meeting and requests that those parties participating provide a written or taped copy of their comments.

The meeting facilities and proceedings will be accessible to people with disabilities. Materials will be available in braille and large print. The services of a sign language interpreter will be available, and the meeting room will be equipped with an audio loop. If additional accommodations are needed, please contact the individual identified in the "For Further Information Contact" section of this notice.

Authority: 29 U.S.C. 701.

Dated: August 18, 1993.

Judith E. Heumann,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 93–20385 Filed 8–23–93; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[IA–6–1–5631; FRL–4697–6]

Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to section 107(d)(3) of the Clean Air Act as amended (Act), EPA is authorized to redesignate areas (or portions thereof) as nonattainment for the sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS).

In this action, EPA is proposing to revise the SO_2 designation for part of Muscatine County, Iowa, from attainment to nonattainment. Previously, consistent with section 107(d)(3)(A) of the Act, EPA notified the

Governor of Iowa, based on available information, that EPA believes the area should be redesignated from attainment to nonattainment. The redesignation is based upon monitored and modelled violations of the SO_2 NAAQS.

If EPA promulgates the redesignation as proposed, Iowa must submit an SO_2 implementation plan for the Muscatine area to EPA, within 18 months after promulgation, that meets the requirements of part D, title I of the Act. (See section 191(a) of the Act.)

DATES: All written comments must be submitted on or before October 25, 1993, at the address shown below.

ADDRESSES: Comments may be mailed to Wayne A. Kaiser, U.S. Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: The Clean Air Act, as amended by the 1990 Amendments, provided designations for SO_2 areas based on their status immediately before enactment of the 1990 Amendments. For example, any area designated as not attaining the primary or secondary SO_2 NAAQS as of the date of enactment of the 1990 Amendments was designated nonattainment for SO_2 by operation of law upon enactment, pursuant to section 107(d)(1)(C)(i) of the Act. In addition, any area designated as attainment or unclassifiable (or "cannot be classified") immediately before the enactment of the 1990 Amendments was also designated as such upon the enactment of the Amendments pursuant to sections 107(d)(1)(C)(ii) and (iii) of the Act.

For the current status of SO_2 areas, readers should refer to the codification tables currently set forth in 40 CFR part 81 (1992) and to any subsequent modifications to these SO_2 tables that have been published in the **Federal Register**. At the present time, the current status of the entire state of Iowa is attainment for SO_2. (See 40 CFR 81.316.)

As described above, EPA is authorized to initiate the redesignation of additional areas (or portions thereof) as nonattainment for SO_2, pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate. The EPA believes that reasonably reliable techniques, including monitoring and/or modeling information, may be used both in determining the designation appropriate for an area and in establishing SO_2 nonattainment boundaries that are consistent with section 107(d)(1)(A)(i) of the Act. Nonattainment areas include any areas that do not meet the relevant NAAQS or that significantly contribute to a violation of the relevant NAAQS in a nearby area.

On August 19, 1991, the Iowa Department of Natural Resources (IDNR) notified EPA Region VII that the continuous SO_2 monitor in the city of Muscatine's Musser Park had recorded three violations of the 24-hour NAAQS, which is 365 $\mu g/m^3$. (See 40 CFR 50.4.) The two violations in June were 428 and 391 $\mu g/m^3$ and the one in July was 481 $\mu g/m^3$. Additional violations of the standard were recorded at the same monitor on September 5 and 13, 1992, with values of 490 $\mu g/m^3$ and 511 $\mu g/m^3$, respectively. Additionally, dispersion modeling by the IDNR showed modelled violations at a second location on a bluff in the vicinity of the major SO_2 sources. Known sources of SO_2 emissions in the area of the monitored and modelled violations include a power plant, a wet corn milling plant, and a chemical plant.

Following the process outlined above, pursuant to section 107(d)(3) of the Act, EPA Region VII notified the Governor of Iowa that EPA believed the city of Muscatine should be designated nonattainment for SO_2. The Governor was required to submit to EPA the redesignation he considered appropriate for the area in question within 120 days after notification pursuant to section 107(d)(3)(B). The EPA must then promulgate the redesignation that EPA deems necessary and appropriate, consistent with section 107(d)(3)(C).

The Governor's response letter, dated April 13, 1992, stated that the state did not think redesignation was necessary due to the actions the state was pursuing with the SO_2 sources in the area. Consequently, the Governor did not make a redesignation request or describe boundaries for the proposed nonattainment area.

Notwithstanding the state's efforts to control SO_2 emissions in Muscatine, EPA believes that it is appropriate to proceed with this nonattainment proposal and boundary designation given the lack of federally enforceable emission restrictions sufficient to protect the NAAQS.

Because EPA intends to modify the Governor's submittal, section 107(d)(3)(C) requires that EPA notify the state 60 days before promulgation of the revised designation and provide the state with an opportunity to demonstrate why any proposed modification is inappropriate. Thus, in addition to providing the public with notice and an opportunity to comment on today's action, today's notice constitutes notice to the Governor that EPA is proposing a redesignation different from the Governor's submittal and provides the Governor with an opportunity to demonstrate why the proposed modification is inappropriate.

Section 107(d)(1)(A) sets out definitions of nonattainment, attainment, and unclassifiable. These definitions provide the controlling legal standard for any designations or redesignations to the relevant attainment status. The EPA is proposing that part of Muscatine County, Iowa, be redesignated nonattainment for SO_2. A nonattainment area is defined as any area that does not meet or that significantly contributes to ambient air quality in a nearby area that does not meet the national primary or secondary ambient air quality standard for the relevant pollutant. (See section 107(d)(1)(A)(i).) Thus, in determining the appropriate boundaries for the nonattainment area proposed today, EPA has considered, using the appropriate monitoring data and modeling information, not only the area where the violations of the SO_2 NAAQS are occurring, but nearby areas which may significantly contribute to such violations.

EPA Action

In this notice, EPA is proposing to designate part of Muscatine County, Iowa, as nonattainment for SO_2 in accordance with the section 107(d)(3) redesignation process described above. EPA is also proposing that the nonattainment area be described as follows: T 77 N, R 2 W, Sections 26, 27, 34, 35; and T 76 N, R 2 W, Sections 2, 3, 10, 11, 14, 15, 22, 26, 28, 33, 34, Muscatine County, Iowa.

Technical information supporting the redesignation of Muscatine and the redesignation boundaries may be found in the administrative docket for this notice. This information is available at the address indicated above.

If EPA promulgates the redesignation as proposed, Iowa must submit an SO_2 implementation plan for the Muscatine area to EPA, within 18 months after promulgation, that meets the requirements of part D, title I of the Act. (See section 191(a) of the Act.) EPA has published its preliminary views regarding the interpretations of these provisions of the Act. (See 57 FR 13498 (April 16, 1992).) The implementation plan must provide for attainment of the primary SO_2 NAAQS as expeditiously as practicable, but no later than five years from the date of the final

nonattainment designation. (See section 192(a) of the Act.)

Note that the table set out below specifies the boundary and associated designation status that EPA is proposing for the Muscatine area. Thus, the "designated area" and "designated type" indicate how EPA is proposing to amend the pertinent portion of 40 CFR 81.316.

PART 81.316. IOWA—SO_2

Designated area	Designation	
	Date	Type
Muscatine County (part) T 77 N, R 2 W, sections 26, 27, 34, 35; and T 76 N, R 2 W, sections 2, 3, 10, 11, 14, 15, 22, 26, 28, 33, 34.	Proposing.	Nonattainment.

The EPA is, by this notice, proposing that the SO_2 designation for part of Muscatine County, Iowa, be revised from attainment to nonattainment. The EPA is requesting public comments on all aspects of this proposal, including the appropriateness of the proposed redesignation and the scope of the proposed boundary. Public comments should be submitted to EPA at the address identified above by October 25, 1993.

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

Redesignations of an area to nonattainment under section 107(d)(3)(E) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that the state must adopt new regulations, based on an area's nonattainment status, EPA will review the effect of those actions on small entities at the time the state submits those regulations. Thus, EPA certifies that this redesignation will not affect a substantial number of small entities.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions from the requirements of Section 3 of Executive Order 12291. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Noting in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 12, 1993.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 93–20379 Filed 8–23–93; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 81

[FL46–5690; FRL–4697–1]

Lead Redesignation to Nonattainment for Hillsborough County, FL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal rulemaking.

SUMMARY: Pursuant to sections 107(d)(3) of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (the Act), EPA is authorized to require states to redesignate areas (or portions thereof) in the state as nonattainment, attainment, or unclassifiable for lead. EPA is proposing a revision of the lead designation for a portion of Hillsborough County, Florida. Previously, consistent with section 107(d)(3)(A) of the Act, EPA provided notification to the Governor of Florida that EPA believes a portion of Hillsborough County, Florida, should be redesignated from unclassifiable to nonattainment for lead. The Governor of Florida through the Florida Department of Environmental Regulation has requested that the portion of Hillsborough County around the Gulf Coast Recycling facility be redesignated as nonattainment for lead to assure the coordinated correction of this lead violation and to protect the health and safety of the facility workers and the surrounding population. The proposed redesignation is based upon a monitored lead violation of 2.27 micrograms per cubic meter on a quarterly average. The National Ambient Air Quality Standard (NAAQS) for lead is 1.5 micrograms per cubic meter on a quarterly average.

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

ADDRESSES: Comments should be mailed to Carol L. Kemker, at the Region IV address listed below. Information supporting today's action is available for public inspection and copying (a reasonable fee may be charged for copying) during normal business hours at the following agencies:

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

Air Resources Management Division, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

Air Management Division, Hillsborough County Environmental Protection Commission, 1410 North 21st Street, Tampa, Florida 33605.

FOR FURTHER INFORMATION CONTACT: Carol L. Kemker of the EPA Region IV Air Programs Branch at 404–347–2864 and at the above address.

SUPPLEMENTARY INFORMATION:

I. General

The EPA is authorized to initiate redesignation of areas (or portions thereof) as nonattainment for lead pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations, or any other air quality related considerations the Administrator deems appropriate. As provided in section 107(d)(3), EPA may at any time notify the Governor of an affected state that available information indicates that the designation of an area should be revised.

Following the process outlined in section 107(d)(3), on June 24, 1992, EPA Region IV notified the Governor of Florida that EPA believed that a portion of Hillsborough County should be redesignated as nonattainment for lead. The EPA identified the area in a **Federal Register** notice published on September 25, 1992, 57 FR 44374. As provided under section 107(d)(3)(B) of the Act, the Governor of Florida was required to submit to EPA the designation he considered appropriate for Hillsborough County within 120 days after notification. On January 8, 1993, the State of Florida requested that the portion of Hillsborough County around the Gulf Coast Recycling Company be redesignated to nonattainment for lead. EPA is therefore proposing the above referenced area be redesignated as

nonattainment for lead consistent with section 107(d)(3)(c) of the Act.

A nonattainment area is defined as any area that does not meet or that significantly contributes to ambient air quality in a nearby area that does not meet the national primary or secondary ambient air quality standard for the relevant pollutant.[1] (See section 107(d)(1)(A)(i).) Thus, in determining the appropriate boundaries for the nonattainment area proposed today, EPA has considered not only the area where the violation of the lead NAAQS is occurring but nearby areas which significantly contribute to such violations.

II. Background for Lead

In 1978, when EPA promulgated the lead NAAQS, EPA believed that implementation and maintenance of the lead NAAQS should be in accordance with the SIP requirements set forth in section 110, rather than part D. The EPA believed that section 107 and part D requirements were intended by Congress to apply only to NAAQS which were in effect prior to the 1977 Amendments to the Act. Therefore, EPA did not designate areas for lead upon promulgation of the lead NAAQS in 1978.

The Act, as amended in 1990, clearly defines EPA's authority to designate areas for lead. Section 107(d)(5) authorizes EPA to require states to designate areas (or portions thereof) as nonattainment, attainment, or unclassifiable, with respect to the lead NAAQS in effect as of the date of enactment of the Act as amended in 1990. The portion of Hillsborough County, Florida, addressed in today's notice was designated as unclassifiable after the passage of the 1990 Clean Air Act Amendments, as provided in section 107(d)(5) of the Act. 56 FR 56694 (November 6, 1991); 40 CFR 81.310 (1992).

As described above, EPA is authorized to initiate the redesignation of areas (or portions thereof) as nonattainment for lead, pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations or any other air quality related considerations the Administrator deems appropriate. The EPA believes that monitoring and/or modeling information are among the reasonable tools that may be used in establishing lead nonattainment boundaries that are consistent with section 107(d)(1)(A)(i) of the Act. As indicated previously, nonattainment areas consist of any area that does not meet the relevant NAAQS or that significantly contributes to a violation of the relevant NAAQS in a nearby area.

On June 24, 1992, EPA Region IV notified the Governor of Florida that EPA believed that the portion of Hillsborough County currently designated as unclassifiable for lead should be redesignated as nonattainment. In a **Federal Register** notice published on September 25, 1992, 57 FR 44374, EPA identified this portion of Hillsborough County as a lead area for which EPA had notified the Governor of Florida that the area's lead designation should be revised to nonattainment. After notification, and as provided in section 107(d)(3)(B), the Governor of Florida was required within 120 days to submit to EPA the redesignation he considered appropriate. On January 8, 1993, the State of Florida responded to EPA's request. The specific boundaries of the portion of Hillsborough County, Florida, around the Gulf Coast Recycling Company are set out below.

III. Action for Hillsborough County, FL

EPA is proposing to redesignate a portion of Hillsborough County, Florida, for lead in accordance with the section 107(d)(3) redesignation process, described above. This proposal is based on a lead value of 2.27 micrograms per cubic meter as reported from the fourth quarter of 1991 by monitor number 139 located south of the Gulf Coast Recycling plant boundary. This value violates the current lead NAAQS of 1.5 micrograms per cubic meter based on a quarterly average. Therefore, EPA is proposing to redesignate as nonattainment for lead that portion of Hillsborough County, Florida, currently designated as unclassifiable. Further, this proposal is consistent with the State's nonattainment redesignation for this area. The EPA announced in a notice published on September 25, 1992, (57 FR 44374) that it believed that the portion of Hillsborough County listed in that notice, should be redesignated as nonattainment for lead, based on a monitored violation of 2.27 micrograms per cubic meter of the lead NAAQS of 1.5 micrograms per cubic meter, based on a quarterly average. See 40 CFR 50.12.

Lead nonattainment areas are generally defined by the county perimeter for the county in which the ambient lead monitors recorded the violation of the lead NAAQS and/or in which a lead source is located. As an alternative, EPA has indicated that states may seek to define boundaries using certain techniques to justify the chosen boundary (56 FR 56694 and 56707, November 6, 1991).

EPA had approved, prior to the identification of the lead NAAQS violation, the following unclassifiable lead area, (56 FR 56694 and 56707, November 6, 1991) consisting of a portion of Hillsborough County:

> An area encompassed within a radius of (5) kilometers centered at UTM coordinates: 364.0 East 3093.5 North, Zone 17 (in city of Tampa).

This designation was codified at 40 CFR 81.310 (1992). This area surrounds the secondary lead smelting operation of Gulf Coast Recycling Company, a battery recycling facility. EPA believes it is reasonable to rely on the current Hillsborough County, Florida, unclassifiable boundary as the nonattainment area boundary since the State had previously demonstrated that this is the area impacted by the Gulf Coast Recycling Company. Therefore, in today's action, EPA is proposing to revise 40 CFR 81.310 by redesignating to nonattainment for lead that area in Hillsborough County, Florida, currently designated unclassifiable for lead. However, any ultimate determination will be made after considering any comments from the State of Florida, and any comments submitted by the public.

IV. Significance of Today's Action

If, in the final action on today's proposal, EPA redesignates any area in Florida as nonattainment for lead, then Florida must submit an implementation plan for such area to EPA within 18 months after promulgation of the nonattainment designation, which meet the requirements of part D, title I of the Act. (See section 191(a) of the Act) The implementation plan must provide for attainment of the lead NAAQS as expeditiously as practicable, but no later than 5 years from the date of the final nonattainment designation. (See section 192(a) of the Act)

EPA has issued detailed guidance on the statutory requirements applicable to lead nonattainment areas. See 57 FR 13498 (April 16, 1992), 57 FR 18070 (April 28, 1992), & 57 FR 31477 (July 16, 1992).

Proposed Action

On April 22, 1991, (56 FR 16274) EPA announced that it had notified the governors of affected States that they should proceed to designate as nonattainment those areas that had recorded violations of the National Ambient Air Quality Standard (NAAQS)

[1] The EPA has construed the definition of nonattainment area to require some material or significant contribution to a violation in a nearby area. The EPA believes it is reasonable to conclude that something greater than a molecular impact is required.

for lead. EPA also published a list of areas that the governors had been requested to designate as unclassifiable if they contained stationary lead sources which EPA believed to be capable of violating the lead NAAQS, but for which existing air quality data was insufficient to designate as attainment or nonattainment. Included in that list was Hillsborough County, Florida. Based on information provided by the State, EPA designated a portion of the county as unclassifiable for lead (56 FR 56694). Subsequently, a lead value of 2.27 micrograms per cubic meter as a quarterly average, was reported for the fourth quarter of 1991 by monitor number 139 located in the area. This value violates the current lead NAAQS of 1.5 micrograms per cubic meter based on a quarterly average. Therefore, EPA is proposing to redesignate as nonattainment for lead that portion of Hillsborough County, Florida, currently designated as unclassifiable. Further, this proposal is consistent with the State's nonattainment redesignation request for this area.

EPA is providing a 30-day comment period on this notice of proposed rulemaking. EPA requests public comments on all aspects of today's proposal. Public comments received on or before September 23, 1993 will be considered in EPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region IV office listed at the front of this notice.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989, (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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

Redesignation of an area to nonattainment under section 107(d)(3) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time the state submits these regulations. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

List of Subjects in 40 CFR Part 81

Air pollution control, Lead.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 4, 1993.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93–20382 Filed 8–23–93; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Cancellation and Rescheduling of Public Hearing on Proposed Endangered Status and Designation of Critical Habitat for the Alabama Sturgeon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of change in public hearing.

SUMMARY: The Service gives notice that the public hearing scheduled for August 31, 1993, on the proposed determination of endangered status and designation of critical habitat for the Alabama sturgeon, *Scaphirhynchus suttkusi*, has been canceled.

DATES: The public hearing that was scheduled to be held from 7 p.m. to 10 p.m., on Tuesday, August 31, 1993, in Mobile, Alabama, has been canceled. The hearing will be scheduled for a new date within the near future.

ADDRESSES: The exact location for the rescheduled hearing has not been determined, but it will be held in Mobile, Alabama. The office responsible for establishing the new arrangements is the U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, suite A, Jackson, Mississippi 39213.

FOR FURTHER INFORMATION CONTACT: James H. Stewart, at the above address (601/965–4900).

SUPPLEMENTARY INFORMATION:

Background

The hearing as originally announced in the **Federal Register** of July 27, 1993 (58 FR 40109) is being canceled and rescheduled at the request of some members of the Alabama congressional delegation. The new hearing arrangements will be announced as soon as they can be completed.

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531–1544).

Dated: August 19, 1993.

John R. Eadie,

Acting Regional Director.

[FR Doc. 93–20527 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 921058–3148; I.D. 090892B]

RIN 0648–AD 44

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes standard groundfish product types and product recovery rates (PRRs) for purposes of enforcing certain regulatory requirements for the groundfish fisheries off Alaska. NMFS will use PRRs to calculate round weight equivalents of all groundfish catches. NMFS also proposes to reduce the proportion of pollock roe that may be retained onboard a vessel during the pollock fishery. These actions are necessary to facilitate enforcement of certain regulatory measures and to implement a statutory prohibition against roe stripping of pollock. They are intended to help achieve the objectives of the Fishery Management Plans (FMPs) for Groundfish of the Gulf of Alaska (GOA) and the Groundfish Fishery of the Bering Sea and Aleutian Islands (BSAI) with respect to groundfish management off Alaska.

DATES: Comments are invited until September 23, 1993.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802 (attn: Lori Gravel). Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained from the same address. Comments on the environmental assessment are particularly requested.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Chief, Fisheries Management Division, NMFS, 907–586–7230.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the GOA and BSAI is managed by the Secretary of Commerce (Secretary) according to the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 672 and 675.

This regulatory amendment proposes standard product types and standard PRRs representing groundfish products produced by the U.S. groundfish fishing industry off Alaska. A similar regulatory amendment was proposed for comment in 1991 (56 FR 4029, February 1, 1991). NMFS decided to re-propose that regulatory amendment because of information received in public comments. This rule reflects changes made as a result of comments received on earlier proposed rulemaking as well as new information on PRRs and product types received since that time. This action also proposes to revise the proportion of pollock roe that may be retained onboard a vessel.

A description of, and reasons for, these actions follow.

Standard Product Types and Product Recovery Rates

NMFS would use standard product types and PRRs to calculate round weight equivalents of groundfish catches from processed groundfish products. Each PRR represents an arithmetic proportion of the amount of primary product recovered from a whole fish during processing operations. Any other product from the same fish is an ancillary product.

PRRs would be used in the following manner. Under existing recordkeeping and reporting requirements at 50 CFR 672.5 and 675.5, each catcher/processor, mothership processor, and shoreside processor utilizing groundfish harvested off Alaska must maintain a Daily Cumulative Production Log (DCPL). DCPLs have been required since the beginning of the 1990 fishing year. Each processor that is required to maintain a DCPL must submit to NMFS, on a weekly basis, a Weekly Production Report (WPR) that reports production weight by species and product type.

Beginning in 1990 and continuing through 1991, NMFS monitored groundfish catches by using PRRs to convert the amounts of processed products reported in the WPRs to round weight equivalents. Beginning in 1992, NMFS monitored groundfish catches delivered to shore-based processors on the basis of landed weight reports. These weights were not based on PRRs; rather, they were based on actual weights determined by scales. During that same year, NMFS continued to monitor groundfish catches by offshore processors, except in the pollock fisheries, by using PRRs to convert the amounts of reported processed products to round weight equivalents. In the 1992 pollock fisheries, NMFS used a "best blend" system that compared total pollock catches reported by observers with WPR information reported by vessel operators. If the WPR information was within 10 percent of the observer information, NMFS used the WPR information for quota monitoring. Otherwise, the observer information was used.

Beginning in 1993, NMFS used the "best blend" system for all groundfish catches by offshore processors and continued to use landed weight reports by shore-based processors. Instead of the 10 percent difference used in 1992 to determine whether observer information or WPR information was used in the "best blend" system, NMFS used a 5 percent difference in 1993. An exception was the Community Development Quota (CDQ) fisheries for pollock. This program started in 1992 and continued through 1993. In 1992, CDQ pollock fisheries were managed under the same "best blend" system that was used for the 1992 non-CDQ pollock fisheries. In 1993, NMFS used observer estimates of total pollock catch weights for each haul. If observer estimates of a haul weight were not available, the vessel operator's estimate of that haul weight was used.

The above discussion emphasizes that the need for PRRs for monitoring groundfish catches has diminished since domestic groundfish catch information was initially required to be reported by means of WPRs in 1990. NMFS does not need to use PRRs to monitor catches delivered to shore-based processors. NMFS uses PRRs to monitor catches by offshore processors, but only when observer information is not available or differs by less than 5 percent from WPR information provided by the vessel operators.

Establishing standard product types and PRRs in regulations will facilitate enforcement of existing directed fishing standards at 50 CFR 672.20(g) and 675.20(h). In the past, enforcement officers have relied on statements from the vessel operator as to the conversion to processed product achieved by the vessel. This procedure was satisfactory only if a vessel operator reported a conversion that was actually being achieved by that vessel. It was not satisfactory if a vessel operator provided inaccurate information.

Standard PRRs will also be used to estimate the round weight equivalent of retained species for (1) assigning vessels to fisheries for monitoring fishery specific bycatch allowances of prohibited species, and (2) monitoring vessel compliance with fishery specific bycatch rate standards set forth under the vessel incentive program to reduce prohibited species bycatch rates. At the end of each weekly reporting period, PRRs will be used to estimate the round weight species composition for reported product types and amounts.

Also, standard PRRs will be used to assess fees to fund the observer coverage required by the North Pacific Fisheries Research Plan (Research Plan) if that plan is approved by the Secretary. Under the Research Plan, vessel operators will be assessed a fee based on the round weights equivalents of their groundfish catches to pay for observer coverage. Until a superior system becomes available to accurately determine weights of groundfish catches, PRRs will be used to calculate round weight equivalents, providing NMFS the best available information on which to assess these fees.

NMFS seeks comments on product types and PRRs that could be utilized for enforcing certain regulatory requirements within the groundfish fisheries as discussed above. For these purposes, the proposed PRRs are annual averages and would not vary by season. Data do not suggest differences between GOA and BSAI PRRs.

NMFS proposes the following 30 product types, and four descriptions of discarded groundfish, for purposes of managing the groundfish fisheries. Names and descriptions of these product types are the following:

Product type	Code	Description
Whole food fish	1	Unprocessed whole fish for human consumption.
Whole bait fish	2	Unprocessed whole fish used for bait.
Bled	3	Throat, or isthmus slit to allow blood to drain.
Gutted	4	Belly slit and viscera removed.
Headed and gutted, with roe	6	Head removed just before or aft of collar bone, viscera removed, and roe retained.
Headed and gutted, western cut	7	Head removed just in front of the collar bone, belly slit and viscera removed.
Headed and gutted, eastern cut	8	Head removed just behind the collar bone, belly slit and viscera removed.
Headed and gutted, tail removed	10	Head removed usually in front of collar bone, belly slit and viscera removed, and tail removed.
Kirimi	11	Viscera removed, head removed either in front or behind the collar bone; and tail removed by cuts perpendicular to the spine, resulting in a steak.
Salted and split	12	Head off, belly slit, viscera removed, filets cut from head to tail but remaining attached near tail.
Wings	13	On skates, side fins are cut off next to body, body discarded or used as meal.
Roe	14	Eggs, either loose or in sacs, or skeins.
Pectoral girdle	15	Collar bone and associated bones.
Heads	16	Heads only, regardless where severed from body.
Cheeks	17	Side (opercular) bone and muscles on side of head.
Chins	18	Lower jaw (mandible) and muscles.
Belly	19	Body cavity walls below backbone.
Fillets with skin and ribs	20	Meat and skin with ribs attached on sides of body behind head and in front of tail.
Fillets with skin, no ribs	21	Meat and skin; ribs removed from sides of body behind head and in front of tail.
Fillets with ribs and no skin	22	Meat with ribs; skin removed from sides of body behind head and in front of tail.
Fillets, skinless/bone removed	23	Meat with both skin and ribs removed from sides of body behind head and in front of tail.
Deep skin fillets	24	Meat with skin, adjacent meat with silver lining, and ribs removed from sides of body behind head and in front of tail, resulting in thin fillets.
Surimi	30	Paste from any of the fish flesh.
Minced	31	Ground up flesh, including de-boned meat.
Fish meal	32	Ground up fish parts, usually including parts not otherwise used for human consumption.
Oil	33	Oil from fish reduction.
Milt	34	Sperm sacs.
Stomachs	35	Stomachs and other internal organs.
Octopus and squid mantles	36	Fleshy parts.
Butterfly, no backbone	37	Body slit along back and backbone removed.
Discards	95	Whole fish discarded while processing other fish.
Decomposed fish	96	Whole decomposed fish, which are discarded at sea, no processing.
At-sea discards	98	Whole fish, which are discarded at sea.
Dockside discards	99	Whole fish, which are discarded at the dock.

NMFS might use other product types to manage the groundfish fisheries as well, if additional product types and expected recovery rates become known.

The PRRs proposed for the above groundfish product types being processed off Alaska are set forth in proposed Table 2 to proposed § 672.20(j). These PRRs are also proposed for the BSAI in proposed § 675.25(k). NMFS is requesting comments on the proposed product types and PRRs. Comments also are invited on any other product type and associated PRR not presented in this table.

The PRRs proposed in this rulemaking are based on the best information available to NMFS at this time. NMFS requests comments on the accuracy of these PRRs and solicits additional data from industry that would support more precise PRRs. Final PRRs will be based on the best information available to NMFS at the time of the final rulemaking, including any new information received from comments or other sources.

NMFS also proposes to replace the pollock products and associated PRRs in the current roe stripping regulations found at §§ 672.20(i)(2) and 675.20(j)(2). Current regulations that limit the amount of pollock roe that may be retained onboard a vessel during a fishing trip use PRRs for the following pollock products: fillets, surimi, minced, meal, and headed and gutted. More pollock product types and associated PRRs are proposed in this action as follows:

Product code	Product description	PRR
6	Headed & gutted, western cut	0.65
8	Headed & gutted, eastern cut	0.56
10	Headed & gutted, without tail	0.50
20	Fillets with skin & ribs	0.35
21	Fillets with skin on, no ribs	0.30
22	Fillets with ribs no skin	0.30
23	Fillets, skinless, boneless	0.22
24	Deep skin fillets	0.13
30	Surimi	0.14
31	Mince	0.22
32	Meal	0.17

NMFS recognizes that from time to time information might become available that shows that a PRR in effect is inaccurate. A framework procedure is proposed that would allow a PRR to be adjusted. Under this procedure, a PRR could be adjusted by no more than 15 percent without opportunity for prior public comment. Such an adjustment would be effective upon publication in the **Federal Register**. Improvements in processing methods and technology during the course of the year are expected to occur, which could cause a PRR to change by up to 15 percent. To maximize fisheries management efficiency over the course of a fishing season, PRRs should be adjusted quickly.

From time to time entirely new or advanced processing technology may be introduced. Such technology would be expected to change a PRR by more than 15 percent. Under the proposed framework procedure, normally NMFS would propose an adjustment of greater than 15 percent in the **Federal Register**. The publication would provide a

description of the proposed adjustment and the information on which the proposed adjustment is based. Comments would be invited on the proposed adjustment for 30 days. Where there is good cause to make a greater than 15 percent adjustment to a PRR without affording an opportunity for prior public comment, NMFS would so find and invite comments on the adjustment for 15 days after the effective date.

If a new product type is developed, NMFS would propose the new type and an associated PRR in the **Federal Register** and invite public comments for 30 days. After reviewing comments received, NMFS would publish the final PRR associated with the new product type in the **Federal Register**.

Allowable Retained Amounts of Pollock Roe

The final rule implementing Amendments 14 to the BSAI FMP and 19 to the GOA FMP (56 FR 492, January 7, 1991) implemented the roe stripping statutory prohibition in section 307(N) of the Magnuson Act by restricting the amount of pollock roe that can be retained during a fishing trip to 10 percent. To determine the continuing appropriateness of this limit, NMFS examined recent catch data obtained from shoreside and at-sea processors for the years 1991 and 1992 to calculate the PRR achieved for roe when roe was produced as an ancillary product.

In 1991, shoreside processors achieved a PRR of 1.8 percent, based on 2,391 mt of roe and 133,659 mt of retained pollock round weight equivalents. In 1992, these values were 4,156 mt of roe and 112,881 mt of retained pollock, resulting in a PRR of 3.7 percent. Likewise, in 1991, at-sea processors achieved a PRR of 5.4 percent, based on 18,392 mt of roe and 339,774 mt of retained pollock round weight equivalents. In 1992, these values were 12,324 mt of roe and 363,403 mt of retained pollock as determined by "best blend" observations, resulting in a PRR of 3.4 percent. In 1993, preliminary data indicate that these values were 6,713 mt of roe and 258,600 mt of retained pollock, resulting in a PRR achieved by at-sea processors of 2.6 percent.

Thus, it would appear that a 10 percent limit on the proportion of roe that is allowed to be retained when harvesting pollock is too high, given the actual proportions that resulted during the 1991 and 1992 pollock fisheries in the BSAI. Retention of a 10 percent limit would allow processors to "top off" with amounts of pollock roe by stripping roe from subsequent pollock catches and discarding the carcasses.

Actual amounts of roe produced during the 1992 and 1993 "A" seasons (i.e., January 1—April 15) show that processors typically produced pollick roe as an ancillary product as intended by the BSAI FMP. Roe production resulted in an overall proportion of less than 4 percent of pollock primary products. However, NMFS recognizes that this proportion represents an overall average proportion. Individual processors likely achieve higher proportions only by topping off retained amounts of pollock round weight equivalents with additional pollock roe. A 10 percent limit could encourage this practice.

NMFS is proposing to reduce the limit to 5 percent. This amount respresents a proportion that is above the overall average obtained for shoreside processors in 1991 and 1992 and by at-sea processors in 1992 and 1993. This proposed proportion will allow processors to retain an occasional catch with roe that is heavier than average while still complying with the prohibition against roe stripping.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary for the conservation and management of the groundfish fishery off Alaska and that it is consistent with the Magnuson Act and other applicable laws.

The Alaska Region, NMFS, prepared an EA for this rule that describes the impact on the environment as a result of this rule. A copy of the EA may be obtained from the Regional Director (see **ADDRESSES**).

The AA determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The proposed rule, if adopted, is not 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 a significant adverse effect 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. This determination is based on the socioeconomic impacts discussed in the EA/RIR/IRFA prepared by the Alaska Region, NMFS.

The Alaska Region, NMFS, prepared an initial regulatory flexibility analysis as part of the EA/RIR/IRFA, which concludes that this proposed rule, if adopted, would have significant effects on small entities. A summary of the IRFA follows: The proposed action to establish standard product recovery rates is superior to the status quo alternative, because enforcement of directed fishing standards will be more effective, and assignments of vessels to target fisheries categories based on retained groundfish catches will be facilitated. The latter is necessary to improve the effectiveness of the vessel incentive program. Standard PRRs also are necessary to manage an anticipated Research Plan, in which vessel operators will be assessed a fee on the round weight equivalent of their groundfish catches to pay for observer coverage. Conservation of groundfish resources would be improved to the extent that more accurate PRRs are used by NMFS following public comment on standard PRRs.

Reducing the allowable proportion to 5 percent for retained pollock roe is superior to the status quo alternative in which the allowable proportion is 10 percent. In 1992, actual roe recovery rates achieved by shore-based and at-sea processors were 3.7 and 3.4 percent, respectively. In 1993, the actual roe recovery rate achieved by shorebased processors was 2.6 percent. The proposed recovery rate of 5 percent is not expected to be constraining and will better achieve the intent of the Council and the Magnuson Act to prohibit pollock roe stripping.

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

NMFS has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible state agency under section 307 of the Coastal Zone Management Act.

The Regional Director determined that fishing activities conducted under this rule would not affect endangered and threatened species under the Endangered Species Act (ESA). Specifically, the Regional Director determined that fishing activities conducted under this action would not affect Steller sea lions in a way that was not already considered in the informal section 7 consultation on the final 1993 initial groundfish specifications that was concluded on January 27, 1993. The Regional Director also determined that fishing activities conducted under this action would not affect listed, proposed, and candidate seabirds under the ESA in a way that was not already considered in the informal section 7

consultation for the final 1993 initial groundfish specifications dated February 1, 1993, and clarified on February 12, 1993. Finally, the Regional Director determined that fishing activities conducted under this action could not affect listed species of Pacific salmon in a way that was not already considered in the informal section 7 consultation on the final 1993 initial groundfish specifications that was concluded on April, 21, 1993. NMFS has determined that no further consultation, pursuant to section 7 of the ESA, is required for adoption of this rule.

The Regional Director determined that fishing activities conducted under this rule would not adversely impact marine mammals.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under E.O. 12612.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: August 11, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for 50 CFR part 672 continues to read as follows:

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

2. In § 672.2, a new definition of "round weight equivalent" is added to read as follows:

§ 672.2 Definitions.

* * * * *

Round weight equivalent means the weight of fish calculated by dividing the weight of the primary product made from that fish by the product recovery rate for that primary product as listed in § 672.20(j), or, if not listed, the weight of fish calculated by dividing the weight of a primary product by the product recovery rate as determined using the best available evidence on a case-by-case basis.

* * * * *

3. In § 672.20, paragraph (i)(3) is removed; paragraphs (i)(1) and (i)(2) are redesignated as paragraphs (i)(2) and (i)(3) respectively, and paragraph (i)(3) is revised; the text of paragraph (i) introductory text is designated as paragraph (i)(1) and revised; paragraph (i)(5) is revised; and a new paragraph (j) is added to read as follows:

§ 672.20 General limitations.

* * * * *

(i) *Allowable retention of pollock roe.* (1) Pollock roe retained onboard a vessel at any time during a fishing trip must not exceed 5 percent of the total round weight equivalent of pollock, as calculated from the primary pollock product onboard the vessel during the same fishing trip as defined in paragraph (i)(4) of this section. No person may include pollock or pollock products from previous fishing trips that are retained onboard a vessel in determining the allowable retention of pollock roe for that vessel.

* * * * *

(3) Only the following product types and product recovery rates may be used to calculate round weight equivalents for pollock for purposes of this paragraph (i):

Product code	Product description	PRR
6	Headed & gutted, western cut	0.65
8	Headed & gutted, eastern cut	0.56
10	Headed & gutted, without tail	0.50
20	Fillets with skin & ribs	0.35
21	Fillets with skin on, no ribs	0.30
22	Fillets with ribs no skin	0.30
23	Fillets, skinless, boneless	0.22
24	Deep skin fillets	0.13
30	Surimi	0.14
31	Mince	0.22
32	Meal	0.17

* * * * *

(5) *Calculation of the amount of retainable pollock roe.* To calculate the amount of pollock roe that can be retained onboard during a fishing trip, first calculate the round weight equivalent by dividing the total amount of each primary product onboard by the appropriate product recovery rate. Add together round weight equivalents from primary pollock products. To determine the amount of pollock roe that can be retained during the same fishing trip, multiply the sum of the round weight equivalents by 0.05. The result is the maximum amount of pollock roe that can be retained onboard during that fishing trip. Pollock roe retained onboard from previous fishing trips does not count as this amount. If two or more products, other than roe, are made from a single fish, only the primary product shall be used to determine the amount of roe from that fish.

(j) *Standard product types and product recovery rates (PRRs).* (1) *Calculating round weight equivalents from PRRs.* Round weight equivalents for specified groundfish products shall be calculated using the product codes and PRRs specified in Table 2 of this section.

TABLE 2.—TARGET SPECIES CATEGORIES, PRODUCT CODES AND DESCRIPTIONS, AND PRODUCT RECOVERY RATES FOR GROUNDFISH SPECIES LISTED IN TABLE 1 IN EACH OF 50 CFR 672.20(A)(1) AND/OR 50 CFR 675.20(A)(1)

FMP species	Species code	Product code										
		Whole food fish	Whole bait fish	Bled	Gutted	Headed & gutted with roe	Headed & gutted western cut	Headed & gutted eastern cut	Headed & gutted w/o tail	Kirimi	Salted & split	Wings
		1	2	3	4	6	7	8	10	11	12	13
Pacific cod	110	1.00	1.00	0.98	0.85	0.63	0.57	0.47	0.44	.....	0.45	.....
Arrowtooth flounder	121	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48	.....	.....
Rockfish	.....	1.00	1.00	0.98	0.88	.....	0.60	0.50	.....	.....	.....	.....
Sculpins	160	1.00	1.00	0.98	0.88	.....	0.50	0.40	.....	.....	.....	.....
Atka mackerel	193	1.00	1.00	0.98	0.87	0.67	0.61	0.64	.....	.....	.....	.....
Pollock	270	1.00	1.00	0.98	0.80	0.70	0.65	0.56	0.50	.....	.....	.....
Smelts	510	1.00	1.00	0.98	0.82	.....	0.71	.....	.....	.....	.....	.....
Eulachon	511	1.00	1.00	0.98	0.82	.....	0.71	.....	.....	.....	.....	.....

TABLE 2.—TARGET SPECIES CATEGORIES, PRODUCT CODES AND DESCRIPTIONS, AND PRODUCT RECOVERY RATES FOR GROUNDFISH SPECIES LISTED IN TABLE 1 IN EACH OF 50 CFR 672.20(A)(1) AND/OR 50 CFR 675.20(A)(1)—Continued

FMP species	Species code	Product code										
		Whole food fish	Whole bait fish	Bled	Gutted	Headed & gutted with roe	Headed & gutted western cut	Headed & gutted eastern cut	Headed & gutted w/o tail	Kirimi	Salted & split	Wings
		1	2	3	4	6	7	8	10	11	12	13
Capelin	516	1.00	1.00	0.98	0.89		0.78					
Sharks	689	1.00	1.00	0.98	0.83		0.72					
Skates	700	1.00	1.00	0.98	0.90			0.32				0.32
Sablefish	710	1.00	1.00	0.98	0.89		0.68	0.63	0.50			
Octopus	870	1.00	1.00	0.98	0.69							
Target Species Categories Only at 50 CFR 672.20(a)												
Deep water flatfish	118	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48		
Shallow water flatfish	119	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48		
Other flatfish	120	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48		
Thornyhead rockfish	143	1.00	1.00	0.98	0.88	0.55	0.60	0.50				
Target Species Categories Only at 50 CFR 675.20(a)												
Flathead sole	122	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48		
Rock sole	123	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48		
Yellowfin sole	127	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48		
Greenland turbot	134	1.00	1.00	0.98	0.90	0.80	0.72	0.65	0.62	0.48		
Squid	875	1.00	1.00	0.98	0.69							

TABLE 2.—TARGET SPECIES CATEGORIES, PRODUCT CODES AND DESCRIPTIONS, AND PRODUCT RECOVERY RATES FOR GROUNDFISH SPECIES LISTED IN TABLE 1 IN EACH OF 50 CFR 672.20(A)(1) AND/OR 50 CFR 675.20(A)(1)

FMP species	Species code	Product code											
		Roe	Pectoral girdle	Heads	Cheeks	Chins	Belly	Fillets: with skin & ribs	Fillets: skin on, no ribs	Fillets: with ribs no skin	Fillets: skinless/ boneless	Fillets: deep skin	Surimi
		14	15	16	17	18	19	20	21	22	23	24	30
Pacific cod	110	0.05	0.05		0.05		0.01	0.45	0.35	0.25	0.25		0.15
Arrowtooth flounder	121	0.08						0.32	0.27	0.27	0.22		
Rockfish				0.15	0.05	0.05	0.10	0.40	0.30	0.35	0.25		
Sculpins	160												
Atka mackerel	193												0.15
Pollock	270	0.04		0.15				0.35	0.30	0.30	0.22	0.13	0.14
Smelts	510								0.38				
Eulachon	511								0.38				
Capelin	516												
Sharks	689								0.30	0.30	0.25		
Skates	700												
Sablefish	710				0.05			0.35	0.30	0.30	0.25		
Octopus	870												
Target Species Categories Only at 50 CFR 672.20(a)													
Deep water flatfish	118	0.08						0.32	0.27	0.27	0.22		
Shallow water flatfish	119	0.08						0.32	0.27	0.27	0.22		
Other flatfish	120	0.08						0.32	0.27	0.27	0.22		
Thornyhead rockfish	143			0.20	0.05	0.05	0.05	0.40	0.30	0.35	0.25		

TABLE 2.—TARGET SPECIES CATEGORIES, PRODUCT CODES AND DESCRIPTIONS, AND PRODUCT RECOVERY RATES FOR GROUNDFISH SPECIES LISTED IN TABLE 1 IN EACH OF 50 CFR 672.20(A)(1) AND/OR 50 CFR 675.20(A)(1)—Continued

FMP species	Species code	Product code											
		Roe	Pectoral girdle	Heads	Cheeks	Chins	Belly	Fillets: with skin & ribs	Fillets: skin on, no ribs	Fillets: with ribs no skin	Fillets: skinless/ boneless	Fillets: deep skin	Surimi
		14	15	16	17	18	19	20	21	22	23	24	30
Target Species Categories Only at 50 CFR 675.20(a)													
Flathead sole	122	0.08						0.32	0.27	0.27	0.22		
Rock sole	123	0.08						0.32	0.27	0.27	0.22		
Yellowfin sole	127	0.08						0.32	0.27	0.27	0.22		0.18
Greenland turbot	134	0.08						0.32	0.27	0.27	0.22		
Squid	875												

TABLE 2.—TARGET SPECIES CATEGORIES, PRODUCT CODES AND DESCRIPTIONS, AND PRODUCT RECOVERY RATES FOR GROUNDFISH SPECIES LISTED IN TABLE 1 IN EACH OF 50 CFR 672.20(A)(1) AND/OR 50 CFR 675.20(A)(1).

FMP species	Species code	Product code										
		Mince	Meal	Oil	Milt	Stomachs	Mantles	Butterfly backbone removed	Discards	Decomposed fish	At-sea discards	Dockside discards
		31	32	33	34	35	36	37	95	96	98	99
Pacific cod	110	0.50	0.17					0.43	1.00	0.00	1.00	1.00
Arrowtooth flounder	121		0.17						1.00	0.00	1.00	1.00
Rockfish			0.17						1.00	0.00	1.00	1.00
Sculpins	160		0.17						1.00	0.00	1.00	1.00
Atka mackerel	193		0.17						1.00	0.00	1.00	1.00
Pollock	270	0.22	0.17					0.43	1.00	0.00	1.00	1.00
Smelts	510		0.22						1.00	0.00	1.00	1.00
Eulachon	511		0.22						1.00	0.00	1.00	1.00
Capelin	516		0.22						1.00	0.00	1.00	1.00
Sharks	689		0.17						1.00	0.00	1.00	1.00
Skates	700		0.17						1.00	0.00	1.00	1.00
Sablefish	710		0.22						1.00	0.00	1.00	1.00
Octopus	870		0.17				0.85	1.00	1.00	0.00	1.00	1.00
Target Species Categories Only at 50 CFR 672.20(a)												
Deep water flatfish	118		0.17						1.00	0.00	1.00	1.00
Shallow water flatfish	119		0.17						1.00	0.00	1.00	1.00
Other flatfish	120		0.17						1.00	0.00	1.00	1.00
Thornyhead rockfish	143		0.17						1.00	0.00	1.00	1.00
Target Species Categories Only at 50 CFR 675.20(a)												
Flathead sole	122		0.17						1.00	0.00	1.00	1.00
Rock sole	123		0.17						1.00	0.00	1.00	1.00
Yellowfin sole	127		0.17						1.00	0.00	1.00	1.00
Greenland turbot	134		0.17						1.00	0.00	1.00	1.00
Squid	875		0.17				0.75	1.00	1.00	0.00	1.00	1.00

(2) *Adjustments to Table 2 of this section.* The Regional Director may adjust PRRs and product types specified in Table 2 of this section if he determines that existing PRRs are inaccurate or if new product types are developed.

(3) *Procedure.* (i) Adjustments to any PRR listed in Table 2 that are within and including 15 percent of that PRR will be made without opportunity for prior public comment and will be effective upon publication in the **Federal Register**.

(ii) No PRR may be adjusted by more than 15 percent of the rate for that product rate listed in Table 2 issued under paragraph (j)(2) of this section nor any new product type may be announced without 30 days opportunity for prior public comment unless NMFS

finds, for good cause, that such notice and opportunity for public comment is impracticable and contrary to the public interest. If NMFS, for good cause, makes such adjustment or announcement without such notice and opportunity for prior public comment, the Regional Director will receive public comments on the adjustment or announcement for a period of 15 days after its effective date.

PART 675—GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

4. The authority citation for 50 CFR part 675 continues to read as follows:

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

5. In § 675.2, a new definition of "round weight equivalent" is added to read as follows:

§ 675.2 Definitions.

* * * * *

Round weight equivalent means the weight of fish calculated by dividing the weight of the primary product made from that fish by the product recovery rate for that primary product as listed in § 672.20(j), of, if not listed, the weight of fish calculated by dividing the weight of a primary product by the product recovery rate as determined using the best available evidence on a case-by-case basis.

* * * * *

6. In § 675.20, paragraph (j)(3) is removed; paragraphs (j)(1) and (j)(2) are redesignated as paragraphs (j)(2) and (j)(3) respectively, and paragraph (j)(3) is revised; the text of paragraph (j) introductory text is revised and designated as paragraph (j)(1); paragraph (j)(5) is revised; and a new paragraph (k) is added to read as follows:

§ 675.20 General limitations.

* * * * *

(j) *Allowable retention of pollock roe.* (1) Pollock roe retained onboard a vessel at any time during a fishing trip must not exceed 5 percent of the total round weight equivalent of pollock, as calculated from the primary pollock product onboard the vessel during the same fishing trip as defined in paragraph (j)(4) of this section. No person may include pollock or pollock products from previous fishing trips that are retained onboard a vessel in determining the allowable retention of pollock roe for that vessel.

* * * * *

(3) Only the following product types and product recovery rates may be used to calculate round weight equivalents for pollock for purposes of this paragraph (j):

Product code	Product description	PRR
6	Headed & gutted, western cut	0.65
8	Headed & gutted, eastern cut	0.56
10	Headed & gutted, without tail	0.50
20	Fillets with skin & ribs	0.35
21	Fullets with skin on, no ribs	0.30
22	Fillets with ribs no skin	0.30
23	Fillets, skinless, boneless	0.22
24	Deep skin fillets	0.13
30	Surimi	0.14
31	Mince	0.22
32	Meal	0.17

* * * * *

(5) *Calculation of the amount of retainable pollock roe.* To calculate the amount of pollock roe that can be retained onboard during a fishing trip, first calculate the round weight equivalent by dividing the total amount of each primary product onboard by the appropriate product recovery rate. Add together the round weight equivalents from primary pollock products. To determine the amount of pollock roe that can be retained during the same fishing trip, multiply the sum of the round weight equivalents by 0.05. The result is the maximum amount of pollock roe that can be retained onboard during that fishing trip. Pollock roe retained onboard from previous fishing trips does not count as part of the amount, for purposes of this paragraph (j). If two or more products, other than roe, are made from a single fish, only the primary product shall be used to determine the amount of roe from that fish.

(k) *Standard product types and product recovery rates (PRRs).* Standard product types and PRRs pertaining to this section are governed by provisions set forth in § 672.20(j).

[FR Doc. 93–20172 Filed 8–23–93; 8:45 am]
BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 162
Tuesday, August 24, 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

Forest Service

Exemption of Weigel House and Roadside Salvage Timber Sale From Appeal

AGENCY: Forest Service, USDA.

ACTION: Notification that a salvage timber sale project to recover insect-killed timber is exempt from appeal under the provisions of 36 CFR part 217.

SUMMARY: A mountain pine beetle epidemic in the Weigel Creek drainage on the Fisher River Ranger District, Kootenai National Forest, has killed approximately 20 to 100 percent of the lodgepole pine within the analysis area. In February 1993, the Fisher River District Ranger proposed a salvage timber sale to recover damaged timber in the affected area. The District Ranger has determined, through an environmental analysis documented in the Environmental Assessment, Decision Notice, and project file for the Weigel House and Roadside Salvage Timber Sale, that there is good cause to expedite these actions to rehabilitate National Forest System lands and recover damaged resources. Salvage of high-value dead lodgepole pine that is suitable as house logs or commercial sawtimber must be accomplished quickly to avoid further deterioration, minimize fire danger and clear road surfaces and ditches to allow free movement of seasonal runoff and reduce erosion potential.

EFFECTIVE DATE: Effective on August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Lawrence Froberg; Fisher River District Ranger; Kootenai National Forest; 12557 HWY. 37; Libby, MT 59923. Telephone: 406–293–7773.

SUPPLEMENTARY INFORMATION: A mountain pine beetle epidemic occurred in the Weigel Creek drainage (Compartment 30) on the Fisher River Ranger District during the last several years. The project area is located within Management Areas 12 and 15 as designated by the Kootenai Forest Plan, September 1987, as suitable timberland while maintaining big game summer range.

This proposal is designed to meet the following needs: (1) Expedite the salvage of high-value house logs and sawtimber before it deteriorates in value; (2) clear road surfaces and ditches of dead lodgepole pine to enable road maintenance to be accomplished without barriers of down material, allow free movement of seasonal runoff and reduce erosion potential; and (3) minimize fire danger, protect existing regenerated stands and allow access for fire suppression by reducing dead lodgepole pine fuel accumulations adjacent to system roads.

An interdisciplinary team was convened, and scoping began in February 1993. Two alternatives were analyzed, no treatment (no action) and a salvage and rehabilitation proposal (proposed action). The selected alternative would salvage approximately 1,300 thousand board feet of timber from approximately 841 acres. The salvage area is accessible from existing roads; no new road construction or reconstruction will occur.

The salvage timber sale project is designed to accomplish the objectives as quickly as possible to reduce the potential of wildfire and to recover merchantable house logs and sawtimber before they deteriorate and removal becomes economically infeasible. To expedite implementation of this decision, procedures outlined in 36 CFR part 217.4(a)(11) are being followed. Under this Regulation the following may be exempt from appeal:

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

Based upon the environmental analysis documented in the Environmental Assessment, the Decision Notice and the project file for the Weigel House and Roadside Salvage Timber Sale, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR 217.

Dated: August 17, 1993.

Christopher D. Risbrudt,

Deputy Regional Forester, Northern Region.

[FR Doc. 93–20391 Filed 8–23–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

[PB3430DOI; DES 93–27]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Draft Supplemental Environmental Impact Statement on the Management of Habitat for Late-Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl

AGENCIES: Forest Service, USDA; Bureau of Land Management, USDI.

ACTION: Notice of public hearings.

SUMMARY: The public is invited to present oral or written comments on the Draft Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Related Species within the Range of the Northern Spotted Owl, prepared by the Bureau of Land Management and the Forest Service. Six public hearings have been scheduled and are listed under **DATES** and **ADDRESSES** in this notice.

DATES: Public hearings will be held from 1 to 4 p.m. and 7 to 10 p.m. each day at the following locations:

September 27, 1993, in Redding, California; September 29, 1993, in Salem, Oregon; and October 1, 1993, in Lacey, Washington (Olympia area).

The period for submitting comments on the draft Supplemental Environmental Impact Statement (SEIS) ends October 28, 1993. To be considered, mailed comments must be postmarked no later than October 28, 1993. Fax comments cannot be accepted.

ADDRESSES: The public hearings will be held at the following addresses for the dates shown:

September 27, 1993—Red Lion Inn, 1830 Hilltop Drive, Redding, CA;

September 29, 1993—Columbia Hall, Oregon State Fairgrounds, 2330 17th Street NE, Salem, OR;

October 1, 1993—St. Martin's College, Worthington Convention Center, 5300 Pacific Avenue, SE, Lacey, Washington.

Send written comments on the draft SEIS to the Interagency SEIS Team, P.O. Box 3623, Portland, OR 97208–3623.

FOR FURTHER INFORMATION CONTACT: Sharon Heywood, Interagency SEIS Team, 503–326–7883.

SUPPLEMENTARY INFORMATION: These scheduled hearings will be formal hearings to receive official public comments. Both written and oral comments will be accepted. To ensure that everyone has an opportunity to be heard, speakers may be limited to three minutes. Each speaker's comments will be recorded and will receive equal consideration with written comments received by October 28, 1993.

Each hearing will be administered by a Hearing Officer. Officials from the Department of Agriculture and the Interior will be present to hear and receive the comments.

People wanting to speak at the hearing should register at the meeting site prior to the beginning of the hearing. Registration will begin one hour before each hearing. Elected officials will be allowed to speak first.

Copies of the draft SEIS and appendices will be available at the hearings. Copies are also available for review at all local Bureau of Land Management and Forest Service offices and some public libraries in Oregon, Washington, and northern California. Alternatively, copies may be obtained by calling 503–326–7883.

Notices about these hearings will also be published in local newspapers having general distribution in Northern California, Oregon, and Washington.

For the Forest Service:

Dated: August 18, 1993.

Thomas J. Mills,

Acting Deputy Chief, Programs and Legislation.

For the Office of the Secretary of the Interior.

Dated: August 19, 1993.

Jonathan P. Deason,

Director, Office of Environmental Affairs.

[FR Doc. 93–20441 Filed 8–23–93; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 2 p.m. and adjourn at 5 p.m. on Thursday, September 16, 1993, at the Residence Inn by Marriott, Meeting Room, 150 Stoneridge Drive in Columbia, South Carolina 29210. The purpose of the meeting is to: (1) to discuss the status of the Commission and SACs; (2) to discuss civil rights progress and/or problems in the State; and (3) to review and discuss the draft report on Racial Tensions in South Carolina.

Persons desiring additional information, or planning a presentation to the Committee, should contact Robert L. Knight, Civil Rights Analyst, Southern Regional Office, at 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, August 17, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–20412 Filed 8–23–93; 8:45 am]

BILLING CODE 6335–01–P

Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the South Dakota Advisory Committee will be held from 8 a.m. until 8 p.m. on Friday, September 17, 1993, at the Holiday Inn City Centre, 100 W. 8 Street, Sioux Falls, South Dakota. The purpose of the meeting is to receive information on the subject of employment discrimination against women in South Dakota.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Rae Burnette or William F. Muldrow, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, August 16, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–20411 Filed 8–23–93; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 44–93]

Foreign-Trade Zone 102—St. Louis, MO; Application for Subzone; Florsheim Shoe Company, Cape Girardeau, Jefferson City, Kirksville, West Plains, MO

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the St. Louis County Port Authority, grantee of FTZ 102, requesting special-purpose subzone status for the manufacturing and distribution facilities of Florsheim Shoe Company, located in Jefferson City, Cape Girardeau, Kirksville, and West Plains, Missouri. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on August 13, 1993.

The proposal involves three manufacturing plants and a distribution center (1,450 employees). The manufacturing plants are: *Site 1* (12.6 acres)—1600 S.W. End Blvd., Cape Girardeau; *Site 2* (14.5 acres)—810 E. Shepherd Ave., Kirksville; and, *Site 3* (3.5 acres)—665 Missouri Avenue, West Plains. The distribution center (*Site 4*, 39 acres) is located at 312 Wilson Drive, Jefferson City. The manufacturing plants are used to produce a variety of men's and women's leather footwear. Materials are sourced both from the U.S. and abroad and include leather and shoe parts (uppers, midsoles, heels). The shoe parts may consist of U.S. and foreign materials. Certain parts, such as uppers, may be made in foreign countries. The distribution facility is used to distribute material inputs to the manufacturing plants as well as distribute finished products.

Zone procedures would exempt Florsheim from Customs duty payments

on the foreign products that are reexported. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (5% to 8.5%). The duty rates on foreign-sourced items range from 2.4 to 10 percent. The company is also seeking an exemption from Customs duties on defective materials and waste materials resulting from the manufacturing process (est. 20%). The application indicates that zone savings would help improve the international competitiveness of the company's Missouri plants and contribute to maintaining domestic production and employment.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 25, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to November 8, 1993.).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 8182 Maryland Avenue, suite 303; St. Louis, Missouri 63105.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: August 18, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–20461 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings and suspension agreements with July anniversary dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–2104.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) has received timely requests, in accordance with §§ 353.22(a) and 355.22(a) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements with July anniversary dates.

Initiation of Reviews

In accordance with §§ 353.22(c) and 355(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews not later than July 31, 1994.

Antidumping duty proceedings	Period to be reviewed
Brazil	
Frozen Concentrated Orange Juice A–351–605:	
Frutropic/COINBRA	5/1/92–4/30/93
Silicon Metal A–351–806:	
Companhia Brasileira Carureto de Calcio, Companhia Ferroligas Minas Gerais-Minasligas, Eletroila, S.A., RIMA Eletrometalurgica S.A	7/1/92–6/30/93
Germany	
High Tenacity Rayon Filament Yarn A–428–810:	
Akzo Faser AG	[1] 2/20/92–5/31/93
United Kingdom	
Industrial Nitrocellulose A–412–803:	
Imperial Chemical Industries PLC Nobel's Explosives Company Ltd	7/1/92–6/30/93
Canada	
Certain Softwood Lumber Products [2] C–122–816	3/12/92–3/31/93

[1] This case was listed in the July 21, 1993, initiation notice showing the review period as 2/20/91–5/31/93. The correct review period is 2/20/92–5/31/93.

[2] In addition, 190 companies requested individual reviews under 19 C.F.R. 355.22(a)(2). The Department is currently reviewing these requests to ensure that they meet the requirements for individual company review.

Interested parties must submit applications for administrative protective orders in accordance with §§ 353.34(b) and 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1) (1992).

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20465 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 93–063. *Applicant:* Ames Laboratory, U.S. Department of Energy, Iowa State University, 133 Spedding Hall, Ames, IA 50011-3020. *Instrument:* Sequential Stopped-Flow Spectrofluorimeter, Model DX.17MV. *Manufacturer:* Applied Photophysics,

United Kingdom. *Intended Use:* The instrument will be used for evaluation of the rates of millisecond reaction during studies of various materials which are mostly transition metal complexes and organometallic compounds, including compounds of the elements Cr, Fe, V, Co, Rh, Mo, W and Cu. The objective of this research is to characterize the chemistry of reactive molecules that are involved in reactions leading to synthetic fuels and selective oxidations. In addition, the instrument system will be used to train graduate students in research methodologies in this particular area of chemistry. *Application Received by Commissioner of Customs:* July 20, 1993.

Docket Number: 93–085. *Applicant:* North Carolina State University, P.O. Box 7212, Raleigh, NC 27695-7212. *Instrument:* Kiel Carbonate Prep Device. *Manufacturer:* Finnigan, MAT, Germany. *Intended Use:* The instrument will be used as an accessory to upgrade an existing mass spectrometer that is being used in paleoceanographic and paleoclimatic research to determine the history of global change. The instrument will also be used for educational purposes in the undergraduate and graduate program in Marine, Earth and Atmospheric Sciences in the courses: Stable Isotope Geochemistry, Marine Micropaleontology, Chemical Oceanography, Geochemistry, Paleontology—A History of Global Change and Global Water Cycle. *Application Received by Commissioner of Customs:* July 13, 1993.

Docket Number: 93–090. *Applicant:* University of Kansas, Chemistry Department, 2003 Malott Hall, Lawrence, KS 66045. *Instrument:* Cryostopped-Flow Spectrophotometer/ Fluorimeter System, Model SF-41 Canterbury. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. *Intended Use:* The instrument will be used to study synthetic compounds that reversibly bind the oxygen from the air. *Application Received by Commissioner of Customs:* July 19, 1993.

Docket Number: 93–091. *Applicant:* Washington University, One Brookings Drive, St. Louis, MO 63130. *Instrument:* Flanged Tip Handling System with Additional Sensor System. *Manufacturer:* SIG Packaging Technologies, Ltd., United Kingdom. *Intended Use:* The instrument will be used to study the DNA structure and genetic characteristics of the C-Elegans organism. Experiments will include a series of biological and chemical processes to extract DNA samples and bring them in such a form that can be tested for the presence or not of specific genetic base elements (a process called sequencing). *Application Received by Commissioner of Customs:* July 19, 1993.

Docket Number: 93–092. *Applicant:* Research & Education Institute, Inc., Harbor-UCLA Medical Center, 1124 West Carson Street, Torrance, CA 90502. *Instrument:* Isotope Ratio Mass Spectrometer, Model Delta S. *Manufacturer:* Finnigan Corp., Germany. *Intended Use:* The instrument will be used for analyzing samples in a number of studies of biological samples (breath, urine, blood or tissue from subjects in health or sickness) to obtain information regarding certain metabolic processes that are important in health or in disease. *Application Received by Commissioner of Customs:* July 19, 1993.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–20468 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–F

[A–428–061]

Barium Carbonate From Germany; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on barium carbonate from Germany.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or Thomas Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review of the antidumping duty order on barium carbonate from Germany (58 FR 33610, June 25, 1981) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 18, 1993, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to each interested party on the Department's service list.

On June 21, 1993, a domestic interested party, the Chemical Products Corporation, objected to our intent to revoke the order. Therefore, because a domestic interested party objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20470 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–583–080]

Carbon Steel Plate From Taiwan; Determination Not To Revoke Antidumping Finding

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

ACTION: Notice of determination not to revoke antidumping findings.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping finding on carbon steel plate from Taiwan.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Pamela Woods, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–5254.

SUPPLEMENTARY INFORMATION: The Department of Commerce may revoke an antidumping finding, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We have not received a request to conduct an administrative review of the antidumping finding on carbon steel plate from Taiwan (44 FR 33877, June 13, 1979) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 18, 1993, we published in the **Federal Register** a notice of intent to revoke the finding, and served written notice of the intent to each interested party on the Department's interested party list.

On June 30, 1993, several domestic interested parties, Bethlehem Steel

Corporation, U.S. Steel Group, and Inland Steel Industries Inc., objected to our intent to revoke the finding. Therefore, because these domestic interested parties objected to the revocation, we no longer intend to revoke this antidumping finding.

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20478 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–002]

Chloropicrin From the People's Republic of China; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on chloropicrin from the People's Republic of China.

EFFECTIVE DATE: August 24, 1993.

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

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We have not received a request to conduct an administrative review of the antidumping duty order on chloropicrin from the People's Republic of China (49 FR 106915, March 22, 1984) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on February 26, 1993, we published in the **Federal Register** a notice of intent to revoke the order, and served written notice of the intent to each interested party on the Department's interested party list.

On March 29, 1993, several domestic interested parties, Niklor Chemical Co., Trinity Mfg., Inc., Hanlin Group, Inc., and ASHTA Chemicals, objected to our intent to revoke the order. Therefore, because several domestic interested parties objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20479 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–829]

Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Defrost Timers From Japan

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

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Bill Crow, Office of Antidumping Investigations, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0116.

PRELIMINARY DETERMINATION: We preliminarily determine that defrost timers from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the notice of initiation on February 12, 1993 (58 FR 8255, February 12, 1993), the following events have occurred.

On March 5, 1993, the International Trade Commission (ITC) issued an affirmative preliminary determination.

On March 19, 1993, petitioner requested that the Department of Commerce (the Department) expand the period of investigation (POI).

On March 17, 1993, the Department presented its questionnaire to Sankyo Seiki Manufacturing Co. Ltd. (Sankyo) which accounted for at least 60 percent of known sales to the United States during the POI, in accordance with 19 CFR 353.42(b). On March 26, 1993, the Department notified Sankyo that we would expand the POI in this investigation. See the **Period of Investigation** section of this notice.

The respondent submitted a response to section A of the Department's questionnaire, which pertains to respondent's corporate structure and general sales activities, on March 31, 1993. We issued a supplemental section A questionnaire on April 8, 1993, and received the response on April 19, 1993. The respondent submitted a response to sections B and C of the Department's questionnaire, which deal with the reporting of home market and U.S. sales, respectively, on April 30, 1993. On June 4, 1993, the Department notified all of the parties to the proceeding that the preliminary determination would be postponed until no later than August 17, 1993, determining this investigation to be "extraordinary complicated" due to the complexity of the issues surrounding the date of sale in the United States.

We issued a supplemental section B and C questionnaire on June 17, 1993, and received the response on July 16, 1993. We issued a second supplemental section B and C questionnaire on July 29, 1993.

On August 10, 1993, Sankyo requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination to 135 days after the date of the publication of the affirmative preliminary determination. See the **Postponement of Final Determination** section of this notice. On August 10, 1993, Sankyo requested an extension to respond to the Department's July 29, 1993, supplemental questionnaire. On August 10, 1993, the Department granted Sankyo an extension until September 15, 1993. We will analyze and verify the deficiency response for use in the Department's final determination.

Scope of Investigation

For purposes of this investigation, defrost timers are electro-mechanical and electronic defrost timers for residential refrigerators. Electro-mechanical defrost timers are comprised of several components that make or break electric circuits by activating two sets of electrical contact points—one to disconnect the compressor (the cooling mechanism) and the other to connect the defrost heater. The articles are equipped with a synchronous or subsynchronous motor. The defrost timer disconnects the compressor by opening an electrical circuit after the compressor itself has run for a length of time predetermined by the manufacturer depending on the specifications of the model. Upon completion of the compressor run cycle (and simultaneously with the compressor's disconnection) the defrost heater is activated and runs for a preset time (again depending on the model), as predetermined by the manufacturer. Electronic defrost timers have a similar function but operate with greater efficiency. This is because a

microprocessor in the device uses information gathered during the defrost cycle to adjust the compressor run time. This system defrosts only when needed, thereby improving the efficiency of the refrigerator.

The defrost timers subject to this investigation are currently classifiable under subheading 9107.00.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this investigation is dispositive.

Period of Investigation

We initiated this investigation using a six-month POI from July 1, 1992, through December 30, 1992. In order to capture U.S. sales made pursuant to long-term contracts, we have expanded the POI to include two additional six-month periods (i.e., April–Sept. 1991 and Oct. 91–March 92). Respondent will report home market sales in these periods to correspond to U.S. sales contracted in July 1991 and January 1992, respectively (see memorandum from Richard Moreland to Barbara Stafford dated June 4, 1993).

Such or Similar Comparisons

We have determined for purposes of the preliminary determination that the product covered by this investigation comprises a single category of "such or similar" merchandise. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of: (1) Type of timer (either electronic or electro-mechanical); (2) length of interval between defrost cycles; (3) duration of the defrost cycle; (4) wattage of the device; (5) frequency in hertz; and (6) voltage of the device. Because respondent made incorrect comparisons of several product models, the Department rematched those models. This rematching was facilitated by the respondent's general adherence to the Department's matching criteria, by the relatively small number of comparisons to be adjusted, and by the fact that the data was submitted on computer tapes.

We made adjustments for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisons

To determine whether sales of defrost timers from Japan to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation and because exporter's sales price (ESP) methodology, in those instances, was not otherwise indicated.

We calculated purchase price based on FOB, C&F, and CIF sales to unrelated customers. We made deductions, where appropriate, for foreign brokerage, foreign inland freight, ocean freight, and marine insurance, in accordance with section 772(d)(2) of the Act.

On March 19, 1993, the United States Court of Appeals for the Federal Circuit, in affirming the decision of the Court of International Trade in *Zenith Electronics Corporation* v. *United States*, Slip Op. 92–1034, –1044, –1045, –1046, ruled that section 772(d)(1)(C) of the Act provides for an addition to U.S. price to account for taxes which the exporting country would have assessed on the merchandise had it been sold in the home market, and that section 773(a)(4)(B) of the Act does not allow circumstance-of-sale adjustments to FMV for differences in taxes. Accordingly, we have changed our practice and will no longer make a circumstance-of-sale adjustment. Also, we will no longer calculate a hypothetical tax on the U.S. product, but will, for the time being, add to the U.S. price the absolute amount of tax on the comparison merchandise sold in the country of exportation. By adding the amount of home market tax to U.S. price, absolute dumping margins are not inflated or deflated by differences between taxes included in FMV and those added to U.S. price.

In addition, we propose a change in 19 CFR 353.2(f)(2) to provide that we will calculate weighted-average dumping margins by dividing the aggregated dumping margins, calculated as described above, by the aggregated U.S. prices net of taxes. This change would result in weighted-average dumping margin rates which are neither inflated nor deflated on account of our methodology of accounting for taxes paid in the home market but rebated or not collected by reason of exportation. We have drafted this proposed change, and have begun the rule making process.

We excluded from our analysis sales of one model because these sales made up an insignificant volume of total U.S. sales. (See memorandum dated August 5, 1993, from Richard W. Moreland to Barbara R. Stafford.)

Foreign Market Value

In order to determine whether there were sufficient sales of defrost timers in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of defrost timers to the volume of third country sales of the same product, in accordance with section 773(a)(1)(B) of the Act. Sankyo had a viable home market with respect to sales of defrost timers during the POI.

In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade. We deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(1) of the Act.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments, where appropriate, for differences in credit and warranty expenses. We recalculated both home market and U.S. credit expenses to reflect the correct credit periods. Because Sankyo incorrectly reported both U.S. and home market warranty expenses as monthly costs allocated over sales quantity, we recalculated both U.S. and home market warranties as POI expenses allocated over their respective POI sales values. Lastly, we made an adjustment for physical differences in merchandise, where appropriate, in accordance with 19 CFR 353.57. Because Sankyo failed to fully explain and substantiate its claimed difference-in-merchandise adjustments, we applied the single smallest difference-in-merchandise adjustment reported to all matches, as best information available (BIA).

We added U.S. commissions and deducted from FMV the weighted-average indirect selling expenses, up to the amount of the U.S. commission, in accordance with 19 CFR 353.56(b)(2). We recalculated U.S. commissions because the amounts reported were not consistent with the narrative description. We used the smallest reported home market indirect selling expense for each sales period as BIA because Sankyo failed to report the indirect selling expenses pertaining to defrost timers correctly, as a percentage of sales value, and because its partial worksheets did not include the data required to recalculate the expenses as a percentage of sales value; for the period where Sankyo failed to provide indirect selling expense worksheets, we disallowed any adjustment for indirect selling expenses as BIA.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, pursuant to Sankyo's timely submission of outstanding responses, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of defrost timers from Japan, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
Sankyo Seiki Manufacturing Co. Ltd.	69.46
All others	69.46

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Postponement of Final Determination

As stated above, in accordance with 19 CFR 353.20(b), Sankyo, which accounts for a significant portion of the merchandise covered by this proceeding, has requested that in the event of an affirmative determination the Department postpone the final determination. We found no compelling reason to deny this request. Accordingly, we are postponing the date of the final determination until not later than 135 days after the date of publication of this notice, pursuant to 19 CFR 353.20(h).

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 8, 1993, rebuttal briefs no later than November 15, 1993. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to give interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on November 22, 1993, at 9:30 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the schedule time.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673(f)) and 19 CFR 353.15(a)(4).

Dated: August 17, 1993.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–20469 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–331–602]

Fresh Cut Flowers From Ecuador; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on fresh cut flowers from Ecuador.

EFFECTIVE DATE: August 24, 1993.

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

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We have not received a request to conduct an administrative review of the antidumping duty order on fresh cut flowers from Ecuador (52 FR 8494, March 18, 1987) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 3, 1993, we published in the **Federal Register** a notice of intent to revoke the order, and served written notice of the intent to each interested party on the Department's interested party list.

On June 30, 1993, a domestic interested party, the Floral Trade Council, objected to our intent to revoke the order. Therefore, because a domestic interested party objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20480 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–706]

Nitrile Rubber From Japan; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on nitrile rubber from Japan.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Pamela Woods, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–5254.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We have not received a request to conduct an administrative review of the antidumping duty order on nitrile rubber from Japan (53 FR 22553, June 16, 1988) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 18, 1993, we

published in the **Federal Register** a notice of intent to revoke the order, and served written notice of the intent to each interested party on the Department's interested party list.

On June 30, 1993, two domestic interested parties, Zeon Chemicals Kentucky, Inc., and Uniroyal Chemical Company, Inc., objected to our intent to revoke the order. Therefore, because these domestic interested parties objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20481 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–583–505]

Oil Country Tubular Goods From Taiwan; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on oil country tubular goods from Taiwan.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: David Genovese or Pamela Woods, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–5254.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We have not received a request to conduct an administrative review of the antidumping duty order on oil country tubular goods from Taiwan (51 FR 22098, June 18, 1986) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 18, 1993, we published in the **Federal Register** a notice of intent to revoke the order, and served written notice of the intent to each interested party on the Department's interested party list.

On June 25, 1993, several domestic interested parties, North Star Steel Ohio, Lone Star Steel Company and CF&I Steel Corporation, objected to our intent to revoke the order. Therefore, because several domestic interested parties objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20476 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–247–003]

Portland Cement From the Dominican Republic; Determination Not To Revoke Antidumping Finding

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

ACTION: Notice of determination not to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping finding on portland cement from the Dominican Republic.

EFFECTIVE DATE: August 24, 1993.

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

SUPPLEMENTARY INFORMATION: The Department of Commerce may revoke an antidumping finding, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We have not received a request to conduct an administrative review of the antidumping finding on portland cement from the Dominican Republic (28 FR 4507, May 4, 1963) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 21, 1993, we published in the **Federal Register** a notice of intent to revoke the finding, and served written notice of the intent to each interested party on the Department's interested party list.

On June 28, 1993, several domestic interested parties, Florida Crushed Stone, Southdown, Inc., North Texas Cement, formerly Gifford-Hill & Co., National Cement Co., Phoenix Cement, and Texas Industries, Inc., objected to our intent to revoke the finding. Therefore, because domestic interested parties objected to the revocation, we no longer intend to revoke this antidumping finding.

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20482 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–427–001]

Sorbitol From France; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on sorbitol from France.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Sally Hastings or John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–3601.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review of the antidumping duty order on sorbitol from France (46 FR 15391, April 9, 1982) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on April 14, 1993, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to each interested party on the Department's service list.

On April 30, 1993, a domestic interested party, Lonza Inc., objected to our intent to revoke the order.

Therefore, because a domestic interested party objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20472 Filed 8–27–93; 8:45 am]

BILLING CODE 3510–DS–M

Standard Carnations From Kenya; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on standard carnations from Kenya.

EFFECTIVE DATE: August 24, 1993.

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

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review of the antidumping duty order on standard carnations from Kenya (58 FR 19407, April 23, 1981) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on April 14, 1993, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to each interested party on the Department's service list.

On April 30, 1993, a domestic interested party, the Floral Trade Council, objected to our intent to revoke the order. Therefore, because a domestic interested party objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20475 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–006]

Steel Jacks From Canada; Determination Not To Revoke Antidumping Finding

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

ACTION: Notice of determination not to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping finding on steel jacks from Canada.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Maureen Shields or John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202 482–3601.

SUPPLEMENTARY INFORMATION: The Department of Commerce may revoke an antidumping finding, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review of the antidumping finding on steel jacks from Canada (31 FR 11974, September 13, 1966) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on April 8, 1993, we published in the **Federal Register** a notice of intent to revoke the finding and served written notice of the intent to each interested party on the Department's service list.

On May 6, 1993, a domestic interested party, Bloomfield Manufacturing Company, Inc., objected to our intent to revoke the finding. Therefore, because a domestic interested party objected to the revocation, we no longer intend to revoke this antidumping finding.

Dated: August 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20471 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–FS–M

[A–401–040]

Stainless Steel Plate From Sweden; Determination Not To Revoke Antidumping Finding

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

ACTION: Notice of determination not to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping finding on stainless steel plate from Sweden.

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Pamela Woods, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–5254.

SUPPLEMENTARY INFORMATION: The Department of Commerce may revoke an antidumping finding, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests and administrative review.

We have not received a request to conduct an administrative review of the antidumping finding on stainless steel plate from Sweden (38 FR 15079, June 8, 1973) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 18, 1993, we published in the **Federal Register** a notice of intent to revoke the finding, and served written notice of the intent to each interested party on the Department's interested party list.

On June 29, 1993, several domestic interested parties, Armco Inc., G.O. Carlson, Inc., Jessop Steel Company, and Washington Steel Corporation, objected to our intent to revoke the finding. Therefore, because these domestic interested parties objected to the revocation, we no longer intend to revoke this antidumping finding.

Dated: August 17, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20477 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–085]

Sugar and Syrups From Canada; Determination Not To Revoke Antidumping Duty Order

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

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on sugar and syrups from Canada.

EFFECTIVE DATE: August 24, 1993.

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

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review of the antidumping duty order on sugar and syrups from Canada (45 FR 24126, April 9, 1980) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on April 14, 1993, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to each interested party on the Department's service list.

On April 27, 1993, several domestic interested parties, the American Sugar Cane League, the American Sugarbeet Growers Association, the Florida Sugar Cane League, the Hawaiian Sugar Planters' Association, the Rio Grande Valley Sugar Growers, the Sugar Cane Growers Cooperative of Florida, the U.S. Beet Sugar Association and the U.S. Cane Refiners' Association, objected to our intent to revoke the order. Therefore, because several domestic interested parties objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20473 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–423–077, A–427–078, A–428–082]

Sugar From Belgium, France, and Germany; Determination Not To Revoke Antidumping Findings

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

ACTION: Notice of determination not to revoke antidumping findings.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping findings on sugar from Belgium, France, and Germany.

EFFECTIVE DATE: August 24, 1993.

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

SUPPLEMENTARY INFORMATION: The Department of Commerce may revoke an antidumping finding, pursuant to § 353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review of the antidumping findings on sugar from Belgium, France, and Germany (38 FR 7566, March 23, 1973) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on June 18, 1993, we published in the **Federal Register** notices of intent to revoke the findings and served written notice of the intent to each interested party on the Department's service list.

On June 21, 1993, a domestic interested party, Florida Sugar Marketing and Terminal Association, Inc., objected to our intent to revoke the findings. Therefore, because a domestic interested party objected to the revocation, we no longer intend to revoke these antidumping findings.

Dated: August 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–20474 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–M

[(A–351–819), (A–427–811)]

Notice of Postponement of Final Determinations of Sales at Less Than Fair Value: Certain Stainless Steel Wire Rods From Brazil and France

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

EFFECTIVE DATE: August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Jim Cunningham, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4207.

POSTPONEMENTS:

Brazil

On July 28, 1993 (58 FR 41723, August 5, 1993), the Department of Commerce issued an affirmative preliminary determination in the antidumping duty investigation of certain stainless steel wire rods from Brazil.

On August 4, 1993, Eletrometal S.A. Metais Especiais (hereinafter referred to as "Eletrometal") requested that the Department postpone the final determination in accordance with section 353.20(b) of the Department's regulations. Eletrometal made this request in order to allow the Department time to adequately review recently submitted responses to the Department's supplemental questionnaire, and to prepare for verification.

On August 10, 1993, petitioners stated their opposition to Eletrometal's request for postponement arguing that the respondent's exports do not account for a significant portion of exports of the merchandise which is the subject of the investigation under section 735(a)(2)(A) of the Act (19 U.S.C. 1673d(a)(2)(A)).

However, we have determined that Eletrometal's exports do account for a significant proportion of exports. Therefore, we find no compelling reasons to deny Eletrometal's request for postponement.

France

On July 28, 1993 (58 FR 41726, August 5, 1993), the Department of Commerce (the Department) issued an affirmative preliminary determination in the antidumping duty investigation of certain stainless steel wire rods from France.

On August 2, 1993, Imphy S.A. and Ugine-Savoie and their related U.S. entities, Metalimphy Alloys Corporation and Techalloy Company Inc., (hereinafter referred to collectively as "Imphy"), requested that the

Department postpone the final determination in accordance with section 353.20(b) of the Department's regulations. Imphy made this request in order to allow it time to adequately respond to the Department's supplemental questionnaire, and to prepare for verification, which it states is complicated by personnel scheduling and the compilation of U.S. value-added information. Imphy accounts for a significant portion of exports of SSWR to the United States. We find no compelling reasons to deny Imphy's request for postponement.

For the reasons above, we are postponing the above-referenced final determinations to the full extent authorized under section 735(a)(2) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)). The final determinations for Brazil and France will, therefore, be issued not later than December 20, 1993, which is 135 days after the date of publication of the preliminary determinations.

Public Comment

Because of the postponement of the final determinations, the hearing dates of September 15, 1993 for Brazil, and September 21, 1993 for France, and the dates for the submission of case and rebuttal briefs have been changed.

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies now must be submitted to the Assistant Secretary for Import Administration no later than November 8, 1993 for Brazil, and November 12, 1993 for France, and rebuttal briefs no later than November 15, 1993 for Brazil, and November 19, 1993 for France. We request that parties in these cases provide an executive summary of no more than two pages in conjunction with case briefs on the major issues to be addressed. Further, briefs should contain a table of authorities. Citations to Department determinations and court decisions should include the page number where cited information appears. In preparing the briefs, please begin each issue on a separate page. In accordance with 19 CFR 353.38(b), we will hold public hearings, if requested, to give interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearings will be held on November 22, 1993 for Brazil, and November 23, 1993 for France, at 9:30 a.m. at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearings 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain:

(1) The party's name, address, and telephone number;

(2) The number of participants; and

(3) A list of the issues to be discussed.

In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

This notice is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)), section 774(b) of the Act (19 U.S.C. 1677c(b)) and 19 CFR 353.20(b)(2).

Dated: August 18, 1993.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–20464 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–P

Children's Medical Center; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93–010. *Applicant:* Children's Medical Center, Tulsa, OK 74135. *Instrument:* Cytoscan Computer Processor. *Manufacturer:* Applied Imaging, United Kingdom. *Intended Use:* See notice at 58 FR 34029, June 23, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer.

The accessory is pertinent to the intended uses and we know of no domestic accessory which can be readily adapted to the previously imported instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–20484 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–F

University of California at Los Angeles; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93–044. *Applicant:* University of California at Los Angeles, Los Angeles, CA 90024–1547. *Instrument:* Samarium Cobalt Magnet. *Manufacturer:* International Center for Scientific Culture World Laboratory, CIS. *Intended Use:* See notice at 58 FR 31509, June 3, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer.

The accessory is pertinent to the intended uses and we know of no domestic accessory which can be readily adapted to the previously imported instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–20466 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–F

Washington University et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 93–025. *Applicant:* Washington University, St. Louis, MO 63139. *Instrument:* (2) 3-D

Micromanipulators, Model WR-88-R. *Manufacturer:* Narishige Instrument Co., Japan. *Intended Use:* See notice at 58 FR 21973, April 26, 1993. *Reasons:* The foreign instrument provides superior freedom from vibration and electrical interference.

Docket Number: 93–031. *Applicant:* University of Utah, Salt Lake City, UT 84112. *Instrument:* Mass Spectrometer, Model API III-R. *Manufacturer:* Perkin-Elmer Sciex Instruments, Canada. *Intended Use:* See notice at 58 FR 21973, April 26, 1993. *Reasons:* The foreign instrument provides: (1) Tandem mass spectroscopy of ions with charge states of -3 to -7, (2) HPLC flow rates to 200 µl per minute and (3) buffer salt tolerance to 10 millimoles.

Docket Number: 93–033. *Applicant:* Albert-Einstein College of Medicine, Bronx, NY 10461. *Instrument:* Stopped-Flow Spectrophotometer System, Model SF-61AX with Model OPT.690 Anaerobic Kit. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. *Intended Use:* See notice at 58 FR 21974, April 26, 1993. *Reasons:* The foreign instrument provides: (1) Anaerobic operation, (2) detectors for both absorbance and fluorescence and (3) 0.8 msec dead time.

Docket Number: 93–034. *Applicant:* Michigan State University, East Lansing, MI 48824–1319. *Instrument:* Quench Flow Apparatus, Model QFM-5. *Manufacturer:* Bio-Logic, France. *Intended Use:* See notice at 58 FR 27266, May 7, 1993. *Reasons:* The foreign instrument provides five independently controlled supply syringes and a dwell time range of 0.8 to 200 msec.

Docket Number: 93–036. *Applicant:* Rutgers-The State University of New Jersey, New Brunswick, NJ 08903-0231. *Instrument:* Microvolume Stopped-flow Spectrofluorimeter, Model SX.17MV with Spares Kit. *Manufacturer:* Applied Photophysics, Ltd., United Kingdom. *Intended Use:* See notice at 58 FR 27266, May 7, 1993. *Reasons:* The foreign instrument provides time-resolved fluorescent spectroscopy and a 12.5 µsec interval between spectra.

The National Institues of Health advises in its memoranda dated July 13, 1993, that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–20467 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–F

Wilford Hall Medical Center; Decision on Application for Duty-Free Entry of an Electron Microscope

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93–042. *Applicant:* Wilford Hall Medical Center, San Antonio, TX 78236–5300. *Instrument:* Electron Microscope, Model EM 900. *Manufacturer:* Carl Zeiss, Germany. *Intended Use:* See notice at 58 FR 31509, June 3, 1993. *Order Date:* February 9, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered. *Reasons:* The foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to this purpose, which was being manufactured in the United States either at the time of order of this instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–20483 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–DS–F

National Institute of Standards and Technology

[Docket No. 930789–3189]

Opportunity To Join a Cooperative Research and Development Consortium To Develop Secure Software Encryption With Integrated Cryptographic Key Escrowing Techniques

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of opportunity to join a cooperative research and development consortium.

SUMMARY: The National Institute of Standards and Technology (NIST) seeks industrial and academic parties interested in entering into a cooperative research consortium on the development of new technology for secure software encryption with integrated cryptographic key escrowing techniques. The program will be undertaken within the scope and confines of The Federal Technology Transfer Act of 1986 (15 U.S.C. 3710a), which provides federal laboratories including NIST, with the authority to enter into cooperative research agreements with qualified parties. Under this law, NIST may contribute personnel, equipment, and facilities—but no funds—to the cooperative research program. Members will be expected to make contribution to the consortium's efforts in the form of materials, equipment, personnel, and/or funds. The first phase of the research program is expected to last two to three years. This is not a grant program.

DATES: Interested parties should contact NIST at the address or telephone number shown below no later than October 25, 1993.

ADDRESSES: Dr. Dennis K. Branstad, NIST Senior Fellow, Building 225, room A–216, National Institute of Standards and Technology, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Dennis K. Branstad, Telephone (301) 975–2913.

SUPPLEMENTARY INFORMATION: The National Institute of Standards and Technology (NIST) seeks industrial and academic parties interested in entering into a cooperative research consortium on the development of new technology for secure software encryption with integrated cryptographic key escrowing techniques. This technology, when available for voluntary use, will provide cost-effective security for unclassified applications while assuring that government agencies, under proper legal authority, may collect and decrypt electronically transmitted information. The development of software-based key escrowing encryption technology is in furtherance of the President's decision, announced by the White House Office of the Press Secretary on April 16, 1993, to encourage the development, manufacture, and use of such technology.

The purpose of this consortium is to develop technologies for secure software based encryption with integrated

cryptographic key escrowing technology that will: (1) Resist unauthorized replacement or modification as well as reverse engineering to obtain either the software encryption or law enforcement access field (LEAF) creation algorithms implemented in the code; (2) withstand unauthorized attempts to obtain or change cryptographic key(s); (3) provide for the output of a LEAF through a secure LEAF Creation Method; and (4) provide cost-effective security for a wide variety of unclassified government and commercial applications. These goals may be refined and augmented by NIST in consultation with consortium members.

The National Security Agency has agreed to be of technical assistance to NIST in this effort.

No access to classified information is anticipated.

This program is being undertaken within the scope and confines of the Federal Technology Transfer Act of 1986 (Public Law 99–502, 15 U.S.C. 3710a) which authorizes government owned and operated federal laboratories, including NIST, to enter into cooperative research and development agreements (CRADAs) with qualified parties. Under the law, a CRADA may provide for contributions from the federal laboratory of personnel, facilities, and equipment, but not direct funding.

Dated: August 18, 1993.

Arati Prabhakar,

Director.

[FR Doc. 93–20342 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–CN–M

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the National Institute of Standards and Technology's Visiting Committee on Advanced Technology (NIST) will meet on Tuesday, September 14, 1993, from 8:30 a.m. to 5 p.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, it budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include a NIST management update and presentations on the Malcolm Baldrige National Quality Award Program, strategic planning of the Materials Science and Engineering Laboratory, the Board on Assessment of NIST Programs' annual report, clipper chip and implications for NIST's role in information security standards, and NIST laboratory tours.

Discussions on proposed funding on the Applied Technology Program and the Manufacturing Extension Partnership and the staffing of management positions at NIST scheduled to begin at 4:10 p.m. and to end at 5 p.m. on September 14, 1993, will be closed.

DATES: The meeting will convene September 14, 1993, at 8:30 a.m. and will adjourn at 5 p.m. on September 14, 1993.

ADDRESSES: The meeting will be held in Lecture Room A, Administration Building, at the National Institute of Standards and Technology, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Dale E. Hall, Visiting Committee Executive Director, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2158.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on July 21, 1993, that portions of the meeting of the Visiting Committee on Advanced Technology which involve discussion of proposed funding of the ATP and the MEP Programs may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve discussion of the staffing of management and other positions at NIST may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: August 18, 1993.

Arati Prabhakar,

Director.

[FR Doc. 93–20410 Filed 8–23–93; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF ENERGY

Pittsburgh Energy Technology Center; Noncompetitive Financial Assistance Award

AGENCY: Bartlesville Project Office and Pittsburgh Energy Technology Center, Department of Energy.

ACTION: Determination of Noncompetitive Financial Assistance (Grant) Award with Oklahoma Geological Survey.

SUMMARY: The U.S. Department of Energy (DOE), Bartlesville Project Office (BPO), announces that pursuant to 10 CFR 600.7(b)(2)(i) criteria (B) and (D), it intends to award a Grant through the Pittsburgh Energy Technology Center (PETC) to the Oklahoma Geological Survey to organize and conduct a workshop which will include a formal presentation and a field trip on Hunton Group Cores.

ADDRESSES: Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS921–118, Pittsburgh, PA 15236.

FOR FURTHER INFORMATION CONTACT: Karen S. Contract Specialist, (412) 892–6202.

SUPPLEMENTARY INFORMATION:

Grant No.

DE–FG22–93BC14870

Title of Research Effort

"Hunton Group Core Workshop and Field Trip"

Awardee

Oklahoma Geological Survey

Term of Assistance Effort

Twelve (12) months

Cost of Assistance Effort

The total estimated value is $28,000.00.

Objective

Based upon the authority of 10 CFR 600.7(b)(2)(i) criteria (B) and (D), the objective of this grant is to fund a workshop to enhance science and technology transfer through discussions and reports dealing with the geological setting, depositional environments, and digenetic history of the Hunton group reservoirs, that have already been

discovered to contain large volumes of remaining oil and gas, and that have a large potential for additional recovery using advanced recover technologies. The presentation and field trip will address a means of technology transfer in order to provide a new source of information for oil and gas producers and meets the National Energy Strategy goal of arresting the U.S. vulnerability to oil supply disruptions by increasing the domestic crude oil resource base.

Dated: August 10, 1993.

Dale A. Siciliano,

Contracting Officer.

[FR Doc. 93–20445 Filed 8–23–93; 8:45 am]

BILLING CODE 6450–01–M

Chicago Field Office; Noncompetitive Award of Financial Assistance, SouthFace Energy Institute

AGENCY: Department of Energy.

ACTION: Notice noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE), Chicago Field Office, through the Atlanta Support Office, announces that pursuant to DOE Financial Assistance Rules 10 CFR 600.7(b)(2), it intends to award a grant to the SouthFace Energy Institute to provide training and technical assistance to the Atlanta Pre-Olympic Revitalization Program.

FOR FURTHER INFORMATION CONTACT: Fred Singleton, U.S. Department of Energy, Atlanta Support Office, 730 Peachtree Street, NE., Atlanta, Georgia 30308, (404) 347–3482.

SUPPLEMENTARY INFORMATION: Significant energy savings can result from the development and appropriate use of methods and technologies to improve the energy efficiency of HUD and other low and moderate income housing stocks. These energy savings can assist HUD and other low and moderate income housing developers in attaining their goal of expanding affordable housing opportunities. This grant is to provide training and technical assistance to the Atlanta's Pre-Olympic Revitalization Programs. This program is to help community-based nonprofit organizations and local government agencies increase the energy efficiency in affordable housing. This DOE-HUD Initiative allows for the transfer of DOE research and technology in the area of existing building energy efficiency and research programs. The project period for the grant is a one year period expected to begin in October 1993. DOE plans to provide funding in the amount of $25,000 for this project period.

Issued in Chicago, Illinois, on August 13, 1993.

Alan E. Smith,

Director, Operations Management Support Division.

[FR Doc. 93–20446 Filed 8–23–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP89–638–014]

CNG Transmission Corp.; Amendment

August 18, 1993.

Take notice that on August 4, 1992, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP89–638–014, under section 7 of the Natural Gas Act (NGA), and part 157 of the Commission's rules and regulations, to amend CNG's Lebanon to Leidy Project certificate authorization issued by Commission Order on June 11, 1991, as part of the open-season ANR Phase II Project.

By this amendment, CNG proposes to amend certain certificated transportation services, that are associated with CNG's Lebanon to Leidy Project, to reflect the latest changes in the market.

CNG states that, as a result of recent negotiations, CNG and Kamine/Besicorp Syracuse, L.P. (Kamine Syracuse) have signed a Termination Agreement for 16,000 Dt per day of transportation services. Kamine Syracuse has contracted with Empire State Pipeline to transport its gas supply. CNG states that it and Northeast Cogen have also signed a Termination Agreement for 11,000 Dt per day of transportation service. Niagara Mohawk Power Corporation renegotiated and bought out the existing power sales agreement with the developers of this cogeneration facility. Thus, the developers of the Northeast Cogen Plant have terminated their plans. CNG requests that the Commission vacate the certificate authority for these two uncommenced transportation transactions.

Additionally, CNG states that Kamine/Besicorp Allegany, L.P. (Kamine Allegany) and CNG have agreed that Kamine Allegany will reduce its volumes from 16,000 Dt per day to 11,100 Dt per day, and will take effect, at Allegany's election, sometime between April 1, 1994, and November 1, 1994.

Further, CNG states that Indeck-Corinth Limited Partnership (Indeck-Corinth) and CNG have agreed to increase Indeck-Corinth's level of service from 2,400 Dt per day to 26,200 Dt per day.

As a result, the total amount of transportation service has decreased from 374,188 Dt per day to 365,988 Dt per day.

Any person desiring to be heard or to make any protest with reference to said application, should on or before September 16, 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 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 proceedings. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition 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 Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for CNG Transmission Corporation to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20425 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

Chicago Field Office, Noncompetitive Award of Financial Assistance; North Carolina Alternative Energy Corporation

AGENCY: Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE), Chicago Operations Office, through the Atlanta Support Office, announces that pursuant to DOE Financial Assistance Rules 10 CFR 600.7(b)(2), it intends to award a grant to the North Carolina Alternative Energy Corporation to support establishment of an Electric Motor Systems Resource Center, at the North Carolina Alternative Energy Center Corporation Industrial Electrotechnology Laboratory (AEC/IEL).

FOR FURTHER INFORMATION CONTACT: Robert Biccum, U.S. Department of Energy, Atlanta Support Office, 730 Peachtree Street NE., Atlanta, Georgia 30308. (404) 347–2379.

SUPPLEMENTARY INFORMATION: The project will consist of two tasks: (1) To develop a Generic Motor Policy Technical Bulletin supported by nine steps for implementation; (2) to provide specified technical assistance supported by four steps. These activities are designed to support the National Energy Strategy goal of increasing energy efficiency in industry and buildings by accelerating the commercialization and deployment of efficient Electric Motor Systems (EMS). The objective is to provide guidance for industrial employees responsible for establishing EMS specifications and maintaining them and for utility employees who operate customer assistance programs.

The project period for the grant is a two year period expected to begin October 1, 1993. DOE plans to provide initial funding of $40,000 with total project funding estimated at $100,000.

Issued in Chicago, Illinois, on August 13, 1993.

Alan E. Smith,

Director, Operations Management Support Division.

[FR Doc. 93–20448 Filed 8–23–93; 8:45 am]

BILLING CODE 6450–01–M

Chicago Operations Office, Noncompetitive Award of Financial Assistance; Southern States Energy Board

AGENCY: Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE) Chicago Operations Office, through the Atlanta Support Office, announces that pursuant to DOE Financial Assistance Rules 10 CFR 600.7(b)(2), it intends to award a grant to the Southern States Energy Board. The award represents the third phase funding for a program to implement strategies for conservation and renewable energy resources use in the sixteen Southern States and the Commonwealth of Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Warren Zurn, U.S. Department of Energy, Atlanta Support Office, 730 Peachtree Street NE., Atlanta, Georgia 30308. (404) 347–1047.

SUPPLEMENTARY INFORMATION: The National Energy Strategy articulated the critical role that energy efficiency, conservation and renewable energy resources will play in meeting the nation's long term energy needs. The Energy Policy Act will require similar activity from the Department when that legislation is implemented. The southern region has extraordinary potential for the application of energy efficient technologies, development of renewable energy resources and the deployment of conservation measures. The Conservation and Renewable Energy Resources Committee, established as an umbrella committee by SSEB to assist DOE in identifying options and developing conservation and renewable energy strategies, has made some promising initial steps toward identifying currently available, cost-effective and environmentally sound renewable energy and energy efficiency technologies that can address the challenges facing the southern region. Through additional funding to support this Committee, efforts to promote Integrated Resource Planning through the established committee, efforts to establish a regional Integrated Resource Clearinghouse, and continuation of efforts to develop solid waste management projects, the SSEB will continue to provide regional leadership in these areas and provide DOE with a regional analysis to (1) identify conservation and renewable energy options with the southern region; and (2) develop strategies for implementing conservation and renewable energy initiatives to address regional and national energy concerns. The objectives of this committee and the two focused committees are to develop concrete, workable methods of implementing research industry and other interested parties, thereby enhancing the regional economy and accelerating the deployment of available technologies.

The project period for the grant award is a one-year period, expected to begin in September 1993. DOE plans to provide additional funding in the amount of $100,000 for this project period.

Issued in Chicago, Illinois, on August 16, 1993.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 93–20451 Filed 8–23–93; 8:45 am]

BILLING CODE 6450–01–M

Golden Field Office Federal Assistance Award to William R. Trutna

AGENCY: Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7, is announcing its intention to renew a cooperative agreement currently in place with William R. Trutna for development of a cocurrent distillation process to improve the efficiency of a multistage distillation process simultaneously with increasing the capacity of a given size distillation tower.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: M. A. Barron, Contract Specialist. The Contracting Officer is Dr. Paul K. Kearns.

SUPPLEMENTARY INFORMATION: DOE has been providing financial assistance to Mr. Trutna under Cooperative Agreement No. DE–FC02–90ID13020 to refine the patented cocurrent distillation column to make it more attractive commercially. In the first phase, laboratory tests on alternative distributor configurations were conducted.

The number of collector states, stage heights, and channel orientation as functions of liquid handling ability and pressure drops were determined. A six-stage engineering prototype was designed, constructed and tested. DOE intends to continue assistance to Mr. Trutna to develop cocurrent distillation. DOE intends to restrict eligibility to Mr. Trutna for continuation of this research through development of cocurrent distillation in accordance with 10 CFR 600.7(b)(2)(i) (A) and (D).

DOE has performed a review in accordance with 10 CFR 600.7 and has determined that the activity to be funded is a continuation of an activity presently being funded by DOE and for which competition for support would have a significant adverse effect on continuity and satisfactory completion of the activity. Also, the applicant has exclusive domestic capability to perform the activity successfully based

upon proprietary information, technical expertise, and patent position.

DOE funding for the proposed activity is estimated to be $383,000 and Mr. Trutna's share is estimated to be $255,000 for a total of $638,000 over a forty-eight month period.

Issued in Chicago, Illinois, on August 16, 1993.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 93–20449 Filed 8–23–93; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

[BPA File No. TEN–6(c)]

Proposal To Acquire up to 240 aMW of Firm Energy From the Tenaska Washington II Project and To Pay Its Sponsor's Preconstruction and Investigation Expenses

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of decision.

EFFECTIVE DATE: July 28, 1993.

SUMMARY: On May 28, 1993, BPA's Administrator issued a Record of Decision with respect to the proposal to acquire up to 240 average megawatts (aMW) of firm energy from The Tenaska Washington II project and to pay its sponsor's preconstruction and investigation expenses. This proposal is fully described at 57 FR 58014 (December 8, 1992).

The Administrator determined that the proposal to acquire up to 240 aMW of firm energy from The Tenaska Washington II project and to pay its sponsor's preconstruction and investigation expenses is consistent with the 1991 Northwest Conservation and Electric Power Plan (Plan) developed by the Northwest Power Planning Council (Council). The Administrator submitted the Record of Decision to the Council on May 28, 1993. On June 1, 1993, the Council received the Administrator's Record of Decision. The Council found by unanimous vote on July 28, 1993, that the proposal to acquire up to 240 aMW of firm energy from The Tenaska Washington II project and to pay its sponsor's preconstruction and investigation expenses is consistent with the Council's Plan. This notice is made pursuant to 16 U.S.C. 839d(c)(4)(B).

FOR FURTHER INFORMATION CONTACT: Ms. Helen Goodwin, Section 6(c) Process Manager, at 503–230–3129 or you may call the Public Involvement Office at 503–230–3478; the toll free number is 1–800–622–4519. Information may also be obtained from:

Mr. George E. Bell, Lower Columbia Area Manager, 1500 NE. Irving Street, room 243, Portland, Oregon 97208, 503–230–4551.

Mr. Robert Laffel, Eugene District Manager, Federal Building, room 206, 211 East Seventh Street, Eugene, Oregon 97410, 503–465–6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, room 561 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–2518.

Ms. Carol S. Fleischman, Spokane District Manager, room 112 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–3279.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, 301 Yakima Street, room 307, Wenatchee, Washington 98807, 509–662–4377.

Mr. Terence G. Esvelt, Puget Sound Area Manager, 201 Queen Avenue North, suite 400, Seattle, Washington 98109, 206–553–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 508–522–6226.

Mr. Jim Normandeau, Boise District Manager, Federal Building, 304 North Eighth Street, room 450, Boise, Idaho 83702, 208–334–9137.

Ms. C. Clark Leone, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: For supplementary information, please refer to 57 FR 58014, December 8, 1992.

Issued in Portland, Oregon, on August 10, 1993.

Randall W. Hardy,

Administrator.

[FR Doc. 93–20450 Filed 8–23–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP93–619–000]

Algonquin Gas Transmission Co., Notice of Request Under Blanket Authorization

August 18, 1993

Take notice that on August 6, 1993, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP93–619–000 a request pursuant to Sections 157.205, 157.212 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212, 157.216) for authorization to replace certain metering and regulating facilities with other facilities to enable an increase in deliveries of natural gas to Bristol and Warren Gas Company (Bristol and Warren) under Algonquin's blanket certificate issued in Docket No. CP87–317–000 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.

Algonquin proposes to construct and operate certain facilities at the Warren, Rhode Island, delivery point (Warren Delivery Point) to increase the capacity for deliveries to Bristol and Warren, and to abandon facilities that are being replaced by the new facilities. Algonquin proposes to replace two 4-inch orifice meter runs, four 2-inch pressure regulators, and other related equipment, with one turbine meter with bypass, and related equipment. Algonquin states that these changes would be made within the existing meter station, within an enclosed building. Algonquin estimates that the facilities would cost $113,300 which would be reimbursed by Bristol and Warren.

Algonquin states that Bristol and Warren has acquired entitlements amounting to 300 MMBtu per day formerly held by the City of Norwich Board of Public Utilities Commissioners under Algonquin's former sales Rate Schedules F–2 and F–3 (Norwichtown Delivery Point) which now are subject to Algonquin's Rate Schedule AFT–1S. Algonquin further states that the reassignment of those quantities was authorized in Algonquin's Order No. 636 restructuring proceedings in Docket No. RS92–28, effective on June 1, 1993.[1] Also, Algonquin states that approximately 1,000 MMBtu per day, reassigned from Providence Gas Company to Bristol and Warren, would be delivered at the Warren Delivery Point rather than at the Providence-Barrington meter station (located adjacent to the Warren Delivery Point on the same site).

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 Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request

[1] See 63 FERC ¶ 61,188 (1993).

shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20351 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–499–000]

Arizona Public Service Co.; Filing

August 18, 1993.

Take notice that on August 11, 1993, Arizona Public Service Company, tendered for filing additional information requested by Staff.

A copy of this filing has been served on Louis-Drefus Electric Power, Inc. and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 31, 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. 93–20356 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–634–000]

Columbia Gas Transmission Corp.; Notice of Request Under Blanket Authorization

August 18, 1993.

Take notice that on August 11, 1993, Columbia Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP93–634–000 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 additional points of delivery to existing wholesale customers under 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 states that it requests authorization to construct and operate the necessary facilities to establish twelve additional points of delivery for sales service, as follows:

Wholesale customer	Point location	Type	Annual quantities (DTH)
Columbia Gas of Kentucky, Inc	Bourbon County, Kentucky	Residential	150
Columbia Gas of Ohio, Inc	Lorain County, Ohio	Residential	150
Columbia Gas of Kentucky, Inc	Crawford County, Ohio	Industrial	3,558
Columbia Gas of Ohio, Inc	Licking County, Ohio	Commercial	180
Columbia Gas of Pennsylvania	Washington County, Pennsylvania	Commercial	225
Mountain Gas Company	Lincoln County, West Virginia	Residential	150
Mountain Gas Company	Kanawha County, West Virginia	Residential	150
Mountain Gas Company	Lincoln County, West Virginia	Residential	150
Mountain Gas Company	Mercer County, West Virginia	Residential	150
Mountain Gas Company	Cabell County, West Virginia	Residential	150
Mountain Gas Company	Lincoln County, West Virginia	Residential	150
West Ohio Gas Company	Putnam County, Ohio	Residential	110

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. 93–20352 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RS92–15–000]

Equitrans, Inc.; Technical Conference

August 18, 1993.

Take notice that a technical conference will be convened in Docket No. RS92–15–000 on Tuesday, September 21, 1993, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of addressing technical questions raised by the storage cycling provisions of Equitrans' tariff.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Betsy Carr at (202) 208–1240.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20365 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–266–002]

Boston Edison Co.; Filing

August 18, 1993.

Take notice that on August 2, 1993, Boston Edison Company tendered for

filing corrections to its refund report in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 31, 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. 93–20354 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–843–000]

Iowa Southern Utilities Co.; Filing

August 18, 1993.

Take notice that Iowa Southern Utilities Company (ISU) on August 9, 1993, tendered for filing, as a change in rate schedule, an Interconnection and Transmission Agreement whereby ISU will provide transmission services to Northeast Missouri Power Cooperative (NEMO), in order to deliver power and energy to certain NEMO substations located on ISU's transmission system. ISU proposes an effective date of October 1, 1993.

A copy of the filing was served upon the Iowa State Utilities Board and Northeast Missouri Power Cooperative.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 31, 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. 93–20358 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

The Board of Public Works of the City of Lewes, DE v. Delmarva Power and Light Co.; Notice of Filing

[Docket No. EL93–47–000]

August 18, 1993.

Take notice that on August 13, 1993 the Board of Public Works of the City of Lewes, Delaware tendered for filing an amendment to its original complaint filed in this docket on June 11, 1993 against Delmarva Power & Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 31, 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. 93–20353 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–224–007, RP91–224–008, RP92–1–012, and RP92–1–000 (Processing Rights)]

Northern Natural Gas Co.; Notice Postponing Technical Conference

August 18, 1993.

Take notice that the technical conference previously scheduled for 1 p.m. on Thursday, August 19, 1993, has been postponed until 1 p.m. on Thursday, August 26, 1993, so that the parties may further negotiate a possible settlement in this proceeding. The technical conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street N.E., Washington, DC. A settlement proposal is anticipated to be filed shortly as a result of the technical conference. An expedited comment period is expected to be established at the technical conference.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20364 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–41–000]

Paiute Pipeline Co.; Change in Annual Charge Adjustment

August 18, 1993.

Take notice that on August 11, 1993, Paiute Pipeline Company (Paiute) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, the following tariff sheet:

Fourth Revised Sheet No. 10

Paiute states that the purpose of said filing is to revise its annual charge adjustment surcharge in order to recover the Commission's annual charges for the 1993 fiscal year.

Paiute has requested that the Commission accept its tariff sheet to become effective on October 1, 1993.

Paiute states that copies of this filing have been mailed to all jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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, 385.214). All such motions or protests should be filed on or before August 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20366 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–68–017]

Penn-York Energy Corporation; Notice of Compliance Filing

August 17, 1993.

Take notice that on August 6, 1993, Penn-York Energy Corporation (Penn-York), in compliance with the Commission's order issued July 8, 1993, submitted tariff sheets concerning Penn-

York's underground storage service, including procedures for intra-day nominations.

Penn-York states that the tariff sheets reflect a revision to the SRC Rates as provided for in Article I, Section 3 of the settlement. Penn-York states that First Revised Sheet No. 56 reflects the rates contained in the restructuring filing of National Fuel Gas Supply Corporation.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before August 24, 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. 93–20350 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–830–000]

Pennsylvania Power & Light Co.; Filing

August 18, 1993.

Take notice that Pennsylvania Power & Light Company (PP&L) on July 29, 1993, tendered for filing a Supplement, dated July 1, 1993, (First Supplemental Agreement), to the Electrical Output Sales Agreement, dated June 26, 1992, between PP&L and the New York Power Authority (NYPA), which is on file with the Commission as PP&L's Rate Schedule FERC No. 111. The First Supplemental Agreement provides only for an extension of the term of the Electrical Output Sales Agreement between PP&L and NYPA which was accepted for filing by the Commission on August 21, 1992, in Docket No. ER92–687–000.

PP&L requests waiver of the notice requirements of Section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations to the extent necessary so that the proposed rate schedule can be made effective as of July 1, 1993.

PP&L states that a copy of its filing was served on the New York Power Authority, the Pennsylvania Public Utility Commission, and the New York Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 31, 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. 93–20357 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL93–60–000]

Sacramento Municipal Utility District v. Pacific Gas & Electric Co.; Filing

August 18, 1993.

Take notice that on August 6, 1993, Sacramento Municipal Utility District (SMUD) tendered for filing a complaint and request for summary reduction of rates for transmission service provided by Pacific Gas & Electric Company (PG&E) pursuant to the terms of rate schedules on file with the Federal Energy Regulatory Commission or, in the alternative, for an investigation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before September 7, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to the complaint are due on or before September 7, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20355 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

Stingray Pipeline Co.; Notice of Informal Settlement Conference

August 18, 1993

Take notice that an informal settlement conference will be convened in this proceeding on Tuesday, August 24, 1993, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact William J. Collins (202) 208–0248 or Edith A. Gilmore (202) 208–0524.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20363 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–850–000]

Western Resources, Inc.; Notice of Filing

August 18, 1993.

Take notice that on August 6, 1993, Western Resources, Inc. (WRI) tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Service Tariff No. 246. WRI states the purpose of the change is to extend their term of the existing Electric Power Supply Contract between WRI and the City of Alma, Kansas. The change is proposed to become effective October 8, 1993.

Copies of the filing were served upon the City of Alma and the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 31, 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. 93–20359 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–13995T New Mexico–49]

United States Department of the Interior, Bureau of Land Management; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

August 18, 1993.

Take notice that on August 16, 1993, the United States Department of the Interior's Bureau of Land Management (BLM) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Dakota Formation underlying certain lands in the Largo Gallup and Basin Dakota Fields in Rio Arriba County, New Mexico, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers approximately 2,560 acres, more or less, all of which are administered by the Bureau of Land Management. The recommended area is described as all of Sections 3, 4, 9 and 10 of Township 27 North, Range 7 West.

The notice of determination also contains BLM's findings that the referenced portion of the Dakota Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR Sections 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20360 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–13916T Texas-148]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

August 18, 1993.

Take notice that on August 13, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Marble Falls Formation, underlying a portion of Parker County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 7B and consists of the D. Gonzalus Survey (A–498).

The notice of determination also contains Texas' findings that the referenced portion of the Marble Falls Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR Sections 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–20362 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–13793T Texas-147]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

August 18, 1993.

Take notice that on August 9, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Strawn Formation, underlying a portion of Parker and Hood Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 7B and consists of approximately 23,163 acres as described on the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Strawn Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR Sections 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

The following surveys are in Parker County, Texas.

L. de Zavalla, A–1698
H. Jones, A–760
S. Cockrell, A–219
W.C. Cooper, A–224
G. Allen, A–17
B.D. Austin, A–19
G. Orr, A–1025
S. Hamberton, A–631
W. McGaffey, A–915
N. Fields, A–454
D. Gonzalus, A–498
J. Shelton, A–1227
H.C. Weber, A–1595

The following surveys are in Hood County, Texas.

L. de Zavalla, A–613
S. Cockrell, A–87
D. Gonazalas, A–192
J. Shelton, A–536
W.H. Eggleston, A–172
L. Jordan, A–298
A.M.F. Ernest, A–713
I. Hawkins, A–259
D. Jennings, A–299
K. Walden, A–746
N. Hooe, A–271
N. Hooe, A–273
P. Quinn, A–702
J.D. Jameson, A–294
J.D. Brown, A–25
P.M. Hitchcock, A–260
H. Blood, A–65
W. Love, A–318
G. Grazley, A–195

[FR Doc. 93–20361 Filed 8–23–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4697–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*), this notice announces EPA's intent to survey various industries for the purpose of conducting industry studies under information collection request (ICR) number 818 approved by the Office of Management and Budget under OMB #2050–0042. Comments are solicited on this notice as

stated below. The Agency recently updated this ICR to more accurately reflect the information requirements of upcoming surveys.

FOR FURTHER INFORMATION CONTACT: Wanda Levine at EPA, (202) 260–7458.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste

Title: RCRA Section 3007 Questionnaire.

Abstract: EPA's Office of Solid Waste (OSW) is planning to conduct surveys of various industries during the rest of this fiscal year through FY 1994, primarily for the purpose of conducting various industries studies to develop hazardous waste listing determinations as part of a rulemaking under sections 3001 and 3004 of the Resource Conservation and Recovery Act (RCRA).

These surveys will collect data on the following:

- Plant identification—name, location, mailing address, EPA hazardous waste identification number, and facility representative.
- Feedstock information—chemical and physical identification of feedstocks and raw materials.
- Product information—identify all manufactured products and annual production volumes.
- Process information—identify unit operations, products, intermediates, co-products and by-products, relevant operating conditions.
- Residuals characterization—identify point of generation in the process/unit operation, annual generation volume, compounds known to be present in the residual, typical concentrations of compounds found in the residual.
- Residual management—identify on-site and/or off-site management methods for residuals generated by the process.
- Risk analysis—identify the level of risk posed by wastes to human health and/or the environment that would be associated with various management scenarios.
- Source reduction and recycling—provide information on current source reduction and recycling efforts and future plans, and barriers to source reduction and recycling.

The EPA Office of Solid Waste has compiled a list of industries to be surveyed in the future. This list is based on Congressional mandates and court orders. The information collected will be used primarily to determine if wastes from the specific industries should be listed as hazardous. In addition, this information will be used to support other RCRA activities, including developing engineering analyses, background documents, and economic impact analyses in support of new listings; providing baseline data for regulatory impact analyses; and developing treatment standards under the land disposal restrictions regulations.

Depending on the size and scope of the industry, the information collection will consist of either a census or a representative sample of all the facilities that are included in the specific industries.

Burden Statement: The average burden imposed by the survey is approximately 27.3 hours per respondent. This figure includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The industries to be surveyed through the end of FY94 (September, 1994) are:

Solvents

Petroleum Refining

Chlorinated Aliphatics

Dyes and Pigments

Smelting Waste

The following burden estimates are for surveys of the above industries and for surveys of the Pulp and Paper, Paint Production, and Inorganics industries, which most likely will begin at a later date.

Respondents: Facilities in industries identified by the EPA Office of Solid Waste.

Estimated No. of Respondents: 1,947.

Number of Responses per Respondent: 1.17.

Estimated Total Annual Burden on Respondents: 17,737.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street SW., Washington, DC 20460, and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20503.

Michael Flynn,

Acting Director, Characterization and Assessment Division.

[FR Doc. 93–20383 Filed 8–23–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4697–3]

CWA 304(l): Availability of List Submissions and Proposed Approval Decisions

AGENCY: U.S Environmental Protection Agency, Region VII.

ACTION: Notice of availability.

SUMMARY: The notice announces the availability of lists submitted to EPA pursuant to CWA section 304(l) as well as EPA's proposed approval decisions, and requests public comment.

DATES: Comments must be submitted to EPA on or before September 23, 1993.

ADDRESSES: Copies of these items can be obtained by writing or calling Jerome Pitt; U.S. EPA Region VII; Water Management Division; 726 Minnesota Ave.; Kansas City, Kansas, 66101; Phone: (913) 551–7766; FAX: (913) 551–7765. Comments on these items should be sent to Jerome Pitt; U.S. EPA Region VII; Water Management Division; 726 Minnesota Avenue; Kansas City, Kansas, 66101.

FOR FURTHER INFORMATION CONTACT: Jerome Pitt; U.S. EPA Region VII; Water Management Division; 726 Minnesota Avenue; Kansas City, Kansas, 66101; Phone: (913) 551–7766; FAX: (913) 551–7765.

SUPPLEMENTARY INFORMATION: Section 304(l) of the Clean Water Act (CWA) required each state, within two years after February 4, 1987, to submit to the U.S. Environmental Protection Agency (EPA) three lists of waters, including a list (the "B List" or "Short List") of those waters that the state does not expect to achieve applicable water quality standards, after application of technology-based controls, due to discharges of toxic pollutants from point sources. Section 304(l)(1)(B), 33 U.S.C. 1314(l)(1)(B). The second or "Mini", list consists of waters that are not meeting the new water quality standards developed under section 302(c)(2)(B) for toxic pollutants because of pollution from point and nonpoint sources.

Section 304(l)(1)(A)(i), 33 U.S.C. 1314(l)(1)(A)(i). The third or "Long", list includes all waters on the other two lists, plus any waters which after the implementation of technology-based controls, are not expected to meet the water quality goals of the Act. Section 304(l)(1)(A)(ii), 33 U.S.C. 1314(l)(1)(A)(ii).

For each water segment identified in these lists, the state was required by February 4, 1989, to submit a "C List" specifying point sources discharging toxic pollutants believed to be preventing or impairing such water quality. Section 304(l)(1)(C), 33 U.S.C.

1314(l)(1)(C); see *Natural Resources Defense Council* v. *EPA*, 915 F.2d 1313, 1323–24 (9th Cir. 1990); 57 FR 33040, 33050, (July 24, 1992) (amending EPA's section 304(l) regulations to require point sources to be identified for each listed water segment). For each point source identified on the state's "C List" as discharging toxic pollutants into a water segment on the state's"B List", the state was further required to submit to EPA an individual control strategy (ICS) that the state determined would serve to reduce point source discharges of toxic pollutants to the receiving water to a degree sufficient to attain water quality standards in that water within three years after the date of the establishment of the ICS. 33 U.S.C. 1314(l)(1)(D).

EPA initially interpreted the statute to require states to identify on the "C List" only those facilities that discharge toxic pollutants believed to be impairing waters listed in the "B List." In *Natural Resource Defense Council* v. *EPA*, the Ninth Circuit Court of Appeals remanded that the portion of the regulation and directed EPA to amend the regulation to require the states to identify all point sources discharging any toxic pollutant that is believed to be preventing or impairing water quality of any stream segment listed on any of the three lists of waters, and to indicate the amount of the toxic pollutant discharged by each source. EPA amended 40 CFR 130.10(d)(3) accordingly. See 57 FR 33040 (July 24, 1992).

Consistent with EPA's amended regulation, Iowa, Kansas, Missouri and Nebraska have submitted to EPA for approval their listing decisions under section 304(l)(1)(C). EPA today proposes to approve these lists hereby and solicits public comment on both the approval decision and on the state lists.

Dated: August 13, 1993.

Ronald R. Ritter,

Director, Water Management Division, U.S. EPA Region VII.

[FR Doc. 93–20380 Filed 8–23–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street , NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–002744–070.

Title: Atlantic & Gulf/West Coast of South America Conference.

Parties: Compania Sud Americana de Vapores, S.A., Flota Mercante Grancolombia, S.A., Lineas Navieras Bolivianas, S.A.M., Lykes Bros. Steamship Co., Inc., Compania Chilena de Navigacion Interoceania, S.A., Nedlloyd Lijnen, B.V., E.N.S. Container Line Ltd.

Synopsis: The proposed amendment; (1) expands the scope of the Agreement to include Puerto Rico and the U.S. Virgin Islands, Ecuador, the Pacific Coast of Colombia, in-transit cargo to and from Argentina via ports in Chile, points in Ecuador and Colombia, and in-transit cargo from Bolivia; (2) authorizes the parties to charter space to and from each other, jointly establish sailing schedules, limit sailings, and jointly advertise each others vessels; (3) provides for ratemaking sections in the United States; (4) restricts voting by parties to countries where they provide a service; (5) restricts voting by breakbulk operators to matters relating to breakbulk service; (6) changes the Agreement's name from Atlantic and Gulf/West Coast of South America Conference to the West Coast of South America Agreement; (7) adds A.P. Moller-Maersk Line, Crowley American Transport, Inc., Gulf Pac Express Service, Empremar/MSC Joint Service Interoceania, S.A., Naviera del Pacifico, C.A., as parties to the Agreement; (8) changes the independent action ("I/A") period from one business day to five and requires that I/A be taken by a named Principal of each party; (9) establishes general rules regarding service contracts and other administrative changes; and (10) restates the Agreement.

Agreement No.: 203–011426.

Title: West Coast of South America Discussion Agreement.

Parties: West Coast of South America Agreement Naviera Consolidada S.A. Transportes Navieros Ecuatorianos Seaboard Marine Ltd.

Synopsis: The proposed Agreement would authorize the parties to discuss and exchange information on rates, charges, service items and other matters related to the transportation of cargo in the trade from ports and points on the Atlantic and Gulf Coasts of the United States to ports and points in Ecuador, Colombia, Peru and Chile. Adherence to any such agreement reached is voluntarily.

By Order of the Federal Maritime Commission.

Dated: August 18, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–20349 Filed 8–23–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

[Docket No. R–0693]

Proposed Modification of the Payments System Risk Policy; Bankers' Banks, Edge Corporations, and Limited-Purpose Trust Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is seeking comment on the rate at which Federal Reserve Banks will assess a penalty fee on the average daily daylight overdrafts of bankers' banks that do not maintain reserves, Edge and agreement corporations, and limited-purpose trust companies. The Board proposes to assess the daylight overdraft penalty fee at a rate equal to the federal funds rate plus the overnight overdraft penalty rate, quoted on a 24-hour basis, for a 360-day year, and adjusted for the length of the Fedwire operating day. The penalty fee should create an incentive for institutions that do not have regular discount window access to avoid incurring daylight overdrafts in Federal Reserve accounts.

DATES: Comments must be submitted on or before September 24, 1993.

ADDRESSES: Comments, which should refer to Docket No. R–0693, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments addressed to Mr. Wiles also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments may be inspected in room B–1122 between 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Oliver I. Ireland, Associate General Counsel (202/452–3625) or Stephanie Martin, Senior Attorney (202/452–3198), Legal Division; Paul Bettge, Manager (202/452–3174), Division of Reserve Bank Operations and Payment Systems; for the hearing impaired only: Telecommunications Device for the Deaf, Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION: In May 1990, the Board requested comment on modifications to its payments system risk policy that would assess penalty fees for daylight overdrafts in Federal Reserve accounts incurred by institutions that do not have regular discount window access. These institutions include Edge and agreement corporations [1] and bankers' banks [2] that do not maintain reserves, such as corporate credit unions. The purposes of the proposed modifications were twofold: First, the proposal would provide an incentive for institutions without discount window access to refrain from incurring daylight overdrafts. This would help Federal Reserve Banks to avoid situations where they may face the possibility of extending overnight credit when such an institution is unable to cover a daylight overdraft by the end of the business day. Second, for bankers' banks that do not maintain reserves, the proposal would reflect the *quid pro quo* for discount window access established in the Monetary Control Act of 1980.

Background

Under the Board's current daylight overdraft policy, most depository institutions may incur daylight overdrafts in their accounts at Reserve Banks up to a maximum, or cap, that is a multiple of their risk-based capital. If a depository institution incurs frequent and material daylight overdrafts in excess of its cap due to book-entry securities transactions over Fedwire, the institution must collateralize its entire book-entry-related overdraft on an ongoing basis. Effective April 14, 1994, the Reserve Banks will assess a fee on average daily daylight overdrafts.

If an institution fails to cover a daylight overdraft by the close of the business day, it may either obtain a discount window loan (if it has access to the discount window) or carry the overdraft overnight. If an institution incurs an overnight overdraft, the Reserve Bank charges a penalty fee (the higher of 10 percent or the federal funds rate plus 2 percent (annual rate)),[3] and the institution must make up for any reserve or clearing account deficiency by subsequently holding additional overnight balances equal to the overdraft.

The Federal Reserve Act exempts bankers' banks from reserve requirements,[4] and Regulation A explicitly excludes bankers' banks from regular discount window access.[5] Nevertheless, the Board has permitted bankers' banks to have access to the discount window if they choose to maintain reserves voluntarily. Bankers' banks that choose to maintain reserves voluntarily may establish a cap and incur daylight overdrafts under the payments system risk policy to the same extent as depository institutions. Generally, bankers' banks for commercial banks have chosen to become member banks and to maintain reserves. They have made this choice because section 19(e) of the Federal Reserve Act provides that a member bank may deposit only 10 percent of paid-up capital and surplus in an institution other than a depository institution eligible for discount window advances. Most corporate credit unions have chosen not to maintain reserves and thus do not have the option of covering an overdraft with a discount window loan.

The Federal Reserve has long been concerned that bankers' banks that do not maintain reserves and are unable to borrow at the discount window may nevertheless incur overnight overdrafts. To address the risks arising from such overdrafts and to avoid the extension of overnight credit to institutions with no discount window access, current policy provides that these bankers' banks should refrain from incurring daylight overdrafts. If such institutions do incur daylight overdrafts, however, they are required to collateralize the overdrafts.

Edge corporations are subject to reserve requirements, but do not have access to the discount window on the same basis as depository institutions. Instead, Edge corporations generally are funded by their parent depository institutions, which have discount window access. Current policy permits Edge corporations to establish a cap and to incur overdrafts within that cap, provided that they post collateral for the overdrafts. Edge corporations also may incur book-entry securities overdrafts above their cap, provided the overdrafts are collateralized.

Board's 1990 Proposal

Under the 1990 proposal, bankers' banks that did not maintain reserves and Edge corporations would have been expected to pre-fund their funds and book-entry securities activity. The proposal would have treated the use of intraday credit in the form of daylight overdrafts much like the use of overnight credit in the form of overnight overdrafts. Under the proposal, Reserve Banks, absent unusual circumstances, would have charged bankers' banks that do not maintain reserves and Edge corporations an amount equal to the overnight overdraft penalty fee, levied against the maximum daylight overdraft for the day. If the daylight overdraft were not fully repaid by the end of the day, the institution would have continued to be subject to the overnight penalty fee and the requirement to hold excess reserve or clearing account balances on a subsequent night.

Policy Adopted by Board

The Board has adopted a modified version of the proposed policy, but has determined to seek further comment on the rate at which the daylight overdraft penalty fee will be assessed. The policy adopted by the Board provides that the daylight overdraft penalty fee will be levied on the daily average, rather than maximum, daylight overdraft of institutions that do not have regular discount window access. The daylight overdraft penalty fee will apply to limited-purpose trust companies as well as bankers' banks that do not maintain reserves and Edge corporations. The Board will continue to require that, in the event a bankers' bank or Edge corporation incurs a daylight overdraft, the overdraft should be collateralized.[6]

[1] Edge corporations are organized under section 25A of the Federal Reserve Act (12 U.S.C. 611–631). Agreement corporations have an agreement or undertaking with the Board under section 25 of the Federal Reserve Act (12 U.S.C. 601–604a). For the purposes of this docket, the term "Edge corporation" includes both Edge and agreement corporations.

[2] A bankers' bank is a financial institution that is not required to maintain reserves under the Board's Regulation D (12 CFR part 204) because it is organized solely to do business with other financial institutions, is owned primarily by the financial institutions with which it does business, and does not do business with the general public. A bankers' bank is not a depository institution as defined in the Board's Regulation A (12 CFR 201.2(a)).

[3] The overnight overdraft penalty fee is assessed on the negative overnight balance as a penalty for poor reserve management and is not related to the length of time the overdraft exists. The "regular" daylight overdraft fee, effective in April 1994, incorporates a factor to account for the length of the Fedwire operating day.

[4] 12 U.S.C. 461(b)(9).

[5] 12 C.F.R. 201.2(a)(2).

[6] As these institutions may not normally maintain collateral pledged to the Federal Reserve on an ongoing basis, if a bankers' bank or Edge corporation incurs a daylight overdraft the Reserve Bank generally requests a pledge of collateral (that would be eligible collateral for a discount window loan) for an appropriate period.

As proposed in 1990, the overnight penalty rate and excess balance requirements will continue to apply to overnight overdrafts incurred by these institutions. Reserve Banks will have the ability to waive the daylight and overnight charges, as well as the holding of excess balances if, for example, the overdraft resulted from a Reserve Bank error.

Average Daily Overdraft

Some commenters to the 1990 proposal noted that the fee should apply to the average rather than the peak daily overdraft to provide an incentive for institutions to cover the overdraft as quickly as possible. Also, use of an average overdraft is consistent with the "regular" pricing scheme for depository institutions' daylight overdrafts, effective in April 1994. The Board believes it would be appropriate to apply the penalty fee to the average daily daylight overdraft rather than the peak daily overdraft. Although the peak overdraft represents the maximum exposure to the Federal Reserve during the day, an institution would have little incentive to reduce its overdraft significantly during the day once it reaches its peak, thereby potentially exposing the Federal Reserve to a greater degree of risk due to prolonged large overdrafts. The Reserve Banks will calculate the average daily daylight overdraft used to compute penalty fees in the same manner as the average overdraft used to compute "regular" daylight overdraft fees (except that the penalty fee will not incorporate a deductible, as does the "regular" fee). The average daylight overdraft will equal the sum of the negative Federal Reserve balances at the end of each minute of the scheduled Fedwire operating day (with credit balances set to zero) divided by the total number of minutes in the scheduled Fedwire operating day.

Limited-Purpose Trust Companies and Other Zero-Cap Institutions

The Board requested comment in 1990 on whether the proposed policy should apply to depository institutions that have been assigned an overdraft cap of zero by the Federal Reserve, including certain trust companies. The Board received no comments on the proposal as it would apply to these institutions. Institutions with zero caps imposed by the Federal Reserve generally fall into two categories: limited-purpose trust companies and "problem" institutions. The Federal Reserve Act permits the Board to grant Federal Reserve membership to limited-purpose trust companies subject to conditions the Board may prescribe pursuant to the Act. As a general matter, member limited-purpose trust companies do not accept reservable deposits and do not have regular discount window access. The Board believes that limited-purpose trust companies with daylight overdraft caps of zero should be subject to the same daylight overdraft penalty fees as bankers' banks that do not maintain reserves and Edge corporations. Such a policy would ensure consistent treatment for daylight overdrafts incurred by institutions that do not have regular discount window access.

The Federal Reserve occasionally imposes a daylight overdraft cap of zero on "problem" institutions. For example, a depository institution may have a zero cap imposed by a Reserve Bank because the Reserve Bank believes the institution presents excessive risk or because the institution has not complied with the payments system risk policy. Under the Board's policy, depository institutions with imposed zero caps that have access to the discount window are able to incur book-entry securities-related overdrafts if collateral is posted, but they generally may not incur overdrafts caused by other activity. These institutions will not be subject to the penalty fee that would be applicable to institutions with no discount window access. The Board believes these "problem" institutions are best handled on an individual basis through collateralization and real-time monitoring when the Reserve Bank deems necessary.

Request for Comment—Penalty Rate Calculation

The Board requests comment on a revised rate for the daylight overdraft penalty fee. The revised rate proposed by the Board would make the treatment of daylight overdrafts incurred by institutions without regular discount window access more comparable to the treatment of overnight overdrafts. As noted above, for overnight overdrafts, all institutions are charged a penalty fee and are required to make up their overnight reserve or clearing account deficiencies on a subsequent night. Thus, the full penalty assessed for overnight overdrafts is the overnight penalty fee plus the lost interest on the excess funds that must be held the following night. If an institution without discount window access incurs a daylight overdraft, the Board's policy does not require the institution to hold "excess" daylight balances on the following day. Therefore, to equalize the treatment of overnight and daylight overdrafts by these institutions, the Board proposes that their daylight overdrafts be subject to a penalty fee at a rate equal to the overnight penalty rate plus the federal funds rate (e.g., given a 10 percent overnight penalty rate and a 3 percent federal funds rate, the daylight penalty rate would be 13 percent).[7]

The Board also proposes to adjust the manner in which the penalty fee is calculated to make it similar to the calculation of the "regular" daylight overdraft fee. The "regular" daylight overdraft fee is quoted on a 24-hour basis, for a 360-day year, and adjusted for the length of the Fedwire operating day. This adjustment maintains a constant per-minute charge in the event that Fedwire hours change. The proposed daylight penalty rate would be quoted on a similar basis. To calculate the daylight penalty rate, the "full" overnight rate (overnight rate plus federal funds rate) would be converted to a 24-hour rate, then adjusted to take account of the Fedwire operating day. This conversion would be accomplished by (1) dividing the "full" overnight rate by 14, the number of hours in a hypothetical "night," and multiplying by 24 to obtain the 24-hour rate, then (2) multiplying the 24-hour rate by the fraction of the day Fedwire is scheduled to operate (10/24 given the current 10-hour Fedwire day). Assuming an overnight overdraft rate of 10 percent, a federal funds rate of 3 percent, and thus an "full" overnight penalty rate of 13 percent (penalty plus lost interest), the annual 24-hour daylight penalty rate would be 22.3 percent (13 percent x (24/14)). The corresponding annual daylight penalty rate for a 10-hour Fedwire operating day would be 9.3 percent (22.3 percent x (10/24)), and the daily rate would be 2.6 basis points (9.3 percent / 360 days).

The Board anticipates that the cost to affected institutions, particularly those that incur occasional large book-entry securities-related overdrafts, would be significantly lower under the proposed revised rate as opposed to the cost under the Board's 1990 proposal. However, the Board seeks a penalty rate at a level high enough to provide a substantial incentive for institutions with no regular discount window access to avoid daylight overdrafts.

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[7] As an intraday funds market has not yet developed, the Board believes that the federal funds rate, rather than the "regular" annual daylight overdraft price of 60 basis points, more accurately reflects the cost of the funds that an institution would have to hold during the day to make up for the previous day's daylight overdrafts.

Summary of Comments on 1990 Proposal

The Board received 29 comments on its 1990 proposal, categorized as follows:

Corporate credit unions	11
Bankers' banks (commercial banks)[8]	7
Trade associations	4
Commercial banks	3
Credit unions	2
Bank holding companies	2
Total	29

[8] This category refers to bankers' banks that maintain reserves and thus have access to the discount window.

Scope

Twenty-three respondents commented on the scope of the proposal's coverage. One trade association and seven bankers' banks asked the Board to clarify that the penalty fee does not apply to bankers' banks that are members of the Federal Reserve System, maintain reserve accounts at their respective Reserve Banks, have access to the discount window, and have established caps under the payments system risk policy. As stated above, the penalty fee does not apply to bankers' banks that maintain reserves. These bankers' banks are treated in the same manner as commercial banks under the payments system risk policy.

Corporate Credit Union Comments

Thirteen commenters, including nine corporate credit unions and one trade association (collectively, "the CCU commenters") strongly objected to the proposal, which they claimed would unnecessarily undermine the corporate credit unions' ability to provide payments services to credit unions nationwide. Their primary objections were:

1. Discount Window Access for Corporate Credit Unions

The CCU commenters argued that the Board should not base its policy on the fact that corporate credit unions do not have regular discount window access because the Federal Reserve Act specifically grants access to individuals, partnerships, and corporations on the collateral of government securities. They stated that the health of the corporate credit union network has obviated the need for the corporate credit unions to seek credit from the Federal Reserve and that the corporate credit unions have access to the National Credit Union Administration's central liquidity facility in the event they need emergency funding.

The Monetary Control Act ("MCA") subjected all depository institutions to reserve requirements and provided that nonmember depository institutions shall have the same discount window borrowing privileges as members,[9] but the Act specifically exempted bankers' banks from these requirements and privileges.[10] Nevertheless, the Board has permitted bankers' banks to have access to the discount window if they choose to maintain reserves. The Board's policy is consistent with Congress' purpose in the MCA to allow all depository institutions access to the discount window and other System services as a *quid pro quo* for maintaining reserves.

The Board, in its Regulation A, explicitly excluded bankers' banks and member banks that do not have reservable deposits, such as certain trust companies, from the defined group of depository institutions that have regular discount window access.[11] This exclusion was based on the premise that the discount window is meant to be a benefit for those institutions that bear the burden of maintaining reserves and an aid to the implementation of monetary policy.

The Federal Reserve Act provides that the Reserve Banks may make emergency discount window loans to individuals, partnerships, and corporations in certain circumstances or may make advances secured by U.S. government obligations to these entities subject to any limitations the Board may prescribe. The Board's Regulation A authorizes the Reserve Banks to make emergency discount window loans to individuals, partnerships, and corporations only in unusual and exigent circumstances if, in the judgment of the Reserve Bank, credit is not available from other sources and failure to provide credit would adversely affect the economy. These emergency loans require consultation with the Board, and if the loan is to be secured by collateral other than securities backed by the United States or its agencies, an affirmative vote of five Board members. Thus, although it may be possible for bankers' banks to obtain discount window access under the emergency provisions of Regulation A, such loans are seldom made and, by regulation and in some cases by statute, require Board attention.

2. Pyramiding of Reserves

The CCU commenters argued that reserve maintenance by corporate credit unions would result in reserve "pyramiding" because their member credit unions are already subject to reserve requirements under the Board's Regulation D. However, there would be no "pyramiding" or double-counting of reserves if corporate credit unions maintained reserves. Credit unions, when calculating their reservable liabilities, can take a "due from" deduction for deposits subject to immediate withdrawal held at corporate credit unions. For example, if a credit union deposits $1 million in a demand account at a corporate credit union, the corporate credit union would maintain reserves on that amount and the credit union would deduct $1 million from the amount on which it must maintain reserves.

3. Equal Access to Services

The CCU commenters asserted that the Board's proposal to treat corporate credit unions differently from other institutions violates the MCA principle that the Federal Reserve should provide depository institutions equal access to Federal Reserve services. There is no indication in the MCA, however, that Congress intended the allowance of overdrafts to be a Federal Reserve service. On the contrary, the MCA specifically provides that "nonmembers shall be subject to any * * * terms, including a requirement of balances sufficient for clearing purposes, that the Board may determine are applicable to member banks." The purpose of such balances would be to avoid overdrafts. (The maintenance of clearing balances does not give rise to discount window access under Regulation A.)

4. Competitive Inequities

Twenty respondents commented on the negative effects that an absolute prohibition of daylight overdrafts would have on bankers' banks and Edge corporations. Twelve commenters, mainly corporate credit unions, stated that a prohibition of overdrafts would place them at a competitive disadvantage vis-a-vis other market participants. The corporate credit unions were particularly concerned that the proposal would force credit unions to do business with commercial banks, their direct competitors, if they wished to continue to offer book-entry securities services to their customers.

The commenters may be correct in their assessment that penalty fees on daylight overdrafts will affect their competitive position vis-a-vis depository institutions. For example, daylight overdraft data for U.S. Central Credit Union show frequent daylight overdrafts in the early morning hours. The possibility of early-morning overdrafts might be increased by the new posting procedures that go into effect in October 1993. U.S. Central

[9] 12 U.S.C. 461 (b)(2) and (b)(7).

[10] 12 U.S.C. 461(b)(9).

[11] See 12 CFR 201.2(a)(2).

funds itself largely through ACH debit transactions. Under the new procedures, the funds from the ACH debit transactions will be posted at 11 a.m., as opposed to the current posting of net-positive ACH debit transactions at the opening of business. Under the Board's policy, U.S. Central will pay a penalty fee on its daylight overdrafts.

However, corporate credit unions currently have a significant advantage over competing depository institutions because they do not have to maintain reserves. The Board believes that the disadvantages of the proposal to corporate credit unions would be offset by the advantages they currently enjoy.

Eight commenters asserted that, given the infrequency and small size of bankers' bank overdrafts, the relatively low degree of risk does not justify the burden of a flat overdraft prohibition for these institutions. One commenter claimed that risk to the Federal Reserve would be increased if corporate credit unions were obligated to open Federal Reserve accounts in order to incur overdrafts. Two commenters noted that credit union customers would experience a decreased service level and worse funds availability under the proposal.

As noted above, the new policy does more than address risk. The penalty fee helps ensure that institutions that do not have regular discount window access will not receive extensions of Federal Reserve credit in the form of daylight or overnight overdrafts.

Edge Corporations

Given the sender-controlled nature of the book-entry securities system, five Edge corporation affiliates and a trade association favored a continuation of the present policy of allowing Edge corporations to establish a cap and incur collateralized book-entry securities overdrafts. The commenters argued that Edge corporation intraday overdrafts that are limited by a cap and backed by sound collateral are relatively risk-free. Another commenter requested that Edge corporations be allowed to pledge the securities in transit as collateral for a book-entry securities overdraft. One corporate credit union suggested that the present Edge corporation policy be extended to bankers' banks. One Edge affiliate commented specifically on the proposal as it applied to "problem" institutions with imposed zero caps. The commenter stated that the proposal may be appropriate for these zero-cap institutions, but drew a distinction between these entities and an Edge corporation with a financially sound parent that incurs daylight overdrafts for a short period of time.

The Board agrees that many imposed-zero-cap institutions, especially those that have been assigned a zero cap due to their financial problems, pose more of a risk than Edge corporations with financially sound parents. Such Edge corporations, however, could arrange to obtain funding intraday from their parents or channel all their payments activity through their parents, thus avoiding daylight overdrafts themselves. Should an Edge corporation incur a daylight overdraft, there is a possibility that its parent could be unable or unwilling to cover the Edge corporation's overdraft at the end of the day.

In addition, collateral and pricing serve two related but separate purposes. Although collateral limits Reserve Bank risk, its purpose is to make discount window loans to book-entry securities overdrafters feasible during periods of operational difficulty. The daylight overdraft penalty fee is designed to create economic incentives to eliminate the use of daylight credit by institutions without regular discount window access. The Board believes that their lack of access to the discount window suggests that Edge corporations should be subject to the same policy as bankers' banks that do not maintain reserves.

Overdraft Measurement Procedures

Seven commenters argued that the proposal was particularly unfair in light of the overdraft measurement procedures originally proposed by the Board under which ACH and other non-wire payments would be posted at the end of the business day (54 FR 26094, June 21, 1989). The commenters stated that the late posting combined with the daylight overdraft penalty fee would eliminate many overnight investment opportunities for corporate credit unions, while banks could continue to make investments by incurring daylight overdrafts. One corporate credit union supported the Board's proposal as long as non-wire transaction posting is not moved to the end of the day.

The Board adopted posting procedures for measuring daylight overdrafts (see 57 FR 47093, October 14, 1992) that provide for posting ACH credit transactions at the opening of business, ACH debit transactions at 11 a.m. Eastern Time, and check transactions throughout the day. The Board believes that this intraday posting alleviates many of the concerns regarding investment opportunities raised by the commenters.

Penalty Fee

Eight commenters specifically opposed the proposed penalty fee. The commenters generally believed the proposed fee to be excessive and onerous, particularly given the uncontrollable nature of book-entry securities overdrafts. The commenters questioned whether the penalty fee would deter daylight overdrafts. Three commenters suggested that the fee be brought in line with the 60 basis point annual fee proposed by the Board for daylight overdrafts by other institutions. Two commenters suggested that the penalty fee be applied to the average overdraft rather than the maximum overdraft to provide an incentive for institutions to cover the overdraft as soon as possible. Two commenters suggested the fee be tailored to overdraft size and frequency. One Edge corporation affiliate suggested that the amount subject to the penalty fee be subject to a deductible of 10 percent of the capital of the Edge corporation's parent bank to offset overdrafts that occurred due to circumstances beyond the institution's control. Another commenter suggested that Reserve Banks allow a one hour grace period before assessing a penalty fee to allow a reasonable time for the institution to cover an inadvertent overdraft.

As discussed above, the Board is requesting comment on a modified proposal to assess a fee at the overnight overdraft penalty rate plus the federal funds rate, adjusted for the length of the Fedwire operating day, against the average daily daylight overdraft. Under the policy adopted by the Board and the proposed rate revision, the cost to overdrawing institutions will be substantially lower than under the 1990 proposal.

Alternatives

The Board received several comments offering alternative methods of addressing daylight overdrafts by bankers' banks and Edge corporations. Seven CCU commenters believed that the Board's requirement that an institution hold reserve or clearing balances at a Reserve Bank in order to have discount window access should not apply to corporate credit unions, as long as they maintain an "overdraft protection accounts" at U.S. Central Credit Union or at Reserve Banks that could be accessed by the Reserve Banks in the event of an overdraft. The CCU commenters proposed that each corporate credit union's account be funded in the amount of 10 percent of the corporate credit union's risk-based capital. The commenters argued that their suggested overdraft collateralization method is consistent with other aspects of the Board's payments system risk policy.

As discussed above, the exclusion of bankers' banks that do not maintain reserves from discount window access was based on the premise that discount window access is a *quid pro quo* for the burden of maintaining reserves and is an aid to the Federal Reserve in the implementation of monetary policy. A deposit of collateral by bankers' banks at the Federal Reserve or at U.S. Central, as suggested by the CCU commenters, would not meet the MCA or Regulation A requirements for regular discount window access and would be contrary to the Board's policy that bankers' banks must maintain reserves in order to have discount window access.

Six commenters suggested that, instead of charging a penalty fee, a more effective way to reduce risk would be to place bankers' banks and Edge corporations on the real-time monitor and to refuse unfunded transfers. Two commenters suggested that the book-entry system be redesigned so that deliveries could be rejected if they cause an overdraft. One commenter also suggested that a standard posting time be established for all book-entry security debits and credits.

At an institution's request, a Reserve Bank will monitor its account in real time and reject outgoing funds transfers that would cause an overdraft. However, automatic rejection or queuing of securities transfers and a standard securities posting time would require significant changes in the operations of the Federal Reserve's book-entry security system. The Federal Reserve is currently studying various long-term improvements to its book-entry system.

Competitive Impact Analysis

The Board assesses the competitive impact of changes that have a substantial effect on payments system participants.[12] Under this analysis, the Board determines whether the change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services.

The CCU commenters stated that the new policy would put them at a competitive disadvantage vis-a-vis other payments system participants, particularly in book-entry security settlement and safekeeping services. The CCU commenters asserted that daylight overdraft penalty fees would drive corporate credit unions out of the securities services and would force credit unions to do business with other service providers. Such other service providers could be private institutions, such as commercial banks, or credit unions could choose to establish accounts directly with a Federal Reserve Bank.

The Board does not believe that its policy adversely affects the ability of corporate credit unions to compete with the Reserve Banks in providing payments services. The policy places controls on the use of the Federal Reserve Banks' funds and book-entry transfer services, which are consistent with controls used in private clearing and settlement systems. Corporate credit unions have the ability to establish caps and collateralize book-entry securities overdrafts if they voluntarily maintain reserves, as commercial banks are required to do. By voluntarily maintaining reserves, the corporate credit unions would avoid the penalty fees that, according to their comments, would cause their customer credit unions to go the Reserve Banks or elsewhere for payments services.

By order of the Board of Governors of the Federal Reserve System, August 18, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–20406 Filed 8–23–93; 8:45 am]

BILLING CODE 6210–01–P

[12] These assessment procedures are described in the Board's policy statement entitled "The Federal Reserve in the Payments System" (55 FR 11648, March 29, 1990).

[Docket No. R–0806]

Proposals To Modify the Payments System Risk Reduction Program; Self-Assessment Procedures, Caps for U.S. Branches and Agencies of Foreign Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is requesting comment on proposed modifications to its Policy Statement on Payments System Risk. The Board is proposing to modify in two ways the procedures that depository institutions must use if they choose to complete a self-assessment to establish a daylight overdraft net debit cap. First, effective for self-assessments performed on or after January 1, 1995, the Board is proposing that depository institutions evaluate their operating controls and contingency procedures in addition to the three existing components of the self-assessment (creditworthiness, intraday funds management and control, and customer credit policies and controls). Second, the Board is proposing that depository institutions use a simplified "Creditworthiness Matrix" to determine their creditworthiness rating, except in certain limited circumstances, effective January 1, 1994. In addition to these two changes to the self-assessment procedures, the Board is proposing to eliminate the requirement that U.S. branches and agencies of foreign banks provide information on U.S. funding capability and discount window eligible collateral for use in determining their daylight overdraft net debit caps, effective January 1, 1994. Overall, the proposals would decrease the burden of complying with the Board's policy, improve the consistency of net debit caps across institutions, and reduce risks by encouraging depository institutions to focus attention on operational risks in the provision of payment services.

DATES: Comments must be submitted on or before October 8, 1993.

ADDRESSES: Comments, which should refer to Docket No. R–0806, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551. Comments addressed to Mr. Wiles also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments may be inspected in room B–1122 between 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Jeffrey C. Marquardt, Assistant Director (202/452–2360), Paul Bettge, Manager (202/452–3174), Division of Reserve Bank Operations and Payment Systems; for the hearing impaired only: Telecommunications Device for the Deaf, Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION:

Background

The Federal Reserve first issued a policy statement on risks in large-dollar wire transfer systems in 1985. This policy required that depository institutions incurring daylight overdrafts in their Federal Reserve accounts as a result of Fedwire funds transfers establish a maximum limit, or net debit cap, on overdrafts incurred in those accounts. To implement the original policy, a document entitled Users' Guide to the Policy Statement, was prepared and distributed to depository institutions in 1985.

The original policy has been expanded and enhanced since 1985. The Users' Guide was updated

accordingly and reissued in 1988. In 1992, the Board issued a comprehensive statement of its previously adopted policies regarding payments system risk. The Federal Reserve is currently in the process of updating the Users' Guide to incorporate changes in the policy since 1988, including the modifications approved by the Board in late 1992 regarding intraday posting of transactions and fees for daylight overdrafts. The updated Users' Guide would also include the amendments to the 1992 comprehensive policy statement that are proposed in this notice, if ultimately adopted by the Board. The Board expects to issue the Guide to the Federal Reserve's Payments System Risk Policy once public comments on this notice's proposals have been received and considered. (The Board is also proposing to update the introductory section to its policy statement to reflect the availability of the Overview, discussed below, as well as the Guide's new title.) Once issued, the Guide to the Federal Reserve's Payments System Risk Policy will supersede previously issued versions of the Users' Guide. A draft copy of the Guide to the Federal Reserve's Payments System Risk Policy is available from any Reserve Bank for review. The Federal Reserve has also prepared a new summary document, entitled Overview of the Federal Reserve's Payments System Risk Policy, which is intended to describe the requirements of the policy for institutions that incur minimal daylight overdrafts.

Self-Assessment Procedures

Under the Board's policy, an institution's net debit cap (for a single day and on average over a two-week period) is based on its cap category. The three cap categories that permit the highest use of intraday credit are the Average, Above Average, and High cap categories. An institution that wishes to establish a cap in one of these categories must complete a self-assessment of its creditworthiness, intraday funds management and control, and customer credit policies and controls.

The Board is proposing to add a fourth component, operating controls and contingency procedures, to the self-assessment procedures. This component is critical to a thorough self-assessment because institutions could incur significant financial losses as a result of fraud and because operational failures at payment system participants could disrupt financial markets.

As a result of the potential added burden placed on depository institutions, the Board anticipates that implementation of this requirement, if approved, will be delayed until January 1, 1995 in order to provide institutions sufficient time to adopt procedures for evaluating this component. The Board would welcome comments on whether it is appropriate to incorporate a component on operational controls and contingency procedures into the self-assessment procedures as well as any potential administrative burden of including this additional requirement.

The Board is also proposing a change in the procedures for completing the creditworthiness component of the self-assessment. These new procedures are described fully in the draft Guide to the Federal Reserve's Payments System Risk Policy, which is available from any Reserve Bank. Since the inception of the self-assessment process for establishing net debit caps, concerns have been raised regarding the administrative burden raised by the self-assessment procedures. In an attempt to reduce burden on institutions electing to complete a self-assessment, the Board has developed a matrix that combines an institution's supervisory rating and Prompt Corrective Action capital category into a creditworthiness rating.[1] This "Creditworthiness Matrix" is shown below.

Creditworthiness Matrix

Capital level	Supervisory composite rating		
	Strong	Satisfactory	Fair
Well Capitalized	Excellent	Very Good	Adequate
Adequately Capitalized	Very Good	Very Good	Adequate
Undercapitalized	Full Assessment	Full Assessment	Below Standard.

Note: Institutions with a capital level or supervisory rating not shown in the matrix would receive a creditworthiness rating of "below standard."

While institutions electing to complete a self-assessment would still be required to perform a full self-assessment in other areas, use of the Creditworthiness Matrix should result in a substantial reduction in the regulatory compliance burden for these institutions. In addition, the use of the Matrix achieves greater objectivity in rating creditworthiness, and the resulting creditworthiness ratings and overall net debit cap categories are likely to be more consistent across institutions than under current procedures.

The Board is proposing that, in nearly all circumstances, depository institutions completing a self-assessment use the Creditworthiness Matrix to determine their creditworthiness rating. In certain limited circumstances, however, an institution may be permitted to perform a full assessment of its creditworthiness. For example, an institution whose condition has changed significantly since its last examination, or that possesses additional material information regarding its financial condition, may reasonably be permitted to use these factors to support a higher creditworthiness rating that would be derived using the Creditworthiness Matrix alone. Additionally, U.S. branches and agencies of foreign banks from countries that do not adhere to the Basle Capital Accord would be required to perform a full assessment to determine their rating on the creditworthiness component. Procedures for conducting a full assessment of creditworthiness are provided in Appendix C of the draft Guide to the Federal Reserve's Payments System Risk Policy. If adopted, the Creditworthiness Matrix approach would be effective on January 1, 1994, although earlier implementation by institutions may be permitted.

The Board has determined that use of the Creditworthiness Matrix would, for certain institutions, result in a lower net debit cap. The Board, therefore, requests comment on whether mandatory usage

[1] For U.S. branches and agencies of foreign banks that are based in countries that adhere to the Basle Capital Accord, risk-based capital ratios calculated according to home-country rules would be compared to the Prompt Corrective Action capital categories, and the resulting capital level would be used in the Creditworthiness Matrix.

of the matrix approach would adversely affect the smooth functioning of the payments system.

Net Debit Caps for U.S. Branches and Agencies of Foreign Banks

The determination of net debit caps for foreign banks is based on essentially the same procedures as those for U.S.-based institutions. However, for foreign banks, the Federal Reserve also requires evidence of U.S. funding capability and discount window eligible collateral. Based on the evidence submitted, the Federal Reserve may adjust the dollar amount of an institution's net debit cap to a level below its cap multiple times its risk-based capital.

Experience with U.S. funding capability and potential collateral data has shown that a significant administrative burden is created to collect these data with sufficient precision and frequency. In addition, if the proposed Creditworthiness Matrix approach, also discussed in this notice, is adopted by the Board, net debit caps adopted by foreign banks will be based on more objective supervisory ratings and the additional data will be less relevant to determining appropriate net debit caps.

The Board requests comment on the current limitation on net debit caps for U.S. branches and agencies of foreign banks and the data collection effort it entails. The Board is proposing that, effective January 1, 1994, for purposes of determining net debit caps for U.S. branches and agencies of foreign banks, data on U.S. funding capability and discount window eligible collateral no longer be required, provided that the Creditworthiness Matrix proposal is also approved.

None of the proposed amendments would affect a Reserve Bank's ability to prohibit an institution from using intraday Federal Reserve credit, if the institution's use of such credit is deemed unsafe or unsound by its supervisor or if the institution poses an excessive risk to a Reserve Bank.

Federal Reserve System Policy Statement on Payments System Risk

The Board proposes to amend its "Federal Reserve System Policy Statement on Payments System Risk" under the heading "I. Federal Reserve Policy" by replacing the last three sentences of the Introduction, part (C)(2) under the headings "C. Capital" and "2. U.S. Agencies and Branches of Foreign Banks," and the first paragraph of part (D)(1) under the headings "D. Net Debit Caps" and "1. Cap Set Through Self-Assessment" as set forth below:

Introduction

* * * * *

To assist depository institutions in implementing the Board's policies, the Federal Reserve has prepared two documents, which are available from any Reserve Bank: the Overview of the Federal Reserve's Payments System Risk Policy and the Guide to the Federal Reserve's Payments System Risk Policy. The Overview provides a summary of the Board's policy on payments system risk, including daylight overdraft net debit caps and fees. The Overview is intended for use by institutions that incur only small and infrequent daylight overdrafts. The Guide explains in detail how the policies apply to various types of institutions and includes procedures for completing a self-assessment and filing a cap resolution, as well as information on other aspects of the payments system risk policy.

* * * * *

I.C. Capital

2. U.S. Agencies and Branches of Foreign Banks

For U.S. agencies and branches of foreign banks, net debit caps on daylight overdrafts in Federal Reserve accounts are calculated by applying the cap multiples for each cap category to consolidated "U.S. capital equivalency." [4]

For a foreign bank whose home-country supervisor adheres to the Basle Capital Accord, U.S. capital equivalency is equal to the greater of 10 percent of worldwide capital or 5 percent of the total liabilities of each agency or branch, including acceptances, but excluding accrued expenses and amounts due and other liabilities to offices, branches, and subsidiaries of the foreign bank. In the absence of contrary information, the Reserve Banks presume that all banks chartered in G–10 countries meet the acceptable prudential capital and supervisory standards and will consider any bank chartered in any other nation that adopts the Basle Capital Accord (or requires capital at least as great and in the same form as called for by the Accord) eligible for the Reserve Banks' review for meeting acceptable prudential capital and supervisory standards.

For all other foreign banks, U.S. capital equivalency is measured as the greater of: (1) The sum of the amount of capital (but not surplus) that would be required of a national bank being organized at each agency or branch location, or (2) the sum of 5 percent of the total liabilities of each agency or branch, including acceptances, but excluding accrued expenses and amounts due and other liabilities to offices, branches, and subsidiaries of the foreign bank.

In addition, any foreign bank may incur daylight overdrafts above its net debit cap up to a maximum amount equal to its cap multiple times 10 percent of its worldwide capital, provided that any overdrafts above its net debit cap are collateralized. This policy offers all foreign banks, under terms that reasonably limit Reserve Bank risk, a level of overdrafts based on the same proportion of worldwide capital. Consequently, banks chartered in countries that follow the Basle Accord and whose net debit cap is based on 10 percent of worldwide capital are not permitted to incur overdrafts above their net debit cap. All other foreign banks may incur overdrafts to the same extent as banks from Basle Accord countries, that is, up to their cap multiple times 10 percent of their worldwide capital, provided that sufficient collateral is posted for any overdrafts in excess of their net debit cap. In addition, foreign banks may elect to collateralize all or a portion of their overdrafts related to book-entry securities activity.

* * * * *

I.D. Net Debit Caps

1. Cap Set Through Self-Assessment

In order to establish a net debit cap category of Average, Above Average, or High, an institution must perform a self-assessment of its own creditworthiness, intraday funds management and control, customer credit policies and controls, and, effective January 1, 1995, operating controls and contingency procedures. The assessment of creditworthiness should be based on the institution's supervisory rating and Prompt Corrective Action capital category. An institution may be permitted to perform a full assessment of its creditworthiness, in certain limited circumstances, for example, if its condition has changed significantly since its last examination, or if it possesses additional material information regarding its financial condition. Additionally, U.S. branches and agencies of foreign banks from countries that do not adhere to the Basle Capital Accord would be required to perform a full assessment to determine their rating on the creditworthiness component. The institution should also assess its intraday funds management

[4] The term "U.S. capital equivalency" is used in this context to refer to the particular capital measure used to calculate daylight overdraft net debit caps, and does not necessarily represent an appropriate capital measure for supervisory or other purposes.

procedures and its procedures for evaluating the financial condition of and establishing intraday credit limits for its customers. Finally, the institution should ensure that its operating controls and contingency procedures are sufficient to prevent losses due to fraud or operational failures. The Guide to the Federal Reserve's Payments System Risk Policy, available from any Reserve Bank, includes a detailed explanation of the steps that should be taken by a depository institution in performing a self-assessment to establish a net debit cap.

* * * * *

By order of the Board of Governors of the Federal Reserve System, August 18, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–20407 Filed 8–23–93; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–342]

Educating Health Professionals in Environmental Health; Part I—Implementation Strategies for Undergraduate Medical School Curriculum; Part II—Enhancing Environmental Health Content in Nursing Practice

Summary

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 1993 funds for a cooperative agreement with the National Academy of Sciences, Institute of Medicine (NAS/IOM). Approximately $150,000 is available in FY 1993 to fund this award. It is expected that the award will begin on September 30, 1993, for a 12-month budget period, within a project period of up to 3 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

The purpose of this cooperative agreement is for NAS/IOM to investigate and recommend how to develop, implement, and finance medical and nursing curricula activities in environmental health.

ATSDR will assist NAS/IOM with identifying strategies to assure appropriate curriculum content and essential competencies for undergraduate environmental health curriculum for physicians and nurses; providing environmental health education/information resources for curriculum and faculty development; developing an environmental health curriculum evaluation plan; and establishing ongoing communication procedures to exchange current information related to implementation of environmental health medical school curriculum and enhancement of environmental health content in nursing practice.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.)

Authority

This program is authorized under sections 104(i)(14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9604 (i)(14) and (15)).

Eligible Applicants

Assistance will be provided only to NAS/IOM. No other applications will be solicited. The program announcement and application kit have been sent to NAS/IOM. NAS/IOM, by virtue of its previous work in the proposed program area (described below), and to meet the purposes of this project, will be requested to: (1) Identify, for study and analysis, important issues and problems that relate to environmental health and medicine; (2) Initiate and conduct studies of national policy and planning for health care and health-related education and research in environmental health; (3) respond to requests from the Federal Government and other agencies for studies and advice on matters relating to environmental health and medicine curriculum; (4) establish liaison with the major scientific and professional societies in the field of environmental health; and (5) disseminate environmental health curriculum information to the public and relevant professions.

In its report, "The Role of the Primary Care Physician in Occupational and Environmental Medicine," NAS defines "environmental medicine" to include the caring for individuals exposed to toxic substances in their homes and neighborhoods through such media as contaminated soil, water, and air. (For ordering a copy of The Role of the Primary Care Physician in Occupational and Environmental Medicine, see the section Where To Obtain Additional Information.) The report states that physicians are inadequately trained in environmental medicine. This is due, in part, to the lack of clinical role models, a limited research presence, little published in the general medical literature or standard medical textbooks, and overcrowded curriculum. The report recommends that environmental medicine should be better represented in the medical school curriculum, be a vital part of the traditional student clinical assignments, and be included as part of third- and fourth-year teaching programs.

Historically, ATSDR's environmental education curriculum development projects have focused largely on primary care physicians. However, it is important to consider the environmental health concerns of other groups of health professionals and their role in primary care practice and education. An illustration of this is the diverse roles of public health nurses, school nurses, nurse practitioners, and other community health nurses practicing in primary care settings. These nurses provide client/patient care and health education, including environmental health community education. Due to their front line involvement in client evaluation, disease prevention, health promotion, and referrals, it is of utmost importance to develop environmental science content and educational activities in nursing school curriculum and continuing education programs to supplement existing knowledge and skills in the area of environmental health.

Because of NAS/IOM's unique position in assisting Federal Government agencies with important issues and problems that relate to health and medicine, and because of NAS/IOM's previous work directly related to the proposed cooperative agreement, it has an unparalleled capacity to carry out the purpose of this cooperative agreement in an appropriate, timely, and efficient manner.

Executive Order 12372 Review

The application submitted under this announcement is not subject to the Intergovernmental Review of Federal Programs as governed by Executive Order 12372.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.161.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this program, please refer to Announcement Number 342 and contact Maggie Slay, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mail Stop E–13, Atlanta, Georgia 30305, telephone (404) 842–6630, for business management technical information.

A copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the SUMMARY may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 783–3238.

A copy of The Role of the Primary Care Physician in Occupational and Environmental Medicine (Publication No. PB 89–170617) referenced in the Eligible Applicants section may be obtained from the National Technical Information Service, Springfield, VA 22151, telephone (703) 487–4650. (A charge of $26 for hardcopy or $9 for microfiche is required.)

Dated: August 17, 1993.

Walter R. Dowdle,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 93–20395 Filed 8–23–93; 8:45 am]

BILLING CODE 4160–70–P

[ATSDR–356]

Announcement of Cooperative Agreement Study to Assess the Health Effects of Waste Incineration

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 1993 funds for a cooperative agreement with the National Academy of Sciences (NAS) for a study to assess the health effects of waste incineration. Approximately $173,000 is available in FY 1993 to fund this award. It is expected that the award will begin on or about September 30, 1993, for a 12-month budget period, within a 2-year project period. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

The purpose of this project is to assist NAS in assessing the risks to public health of municipal, hazardous, and other types of waste incineration practices under various design, location, and operation conditions.

ATSDR will:

(1) Assist NAS in identifying and analyzing case study information relevant to the public health impacts from actual incineration practices in the field;

(2) Collaborate in evaluation of the conclusions and recommendations relevant to the public health impacts from major types of combusted waste streams, incineration techniques, and incinerator locations; and

(3) Participate in workshops, conferences, and meetings to exchange current information, opinions, and findings concerning incineration.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of Healthy People 2000, see the section **WHERE TO OBTAIN ADDITIONAL INFORMATION.)**

Authority: This program is authorized under section 104 (i) (5), (9) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9604 (i) (5), (9) and (15)], and the Resource Conservation and Recovery Act (RCRA), as amended (Hazardous and Solid Waste Amendments of 1984) [42 U.S.C. 6939a (b) and (c)].

Eligible Applicants: Assistance will be provided only to NAS. No other applications will be solicited. The program announcement and application kit have been sent to NAS. By virtue of its previous work, NAS is uniquely suited to assess the risks to public health of municipal, hazardous, and other types of waste incineration.

Because of NAS's unique position in assisting Federal Government agencies with important issues and problems that relate to environmental health, and its previous work directly related to the health effects of hazardous wastes, the Academy has an unparalleled capacity to carry out the purpose of this cooperative agreement.

NAS has demonstrated the ability to: (1) Identify, for study and analysis, important issues and problems that relate to environmental health; (2) initiate and conduct studies on national policy and health-related research; (3) respond to requests from the Federal Government and other agencies for studies and advice on matters relating to environmental health; (4) establish liaisons with the major scientific and professional societies in the field; and (5) disseminate information to the public and relevant professions. Because of the unique abilities of NAS as a non-biased source of technical and scientific expertise in these areas, it is the only organization capable of carrying out the activities contemplated under this cooperative agreement.

Executive Order 12372 Review

Application is not subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372.

Public Health System Reporting Requirements

This program is not subject to the Public health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.161.

Where to Obtain Additional Information: If you are interested in obtaining additional information regarding this program, please refer to Announcement Number 356 and contact Ms. Maggie Slay, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 321, Mailstop E13, Atlanta, Georgia 30305, (404) 842–6797.

A copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the **SUMMARY** may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone 202–783–3238.

Dated: August 17, 1993.

Walter R. Dowdle,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 93–20394 Filed 8–23–93; 8:45 am]

BILLING CODE 4160–70–P

Centers for Disease Control and Prevention

[CRADA 93-006]

Cooperative Research and Development Agreement

AGENCY: Centers for Disease Control and Prevention (CDC), Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), National Center for Infectious Diseases, announces the opportunity for potential collaborators to enter into a Cooperative Research and Development Agreement (CRADA) for development of nucleic acid and/or recombinant protein based diagnostic assays for the hantavirus which has been associated with Adult Respiratory Distress Syndrome in the Four-Corners region of the United States, and other hantaviruses of public health importance. In addition, opportunities exist for the development of vaccines effective against this group of viruses. The collaborator will specially design new diagnostic assays in kit formation for detecting hantavirus specific antigens or antibodies.

It is anticipated that all inventions which may arise from this CRADA will be licensed on a nonexclusive royalty-bearing basis to the collaborator with whom the CRADA is made.

Because CRADAs are designed to facilitate the development of scientific and technological knowledge into useful, marketable products, a great deal of freedom is given to Federal agencies in implementing collaborative research. The CDC may accept staff, facilities, equipment, supplies, and money from the other participants in a CRADA; CDC may provide staff, facilities, equipment, and supplies to the project. There is a single restriction in this exchange: CDC may not provide funds to the other participants in a CRADA. This opportunity is available until 30 days after publication of this notice. Respondents may be provided a longer period of time to furnish additional information if CDC finds this necessary.

FOR FURTHER INFORMATION CONTACT:

Technical: Stuart T. Nichol, Ph.D., Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop G-14, Atlanta, GA 30333, telephone (404) 639-1189.

Business: Lisa Blake-DiSpigna, Technology Transfer Representative, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C-19, Atlanta, GA 30333, telephone (404) 639-3227.

SUPPLEMENTARY INFORMATION: In late May 1993, CDC was asked to assist in the investigation of an outbreak of an unknown disease which was termed unexplained adult respiratory distress syndrome (ARDS) in the Four Corners Region of the United States. The outbreak of illness has now been associated with a previously unrecognized hantavirus infection. In addition, hantavirus antibodies and RNA sequences have been identified in several rodent species from the Four Corners Regions. A unique hantavirus RNA sequence detected in patients and rodents during this outbreak has been determined at CDC by utilizing polymerase chain reaction technology.

The goal of this CRADA is to develop, evaluate, and commercialize diagnostic tests for detecting hantavirus infections in humans and rodents, and to develop, evaluate, and commercialize a vaccine against infections caused by the newly recognized hantavirus. CDC will provide nucleic acid sequence information, primers, probes, and antisera to the new hantavirus and selected other hantaviruses. The collaborator will utilize its expertise in vaccine, diagnostic development, evaluation and commercialization of the products obtained.

Diagnostic test development may include characterization and expression of the antigens and production of antibodies which will be employed in serologic and/or antigen detection assays. Monoclonal antibodies produced under this CRADA will be evaluated for diagnostic and therapeutic purposes.

Respondents should provide evidence of expertise in the development and evaluation of vaccines, and/or diagnostic assays, evidence of experience in commercialization of vaccine products and/or diagnostics, and supporting data (e.g., publications, proficiency testing, certifications, resumes, etc.) of qualifications for the laboratory director and laboratory personnel who would be involved in the CRADA. The respondent will develop the final research plan in collaboration with CDC but should provide an outline of a research plan for review by CDC in judging applications.

Applicant submissions will be judged according to the following criteria:

1. Soundness of the analytic approach and research plan;
2. Evidence of appropriate personnel to complete the project in a timely fashion or evidence of a plan to recruit and fund personnel appropriate for the project;
3. Evidence of scientific credibility; and
4. Evidence of commitment and ability to develop an innovative design for diagnostic assays and/or vaccines.

This CRADA is proposed and implemented under the 1986 Federal Technology Transfer Act: Public Law 99-502.

The responses must be made to: Nancy C. Hirsch, Technology Transfer Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C-19, Atlanta, GA 30333.

Dated: August 18, 1993.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-20393 Filed 8-23-93; 8:45 am]

BILLING CODE 4160-18-P

Food and Drug Administration

[Docket No. 93F-0273]

Lonza, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Lonza, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of didecyldimethylammonium chloride as a slimicide used in the manufacture of paper and paperboard intended to contact food.

DATES: Written comments on the petitioner's environmental assessment by September 23, 1993.

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

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 3B4392) has been filed on behalf of Lonza, Inc., c/o Delta Analytical Corp., 7910 Woodmont Ave., suite 1000, Bethesda, MD 20814. The

petition proposes that the food additive regulations in § 176.300 *Slimicides* (21 CFR 176.300) be amended to provide for the safe use of didecyldimethylammonium chloride as a slimicide used in the manufacture of paper and paperboard intended to contact food.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before September 23, 1993, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 13, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–20419 Filed 8–23–93; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Joint Meeting of the OTC Drugs Advisory Committee and the Arthritis Advisory Committee

Date, time, and place. September 8, 1993, 8 a.m., Parklawn Bldg., conference rms. D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, 8 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12m., unless public participation does not last that long; open committee discussion, 12m. to 5 p.m.; closed committee deliberations, 5 p.m. to 6 p.m.; Lee L. Zwanziger or Mae Brooks, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committees. The OTC Drugs Advisory Committee reviews and evaluates available data concerning the safety and effectiveness of over-the-counter (nonprescription) human drug products for use in the treatment of a broad spectrum of human symptoms and diseases. The Arthritis Advisory Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 31, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The joint committee will discuss the relationship between alcohol and toxicities associated with OTC oral analgesic medications, except acetaminophen, in order to make recommendations on labeling to warn consumers of possible toxic effects of this combination. (On June 29, 1993, the OTC Drugs Advisory Committee discussed the relationship between alcohol and acetaminophen-induced liver toxicity (meeting announced in the **Federal Register** of May 17, 1993, 58 FR 28883 at 28885). The OTC Drugs Advisory Committee recommended that a warning be included in the labeling but that the agency defer action until similar questions about OTC internal analgesic medications were discussed at an advisory committee meeting). The joint committee will also discuss whether current data (i.e., case reports of gastrointestinal bleeding, pharmacokinetic, epidemiologic, or animal data) regarding the adverse effects of the use of alcohol with OTC analgesic drug products containing either aspirin, ibuprofen (or naproxen, should it become available over-the-counter) support the need for a label warning statement for products containing any or all of these ingredients; and if so, then which data support the need for a label warning statement for which ingredient. The agency is not aware of data concerning the adverse effects of the use of alcohol with other salicylates (i.e., carbaspirin calcium, choline salicylate, magnesium salicylate, and sodium salicylate) proposed by the agency to be generally recognized as safe and effective OTC analgesics. The committee will, however, discuss whether OTC products containing any or all of these ingredients should bear a similar warning statement, and, if so, what specific information the warning should contain (e.g., general warning versus organ-specific information, statement of risk, or other information) for each individual ingredient. Prior to the meeting, the agency may reformulate or add to the discussion topics listed above; final questions will be available on the morning of the meeting. The tentative final monograph for OTC internal analgesic, antipyretic, and antirheumatic drug products published in the **Federal Register** of November 16, 1988 (53 FR 46204). Additional new data submitted since that time will be considered by the committee members as they discuss whether the totality of the information warrants label revisions concerning the use of OTC dosages of internal analgesics with alcohol. The committee's recommendations will be considered by the agency in its preparation of the final monograph for OTC internal analgesic drug products. In addition, the committee will discuss further developments regarding new drug application (NDA) 20–204 to switch naproxen (Naprosyn®, Syntex Corp.) from prescription to over-the-counter status.

Closed committee deliberations. The committee will review trade secret and/or confidential commercial information relevant to pending NDA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Gastrointestinal Drugs Advisory Committee

Date, time, and place. September 10, 1993, 9 a.m., Parklawn Bldg., conference rms. D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m., unless public participation does not last that long; closed committee deliberations, 10 a.m. to 1 p.m.; Joan C. Standaert (HFD–180), 419–259–6211, or Valerie M. Mealy (HFD–9), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 30, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to pending investigational new drug applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Oncologic Drugs Advisory Committee

Date, time, and place. September 23, 1993, 8 a.m., Parklawn Bldg., conference rms. D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 2:30 p.m.; closed committee deliberations, 2:30 p.m. to 5 p.m.; Adele S. Seifried, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in treatment of cancer.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 17, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss: (1) Supplemental new drug application (NDA) 20–262, Taxol® for injection concentrate (paclitaxel, Bristol-Myers Squibb), for change of dose and schedule of administration to 175 mg/M ^{2} by 3 hour i.v. infusion from 135 mg/M ^{2} by 24 hour infusion; and (2) supplemental NDA 50-443, Blenoxane® (bleomycin sulfate, USP, Bristol-Myers Squibb), "as a sclerosing agent for the treatment of malignant pleural effusions and for the prevention of recurrent pleural effusions."

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to investigational new drug applications and pending NDA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Blood Products Advisory Committee

Date, time, and place. September 23 and 24, 1993, 8:30 a.m., Holiday Inn Bethesda, Versailles Ballrooms III and IV, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open committee discussion, September 23, 1993, 8:30 a.m. to 11:15 a.m.; open public hearing, 11:15 a.m. to 11:45 a.m., unless public participation does not last that long; open committee discussion, 11:45 a.m. to 5:45 p.m.; open public hearing, September 24, 1993, 8:30 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 2 p.m; closed committee deliberations, 2 p.m. to 3 p.m.; Linda A. Smallwood, Office of Blood Research and Review, Center for Biologics Evaluation and Research (HFM–300), Food and Drug Administration, 1401 Rockville Pike, Bethesda, MD 20852, 301–594–6700.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 16, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On September 23, 1993, the committee will review and discuss the product license application for Respiratory Syncytial Virus Immune Globulin Intravenous (Human) submitted by the Massachusetts Public Health Biologic Laboratories to reduce the incidence of severe Respiratory Syncytial Virus infection in infants with premature gestation and children with chronic pulmonary disease. In the afternoon, the committee will review the report of the FDA contract study on Increasing the Safety of the Blood Supply by Screening More Effectively. On September 24, 1993, the committee will hear presentations on Blood Product Transmission of Hepatitis A and Other Non-Enveloped Viruses, and review the report of the Scientific Site Visit for the Laboratory of Hemostasis, Division of Hematology, Office of Blood and Blood Research, Center for Biologics Evaluation and Research.

Closed committee deliberations. The committee will discuss the intramural scientific program. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with the research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open

public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative session to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: August 18, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93–20421 Filed 8–23–93; 8:45 am]

BILLING CODE 4160–01–F

Office of Inspector General

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of the Secretary, HHS, Office of Inspector General.

ACTION: Notice.

SUMMARY: This notice amends part A (Office of the Secretary) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services as published at 54 FR 46775, Nov. 7, 1989, to reflect technical changes in chapter AF, Office of Inspector General (OIG). While the basic organizational structure of the OIG is unchanged, this notice reflects a shift in the information resources management function's reporting responsibilities from the Office of Audit Services to the Office of Management and Policy.

EFFECTIVE DATE: This notice is effective on August 24, 1993.

FOR FURTHER INFORMATION CONTACT: Joel Schaer, (202) 619–0089.

SUPPLEMENTARY INFORMATION: Chapter AF of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services as published at 54 FR 46775, November 7, 1989, is amended as follows:

1. Under the heading *Section AFA1.20, Office of the Principal Deputy Inspector General—Functions,* subheading *B. Office of Management and Policy,* a new paragraph 3. is added to read as follows:

"3. The office is responsible for OIG information resources management (IRM), as defined by the Paperwork Reduction Act, OMB Circular A–130, the Federal Information Resources Management regulations, the Computer Security Act of 1987, HHS IRM Circulars, and of the related guidance. The office also provides information technology support to the OIG through management of its local area networks nationwide, provision of headquarters computer end-user support, and support of OIG information systems as required."

2. Under the heading *Section AFH.20, Office of Audit Services—Functions,* subheading *B. Audit Policy and*

Oversight, paragraph 2. is amended to read as follows:

"2. It plans, develops, and coordinates advanced techniques to carry out the functions of the Office of Audit Services, and, with technical support from the Office of Management and Policy, manages the Office of Audit Services' information system."

Dated: July 30, 1993.

Bryan B. Mitchell,

Principal Deputy Inspector General.

[FR Doc. 93–20345 Filed 8–23–93; 8:45 am]

BILLING CODE 4150–04–M

Program Exclusions: July 1993

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of July 1993, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, Maternal and Child Health Services Block Grant and Block Grants to States for Social Services programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all other Federal non-procurement programs.

Subject—City, state	Effective date
Program-Related Convictions:	
Abbasi, Abdul, Woodhaven, NY	08/02/93
Angelo, Joseph S, Lincroft, NJ	08/15/93
Antonio, Amelita A, Scarsdale, NY	08/03/93
Boyd, Alpha Omega, W Palm Beach, FL	08/03/93
Brandon, Andrew E, Montgomery, AL	08/16/93
Brown, Phillip W, Columbia, LA	08/03/93
Buzea, Doina M, White Plains, NY	08/16/93
Chadwick, James C, Columbus, OH	08/16/93
Chapman, Gary R, Tampa, FL	08/15/93
Davidson, Jerry M, Eloy, AZ	08/02/93
Delgado, Luis, Brea, CA	08/15/93
Devaughn, Thomas P, Hollywood, FL	08/03/93
Di Giacomo, Anthony, Temecula, CA	08/15/93
DL Ultrasound Corp, Bronx, NY	08/16/93
Draper, Robert E, La Jolla, CA	08/15/93
Dufresne, Barbara, Manchester, NJ	08/16/93
Evans, Tracy, New York, NY	08/02/93
Eve, LeRoy, Poughkeepsie, NY	08/15/93
Famularo, Kenneth, Parlin, NJ	08/15/93
Ferretti, Luis, Walnut, CA	08/15/93
Friedman, Hindy, Brooklyn, NY	08/15/93
Golf Village Drugs, Inc., Mt Prospect, IL	08/16/93
Greenwich Acupuncture CTR, Inc., Greenwich, CT	08/16/93
Hager, Jerome P, Riverside, CA	08/02/93
Hayes, Timothy D, Mobile, AL	08/03/93
Hernsdorf, Gary P, Manchester, NH	08/15/93
Hock, Thomas, Monmouth Beach, NJ	08/16/93
Hwang, Charles, Wallington, NJ	08/02/93
Jones, David, Lebanon, TN	08/03/93
Kabnick, Earl, New Rochelle, NY	08/16/93
Kampka, Richard K, Hackettstown, NJ	08/15/93
Kirfeld, Grigory, Brooklyn, NY	08/16/93
Klatte, John D, Randolph, NJ	08/15/93
Kohli, Jaspal S, Sterling Hgts, MI	08/03/93
Kohli, Harjit, Sterling Hgts, MI	08/03/93
Lahoti, Dinesh K, Allegany, NY	08/02/93
Landa, Sherry, Morganville, NJ	08/02/93
Laughlin, Sidney C, El Reno, OK	08/03/93
Lazado, Cielito R, Los Angeles, CA	08/02/93
Lee, Tharon T, Memphis, TN	08/03/93
Linck, Darren, Yonkers, NY	08/16/93
Lopez, Adelaido, Las Trampas, NM	08/03/93
Lucas, Edgar J, Pinole, CA	08/02/93
Manchester Wheelchair Trans, Manchester, NH	08/16/93
Oban-Boyd, Monica E, Ft Lauderdale, FL	08/03/93
Osgoodby, Susan, Sea Bright, NJ	08/16/93
Pama, Alitha B, Riverside, CA	08/02/93
Piassek, Gunther E, Kenilworth, NJ	08/15/93
Pike, James, South Orange, NJ	08/16/93
Pugner, Harry, Brewster, NY	08/02/93
Rasulov, Lilia, Studio City, CA	08/15/93
Royal, John Leo Jr., San Antonio, TX	08/03/93
Ruffin, Michael, Fluker, LA	08/16/93
Sawyer, Valerie Ann, Harrington, ME	08/03/93
Schwartz, Kenneth Gene, Port Angeles, WA	08/02/93
Scinto, Matthew, L, Trumbull, CT	08/15/93
Slater, Robert, Bronx, NY	08/02/93
Solomon, Elliot, Highland Park, IL	08/16/93
Souvenir, Kaye A, Southfield, MI	08/15/93
Suffolk County Hearing Aid Ctr, Smithtown, NY	08/16/93
Tamoro, Manuel V, Moreno Valley, CA	08/15/93
Umali, Edison, Chino Hills, CA	08/02/93
Williams, James R, Tampa, FL	08/03/93
Williams, Theresa, Tampa, FL	08/03/93
Wolf, Kenneth L, Seaside Hgts, NJ	08/15/93
Yang, Ge, Banning, CA	08/02/93
Yudelson, Bruce, St James, NY	08/02/93
Patient Abuse/Neglect Convictions:	
Acabeo, Virginia, Bronx, NY	08/02/93
Asberry, Travis, Iuka, MS	08/03/93
Baugher, Pauline E, Ottumwa, IA	08/16/93
Emmons, Barbara A, Buffalo, NY	08/16/93
Fields, Clifton W, Mobile, AL	08/03/93
Garrison, Dorothy Lanier, Montgomery, AL	08/15/93
Haslam, Milton, Buffalo, NY	08/16/93
Honeycutt, Camellia D, Marion, LA	08/15/93
Jackson, Katrina Denise, Elmore, AL	08/16/93
King, Mattie Lou, New Albany, MS	08/03/93
Melvin, Mary Lillian, Fort Worth, TX	08/16/93
Mercer, Renate A, Des Moines, IA	08/16/93
Miller, Derek Vernon, Montgomery, AL	08/15/93
Owens, Vickie, Monroe, LA	08/03/93
Pichon, Kellie, New Orleans, LA	08/03/93
Pritchett, Mark A, Montgomery, AL	08/15/93
Rawls, Michael Angelo, Wetumpka, AL	08/15/93
Reed, Wendell, Daytona Beach, FL	08/03/93
Rice, David J Sr, Des Moines, IA	08/16/93
Sullivan, James, Hebron, CT	08/16/93
Tracy, Lester L, Cadott, WI	08/03/93
Turner, Linnie Charles Jr, Citronelle, AL	08/03/93
Walker, Horace L, Pontiac, MI	08/03/93

Subject—City, state	Effective date
Zeigler, Robert James, Elmore, AL	08/03/93
Controlled Substance Convictions:	
Littge, Roger O, Redding, CA	08/02/93
License Revocation/Suspension:	
Grim, Suzanne M, Sacramento, CA	08/15/93
Heck, Barry, Fairfield, CT	08/02/93
Metzler, Warren, F, Hackensack, NJ	08/15/93
Miller, Dallas R, Bakersfield, CA	08/15/93
Shilleh, Imram, Stamford, CT	08/03/93
Springer, Clyde H, St Michael Barbados	08/02/93
Weidman, Kevin A, Milkwaukee, WI	08/16/93
Entities Owned/Controlled By Convicted:	
Brewster Hearing Aid Center, Brewster, NY	08/02/93
Center Pharmacy, Inc, Espanola, NM	08/03/93
Datom International, Lebanon, TN	08/03/93
Interama Family Practice, N Miami Beach, FL	08/03/93
Jerry's Pharmacy, Eloy, AZ	08/02/93
Major Medical, Inc, Mobile, AL	08/03/93
Red Cross Drug Store #2, Columbia, LA	08/03/93
Superior Ambulance Serv, Inc, San Antonio, TX	08/03/93
Whitney Opticians, Ft Lauderdale, FL	08/03/93
Default on HEAL Loan:	
Arndt-Hagan, Mary L, Dallas, TX	08/13/93
Benzor, Joanne M, Perris, CA	08/25/93
Berryer, Yvanne M, N Miami, FL	08/13/93
Binagy, Dorothea, Whitewater, WI	08/25/93
Collins, James E, Nashville, TN	08/13/93
David, Izola, Philadelphia, PA	08/26/93
Harper, Nicholas, Long Beach, CA	08/25/93
Hollars, Rodney D, Louisville, KY	08/26/93
Howe, James K, Tempe, AZ	08/25/93
Jackson, William E, Oshkosh, WI	08/25/93
Jorgenson, James B, Peoria, AZ	08/25/93
King-Duarte, Doreen I, Carol Stream, IL	08/25/93
Menoff, Anne L, Waxhaw, NC	08/13/93
Moyal, William R, Pembroke Pines, FL	08/13/93
Pflepsen, Richard L, Waterloo, IA	08/25/93
Reddix-Norman, Irance E, Missouri City, TX	08/13/93
Ritchie, Lloyd, Cantonment, FL	08/13/93
Rivers, Samuel, Randolph, PA	08/13/93
Robideau, Robert G, Roswell, GA	08/26/93
Rodriguez, Humberto J, La Mirada, CA	08/25/93
Rowan, Andrew C, Crossville, TN	08/13/93
Sanchez, Gerald L, Houston, TX	08/13/93
Santa Cruz, Matthew E, Tampa, FL	08/13/93
Shafer, Joseph E Jr, Madison, TN	08/26/93
Soleye, Babatunde, Hartsdale, NY	08/12/93
Woods, Daemon S, Ft Drum, NY	08/12/93
Peer Review Organization Cases:	
Corkill, Anthony G, Redding, CA	07/07/93

* * * * *

Dated: August 6, 1993.

James F. Patton,

Director, Health Care Administrative Sanctions, Office of Investigations.

[FR Doc. 93–20367 Filed 8–23–93; 8:45 am]

BILLING CODE 4150–04–M

National Institutes of Health (NIH)

Meeting of Panel

Notice is hereby given that the Panel on NIH Research on Anti-social, Aggressive and Violence-related Behaviors and Their Consequences (Panel), a group of consultants convened to advise the Advisory Committee to the Director, NIH, will meet in its second public session on September 22–24, 1993 at the Holiday Inn Crowne Plaza in Rockville, Maryland. The meeting will begin at 8:30 a.m. each day and end at approximately 9 p.m. (September 22, 23) and noon (September 24). This will be the second of two meetings. Sessions will be open to the public, with the possible exception of an executive session.

The purpose of the Panel is to review NIH funded research in the areas of anti-social, aggressive and violence-related behaviors and their consequences and to examine the portfolio in terms of its relevance, adequacy and responsiveness to social and ethical concerns. The Panel consists of 29 members with expertise in violence-related topics from a broad variety of specialties, including biobehavioral, biomedical and social sciences, as well as education, law, and ethics. At the conclusion of its work, the Panel will transmit its report to the Advisory Committee to the Director, NIH, for review.

Presentations by concerned organizations and citizens will be heard on September 22 and 23. Applications for oral presentations (five minutes in length) should be made by phone and will be accepted in the order in which they are received. Individuals and organizations are also welcome to submit opinions in written form to the Panel in advance of the meetings. Written materials for the meeting should be received by September 15, 1993. Comments and questions related to the proposed meeting of the Panel should be addressed to Dr. Mary Groesch, National Institutes of Health, Office of Science Policy and Technology Transfer, Shannon Building, room 218, 9000 Rockville Pike, Bethesda, Maryland 20892, or call (301) 496–1454.

Dated: August 17, 1993.

Ruth L. Kirschstein,

Acting Director, NIH.

[FR Doc. 93–20486 Filed 8–23–93; 8:45 am]

BILLING CODE 4140–01–P–M

National Institute on Aging; Meeting of the Task Force on Aging Research

Pursuant to Public Law 92–463, notice is hereby given that the Task Force on Aging Research will meet on September 8, 1993, from 9 a.m. to 12 noon in Conference Room 10, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The entire meeting will be open to the public. The Task Force will meet to review the recommendations prepared by the Technical Working Group. These recommendations will form the basis for the Task Force's final report. Attendance by the public will be limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ronald P. Abeles, Ph.D., Executive Secretary, Task Force on Aging Research, the Gateway Building, 7201 Wisconsin Avenue, suite 2C–234, Bethesda, Maryland 20892, at (301) 496–3136, in advance of the meeting. Dr. Abeles will also provide substantive information on the meeting, a roster of the committee members and a summary of the meeting upon request.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: August 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–20485 Filed 8–23–93; 8:45 am]

BILLING CODE 4140–01–M

AIDS Research Advisory Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the AIDS Research Advisory Committee, National Institute of Allergy and Infectious Diseases, on September 22, 1993, in the Baccarat and Haverford Suites of the Hyatt Hotel, 1 Bethesda Metro Center, Bethesda, MD 20814.

The entire meeting will be open to the public from 8 a.m. until adjournment. The AIDS Research Advisory Committee (ARAC) advises and makes recommendations to the Director, National Institute of Allergy and Infectious Diseases, on all aspects of research on HIV and AIDS related to the mission of the Division of AIDS (DAIDS).

The Committee will provide advice on scientific priorities, policy, and program balance at the Division level. The Committee will review the progress and productivity of ongoing efforts, identify critical gaps/obstacles to progress, and provide concept clearance for proposed research initiatives. Attendance by the public will be limited to space available.

Ms. Anne P. Claysmith, Executive Secretary, AIDS Research Advisory Committee, DAIDS, NIAID, NIH, Solar Building, room 2A22, telephone (301) 496–0545, will provide a summary of the meeting and a roster of committee members upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Claysmith in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: August 17, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–20372 Filed 8–23–93; 8:45 am]

BILLING CODE 4140–01–M

President's Cancer Panel; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, September 22, 1993 at the National Institutes of Health, Wilson Hall, Building 1, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on September 22, 1993 from 8 a.m. to approximately 5 p.m. The topic will include: Evaluation of the National Cancer Program.

Ms. Carole Frank, Committee Management Specialist, National Cancer Institute, Executive Plaza North, room 630, 9000 Rockville Pike, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide a roster of the committee members upon request.

Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact Ms. Nora Winfrey, (301/496–1148), in advance of the meeting.

Dr. Maureen O. Wilson, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, room 4A34, National Institutes of Health, Bethesda, Maryland 20892 (301/496–1148) will provide a roster of the Panel members and substantive program information upon request.

Dated: August 17, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–20371 Filed 8–23–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–010–93–4322–02; 1784–010]

Arizona Strip District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Arizona Strip District, Interior.

ACTION: Notice of meeting.

SUMMARY: The Arizona Strip District Grazing Advisory Board will meet at the District Office Conference Room located at 390 North 3050 East, St. George, Utah at 9 a.m. on Wednesday, September 15, 1993. The primary topics are the Secretary's Grazing Reforms and Ecosystem Management.

FOR FURTHER INFORMATION CONTACT: Roger G. Taylor, District Manager, Arizona Strip District, 390 North 3050 East, St. George, Utah 84770 (Phone 801–673–3545).

SUPPLEMENTARY INFORMATION: The meeting is open to the public and the board will consider both oral and written statements from the public at 9:30 a.m. Those wishing to make oral statements should contact BLM at 801/673–3545 at least 5 days in advance of the meeting.

Dated: August 13, 1993.

Roger G. Taylor,

District Manager.

[FR Doc. 93–20376 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–32–M

[CA–020–4320–02–ADVB]

Notice of Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Susanville District Grazing Advisory Board, Susanville, CA.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given that the Susanville District Grazing Advisory Board, created under the Secretary of the Interior's discretionary authority on May 14, 1986, will meet on September 9, 1993.

The September 9, 1993 meeting will begin at 10 a.m. at the Alturas Resource Area Office, Bureau of Land Management, 608 West 12th Street, Alturas, California.

The meeting will consist of a discussion about "Rangeland Reform 94", a review of new allotment management plans, an update on the east Lassen Integrated Vegetation Management Plan, an update on the Wild Horse and Burro Program, a progress report for FY 1993 range improvement projects and a discussion of other items as appropriate.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3 p.m. to 4:30 p.m. on September 9, 1993 or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 705 Hall Street, Susanville, California 96130 by September 7, 1993. Depending upon the number of persons wishing to make oral statements, a per person time limit may be established.

Summary minutes of the Board Meeting will be maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Herrick E. Hanks,

District Manager.

[FR Doc. 93–20347 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–41–M

[CA-060-65-4210-02, CACA-31587]

Realty Action; Competitive Bid for Right to Complete an Environmental Impact Statement for Potential Wind Development, the Right to File a Right-of-Way Application in Order to Gain a Wind Industry Preference Right on Certain Public Lands Within the Mojave-Tehachapi Area; County of Kern; State of California

ACTION: Notice of Realty Action CACA#31587, Call for a Competitive Bid for the right to complete an Environmental Impact Statement (EIS) for potential wind development including the right to file a Right-of-Way (ROW) Application in order to gain a Wind Industry preference right on certain public lands within the Mojave-Tehachapi Area. This action is pursuant to the Competitive Bid standards within the Rights-of-Way Principles and Procedures as authorized by Title V of the Federal Land Policy and Management Act (FLPMA) of 1976, 43 U.S.C. 1761–62, 1764–66, and 1783(e).

SUMMARY: The public lands described below near the communities of Mojave and Tehachapi, County of Kern, California are available for Competitive Bid by prospective Wind Power Facility developers under title 43 Code of Federal Regulations (CFR) part 2800. This procedure is only for the Wind Development Companies to obtain the right to complete an EIS. The EIS will determine the suitability of the lands for potential wind power facility development. The Bureau of Land Management (BLM) will allow the bid to be accompanied by a ROW application for the subject lands. The ROW application will be processed on those parcels determined as suitable according to the EIS. The BLM will only process ROW applications from the successful bidders, thereby precluding any other wind company from filing a non-competitive application for similar uses.

The land description below describes lands by whole section however, many sections below are only partial sections. Complete land descriptions and associated parcel numbers are included with the bid packages. The lands described below are available for bid and any bid submitted for other lands will not be considered:

State of California, County of Kern

Mount Diablo Meridian

T. 29S., R. 34E.,
Secs. 12 and 24.
T. 30S., R. 34E.,
Secs. 2, 12, 24, 26, 34, and 36.
T. 31S., R. 34E.,
Secs. 1, 2, 3, 4, 12, 14, 24, and 26.
T. 29S., R. 35E.,
Secs. 2–4, 6–8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 32.
T. 30S., R. 35E.,
Secs. 2, 10, 14, 18, 24, 26, 28, and 30–32.
T. 31S., R. 35E.,
Secs. 6, 35, and 36.
T. 32S., R. 35E.,
Secs. 24, 26, 32 and 34.
T. 29S., R. 36E.,
Secs. 4–6, 8, 15, 18, 19, 20, 22, 26, 28, 29, 30, 32, and 34.
T. 30S., R. 36E.,
Secs. 2, 4, 8, 10, 12, 18, 20, 28, 30–32, and 34.
T. 31S., R. 36E.,
Secs. 1–6, 8, 9–12, 14, 22, 24, 26, 28, 32, and 34.
T. 32S., R. 36E.,
Secs. 4, 6, 8, 10, and 18.
T. 31S., R. 361/2E.,
Secs. 12, 13, and 24.
T. 31S., R. 37E.,
Sec. 6.

San Bernardino Meridian

T. 12N., R. 13W.,
Sec. 34.
T. 10N., R. 14W.,
Secs. 4, 6, 8, 10 and 18.
T. 11N., R. 14W.,
Secs. 22, 28, 30, 32 and 34.
T. 10N., R. 15W.,
Secs. 2, 10, 12, 14, 24, 26, 28 and 32.
T. 11N., R. 15W.,
Secs. 22, 24, 32 and 34.

Aggregating 66,867.37 acres.

The EIS will include an amendment to the California Desert Conservation Area (CDCA) Plan, as amended, thereby classifying parcels of lands as either suitable or unsuitable for the development of Wind Power Facilities. A final decision on suitability will be issued and those lands found unsuitable will not be offered for future development. Additionally, this EIS may amend the CDCA Plan in regards to any changes made to the classifications in the Western Mojave Land Tenure Project.

The Objectives of the Bureau Are To

(1) Assure that wind exploration, development and production are conducted with reasonable protection of the environment;

(2) Evaluate the suitability of the subject are for potential development of wind energy;

(3) Ensure the EIS is completed in a timely manner consistent with timeframes of the California Public Utilities Commission's (CPUC) bid requirements for new energy facility contracts;

(4) Process applications for rights-of-way which are to accompany the bid. This will occur, if the area is determined suitable for development pursuant to the environmental review;

(5) After site specific analysis indicates development may be authorized, BLM will include in the ROW grant Terms and Conditions provisions which will insure the timely and orderly development of a wind power facility. All development will be compatible with the use of the public lands for other purposes which may include disposal of the land;

(6) Assure the public benefit from the wind resource on public lands will provide a fair return of its use;

(7) Develop a cost recovery account for the deposit of:

(A) a fee equally assessed to each bidding company to reimburse the Federal Government for hosting the bid; and

(B) a non-refundable parcel fee which will defray the estimated costs to the Federal Government in completing the technical review of the EIS; and

(8) Provide successful bidder protection from competitors while complying with Federal Requirements, thus providing the level of "site control" necessary to comply with the criteria of the CPUC's new facilities Final Standard Offer 4 (FSO4) contract. This provides a preferential right within the wind industry for a potential ROW. However, a successful bidder is not guaranteed to receive an approved ROW.

Bid Procedures, Requirements and Fees

Public Notice is provided that a competitive bid will be conducted on September 20, 1993, which will carry out the aforementioned objectives pursuant to Title V of FLPMA, supra and 43 CFR 2800. The BLM has developed procedures for a competitive bid on the subject public lands. The competitive bid will be accomplished through sealed and oral bids to designate the highest qualified responsible bidder. Oral bids will be used only when there are two or more bids on the same parcel. The BLM will evaluate the bids based on all the criteria outlined within this document for determining the highest qualified successful bidder. The primary areas of review are as follows:

(1) Hosting, Parcel and Bonus Bid Fees;

(2) Corporate Qualifications for Bid Eligibility;

(3) Requirements for the EIS; and

(4) Right-of-Way Application and Processing Procedures.

Failure to meet payments by the due dates or any other date requirements set forth in this document will result in immediate disqualification and rejection of the application. In a situation that results in a disqualification because of

a bidder failing to meet a scheduled timeframe, the forfeiture of all deposits will be automatic and the next highest bidder will be awarded the parcel.

Copies of the bid packages which include an example of all required documents are available through the Bureau of Land Management at the address listed below.

Hosting, Parcel and Bonus Bid Fees

It is necessary for the BLM to assess a one-time Hosting Fee in order to recuperate the costs BLM has incurred. This Fee is being charged on an equal basis to all companies submitting a bid, regardless of whether the submitted bid is successful. The total cost for hosting the bid has been determined to be $62,300.00. In the event that the Hosting Fee deposits collected by the Government are in excess of the cost to host the bid, each company will be equally refunded that portion in excess. However, if the bidder turnout is less than anticipated and a deficit occurs to the Government, each bidding company will be equally billed for the difference. The Bonus Bid Fee is based on the highest dollar bid per acre for each acre within a parcel and must be made in whole dollar increments. The non-refundable Parcel Fees being assessed by the BLM will be applied to the BLM's cost associated with the technical review of the EIS. This Fee is based on a charge for each acre within each parcel. If bidding multiple parcels, Parcel Fees may be combined and submitted on one check.

However, the bidder must supply documentation that clearly delineates the distribution of the fees on the multiple parcels. All bids must be filed in accordance with the criteria set out in this document.

Bids must be submitted in a sealed legal-size envelope and marked in the front left corner as shown in the following example:

Tehachapi-Mojave Wind Energy
Suitability Analysis and Right-of-Way
Notice of Realty Action CACA#31587
Parcel No. 153–01–23
Final Date to Receive Bids—September 23, 1993, 2 p.m. PDST

The envelope shall contain a statement of the amount of the Bonus Bid for the subject parcel with a minimum starting bid of $7.00 per acre and a check equal to 10% of the amount of the bid.

The Bids must be submitted to the Area Manager, Ridgecrest Resource Area, 300 S. Richmond Rd., Ridgecrest, CA 93555 and received by 2 p.m. (PDST), Thursday, September 23, 1993. Each parcel is a single bidding unit therefore, each bid must be placed in a separate envelope.

In addition, the following fees and documentation must be received in this office by 2 p.m. (PDST), September 23, 1993:

(1) A Hosting Fee deposit check of $16,000;

(2) A non-refundable Parcel Fee of $2.50 per acre;

(3) A separate ROW application for each parcel must accompany the sealed bid; and

(4) Corporate Documentation as required below.

All fees must be in the form of a certified or Cashiers check, bank draft or money order which is made payable to the U.S. Department of the Interior, Bureau of Land Management (USDI–BLM).

If two or more envelopes containing valid bids are received for the same parcel, an oral bid will take place only between the companies submitting the valid bid. The bid will begin at $5.00/acre above the highest bid amount. Oral bidding will be in whole dollar increments thenceforth. Payment of the oral bid fee will be in the form above or by Corporate Check. If paying by Corporate Check it must be replaced within 3 workdays with a check that meets the criteria outlined above.

Bids will be opened and read aloud on Friday, September 24, 1993, at 10 a.m. (PDST) in the Ridgecrest Resource Area office's main conference room in Ridgecrest, California. The opening of the bids is for the purpose of publicly announcing and recording bids received, determining if an oral bid is required and conducting such bid as necessary. Upon completion of the bonus portion of the bid, the BLM has until Close of Business on October 4, 1993, to complete the review of the bids and determine the successful bidder. A list of the successful bidders will be posted in the Public Room of the Ridgecrest Office and all bidders will be formally notified by Certified Mail.

The balance of the bonus bid is due by close of business on the 10th calendar day following the formal notification of a successful bid. Any unsuccessful bidder's Bonus Bid deposit will be returned.

The United States reserves the right to reject the highest qualified bid and release the bidder from his obligation and withdraw the parcel if the Authorized Officer (AO) determines that consummation of the bidding process would be inconsistent with the provisions of any existing law, or collusive or other activities have hindered, or restrained free and open bidding or consummation of the bidding process would encourage or promote speculation on public lands.

Bidders are hereby warned that any violations of 18 U.S.C. 1860, could result in a fine or imprisonment, or both.

In the event that the AO rejects the highest qualified bid or releases the bidder from such bid, the AO shall determine whether the public lands involved in the offering shall be offered to the next highest bidder or re-offered at a later date. Final determination of award will still require review of the required corporate qualifications.

Corporate Qualifications for Bid Eligibility

All bidders must meet the following minimum requirements. Most of these qualifications can be handled through corporate resolutions and notarized documentation. They are as follows:

(1) Bids may be made either by a principal or duly qualified agent;

(2) Be in good Corporate Standing with both the State of Incorporation and the State of California;

(3) All documents submitted by the Bidder considered confidential and proprietary will require a statement pursuant to title 15 U.S.C. 1311–1314 and title 43 CFR 3590.1(b) stating such;

(4) Must have developed a successful wind power project within the last ten years with a minimum capacity of 10MW and a minimum annual energy production of 20,000 megawatt hours;

(5) If the bidder currently has wind parks on public lands they must be current on all rentals and royalties;

(6) Projects considered must show that only machines with a rated capacity of 200KW per machine or rotor diameter of 25 meters or greater will be used;

(7) A statement over the signature of the bidder or anyone authorized to sign for the bidder that he/she is in compliance with the requirements of FLPMA and 43 CFR 2800;

(8) A Corporate Resolution or an equivalent statement from the bidder agreeing to sign a Memorandum Of Understanding (MOU) with the BLM and any other affected parties (if any) to be full participant in accomplishing the EIS and any necessary subsequent site specific environmental studies. This requires to participate in the cost sharing of the EIS. The MOU which will outline the criteria and corporate roles necessary for the completion of the EIS must be signed within 10 calendar days of receipt; and

(9) The successful qualified bidder shall, within 10 calendar days of billing will pay the required proportionate share of the total costs associated with the publication of this document in the

Federal Register and local newspapers. These costs will not be determined until BLM has received all the billings for the publications.

The Requirements for an EIS Are

(1) All necessary data required pursuant to NEPA and the level of review required for the EIS will be outlined in an MOU with the successful bidders. This criteria will also include current wind data, which will be used in determining suitability;

(2) The EIS will be by a third-party contractor. The contractor will be retained by the Lead Proponent and approved by the BLM. The BLM will be the point of contact for the contractor, but the Contractor will be paid for by the successful bidders; and

(3) The Lead Proponent will be the successful bidder with the most parcels under "successful bid". All other successful bidders will be secondary proponents and will be required to work with BLM and the Lead Proponent in accomplishing the EIS. This will be accomplished through an MOU between the BLM, Lead Proponent and all Secondary Proponents.

Right-of-way Application and Processing Procedures

If a parcel is determined suitable through the procedures outlined within this document, BLM will process right-of-way applications filed with the bid package. Processing will be done in accordance with 43 CFR 2800 Rights-of-Way Principles and Procedures, including cost recovery provisions. The following procedures are required:

(1) Proponent has complied, to date, with the pertinent laws and regulations for this project;

(2) A Plan of Development (POD) must be submitted. These requirements are described within the Bid Package and BLM Manual;

(3) The BLM will order an appraisal to determine fair market value and royalties for each parcel;

(4) Proponent must show proof of a Utility Contract or its equivalent;

(5) The conclusion of the site specific environmental assessment pursuant to NEPA will determine developability of the site;

(6) Show through financial statements of assets and/or a letter of credit statements the financial ability to fully develop a wind power facility;

(7) Construction and Reclamation Bonds will be required in an amount equivalent to the estimated cost of removal and restoration requirements outlined in a ROW Grant;

(8) The proponent must obtain access across private inholdings under a reciprocal right-of-way agreement which names BLM as a party to that agreement;

(9) Prior to the issuance of a right-of-way, any other wind power facility interests that may exist by the proponent on Public Lands will be required to be in full compliance. A statement from the appropriate BLM office certifying the compliance will suffice.

Upon the completion of the above-mentioned procedures, a right-of-way grant will be offered to those companies meeting all the requirements. A Notice to Proceed will be issued after the execution of the Grant after all terms and conditions have been met. If a parcel is determined unsuitable all applications will be rejected.

For Further Information Contact

To receive a copy of the bid package which contains examples and requirements or for additional information, contact Mike Hogan, Lead Reality Specialist at the BLM's Ridgecrest Resource Area Office, (619) 375–7125, 300 S. Richmond Rd., Ridgecrest, CA 93555.

Dated: August 13, 1993.

Henri R. Bisson,

District Manager.

[FR Doc. 93–20149 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–40–M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Terlingua Creek Cats-Eye for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Terlingua Creek cats-eye (*Cryptantha crassipes*). The Terlingua Creek cats-eye is a perennial herb in the Borage family (Boraginaceae). This endangered species has a very limited distribution on private land in Brewster County, Texas. All known plants are within a 100 square mile area. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before October 8, 1993, to assure consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the U.S. Fish and Wildlife Service, Ecological Services Field Office, 611 E. Sixth Street, room 407, Austin, Texas 78701; (512) 482–5436.

Written comments and materials regarding the plan should be addressed to the State Administrator at the above address. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Kathryn Kennedy, Botanist, (512) 482–5436 (see **ADDRESSES** above).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals or 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 site specific actions considered necessary for conservation of the species, establish objective, measurable 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 of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Terlingua Creek cats-eye (*Cryptantha crassipes*) was listed as endangered on September 30, 1991 (56 FR 49634). This species grows on a rock formation with a high gypsum content, in Chihuahuan Desert scrub vegetation. Only 10 sites with about 5,000 individuals are known to exist. Terlingua Creek cats-eye is threatened by increasing habitat destruction and fragmentation. Roadbuilding and maintenance, subdivision of the area for a resort, utility construction, and off-road-vehicle use within its area of distribution are activities of concern that can damage needed habitat.

The objective of the Draft Terlingua Creek Cats-Eye Recovery Plan (Plan) is delisting. Delisting criteria are given in the Plan. Recovery efforts outlined in the Plan include site protection, habitat management, and public education and information. Other recovery efforts outlined include establishing a conservation seed bank and cultivated population, conducting research on the biological and ecological requirements of the species, searching for additional populations, examining the feasibility of reintroduction, and ensuring compliance with the provisions of the Act.

Public Comments Solicited

The Service solicits written comments on the Plan described. All comments received by the date specified above will be considered prior to approval of the Plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 17, 1993.

James A. Young,

Acting Regional Director.

[FR Doc. 93–20405 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Appalachian National Scenic Trail Relocation of Right-of-Way

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice of relocation.

SUMMARY: The relocation set forth below is necessary to preserve the purposes for which the Appalachian National Scenic Trail was established. This relocation is consistent with the route of the Appalachian National Scenic Trail contained in the Preferred Alternative of the Final Environmental Impact Statement for the Pico/Killington Section of the Appalachian National Scenic Trail prepared by the National Park Service and released to the public in July 1993. The National Trails System Act authorizes the Secretary of the Interior to relocate non-substantial segments of a national scenic trail right-of-way when necessary to preserve the purposes for which the trail was established, or to promote a sound land management program in accordance with established multiple-use principles.

The Director of the National Park Service has been delegated the authority to administer the Appalachian National Scenic Trail.

The relocation is necessary to preserve the purposes for which the Appalachian National Scenic Trail was established, and to promote a sound land management program within the Pico/Killington study area in accordance with established multiple use principles of land users and the State of Vermont.

DATES: Written comments, suggestions or objections to the Relocation of Right-of-Way will be accepted on or before September 23, 1993.

ADDRESSES: Comments should be directed to: Project Manager, Appalachian National Scenic Trail, National Park Service, Harpers Ferry, WV 25425.

FOR FURTHER INFORMATION CONTACT: John F. Byrne, Project Manager, Appalachian National Scenic Trail, Telephone (304) 535–6278.

SUPPLEMENTARY INFORMATION:

Background

The National Trails System Act became law on October 2, 1968. The Act created a system to identify and establish a National Trails System. It also established the Pacific Crest Trail and the Appalachian Trail as the initial national scenic trails.

Section 7(a)(2) of the National Trails System Act created a process for the selection of a right-of-way for a national scenic trail by publication of a Notice of this right-of-way in the **Federal Register** together with appropriate maps and descriptions. In selecting the right-of-way, the Secretary is required to obtain the advice and assistance of the States, local governments, private organizations, landowners, and land users concerned. This responsibility for the Appalachian National Scenic Trail has been completed. A right-of-way and Trail route were selected after compliance with the consultation requirements of the Act and published in the **Federal Register**, Vol. 36, No. 197, Saturday, October 9, 1971.

Section 7(b) of the National Trails System Act authorizes the Secretary of the Interior to relocate non-substantial segments of a national scenic trail right-of-way, upon a determination that: (i) Such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles.

The National Park Service has prepared an Environmental Impact Statement for the protection of the Appalachian National Scenic Trail in the Pico/Killington area. Announcement of the availability of review of the Final Environmental Impact Statement by the U.S. Environmental Protection Agency was published in the **Federal Register** on July 18, 1993. The Preferred Alternative identified in the FEIS includes a relocation of the right-of-way for the Appalachian National Scenic Trail.

It has been the practice of the National Park Service to publish relocations of segments of the right-of-way of the Appalachian National Scenic Trail in the **Federal Register** when the relocations are not located on the map panel previously published in the **Federal Register**.

A section of approximately 4.5 miles in length of the route of the Appalachian Trail identified in the Preferred Alternative of the Final Environmental Impact Statement is not located on the previously published map panel and a new map panel showing this section is published today.

The relocation is necessary to preserve the purposes for which the Appalachian National Scenic Trail was established, and to promote a sound land management program within the Pico/Killington study area in accordance with established multiple use principles of land users and the State of Vermont.

Relocation of the following segment of the Appalachian National Scenic Trail is hereby announced:

Vermont

Beginning immediately south of the Pico Peak Lookout Tower and proceeding in a northwesterly direction, crossing U.S. Route 4, and continuing northerly to an intersecting point along the Long Trail, and continuing easterly along the Long Trail to the present junction of the Long and Appalachian Trail north of Sherburne Pass.

An appropriate map change, as designated above, is provided as an appendix to this Notice to indicate the revised right-of-way and the Trail route within the revised right-of-way. This change is in compliance with provisions of section 7 of the National Trails System Act.

During the preparation of the Environmental Impact Statement which contains the Preferred Alternative including the relocated Trail segment, the State and local governments, private individuals and affected land owners were offered opportunity to participate in the decision making and to comment on the Preferred Alternative.

The purpose of this Notice is to obtain public comment on the relocated right-

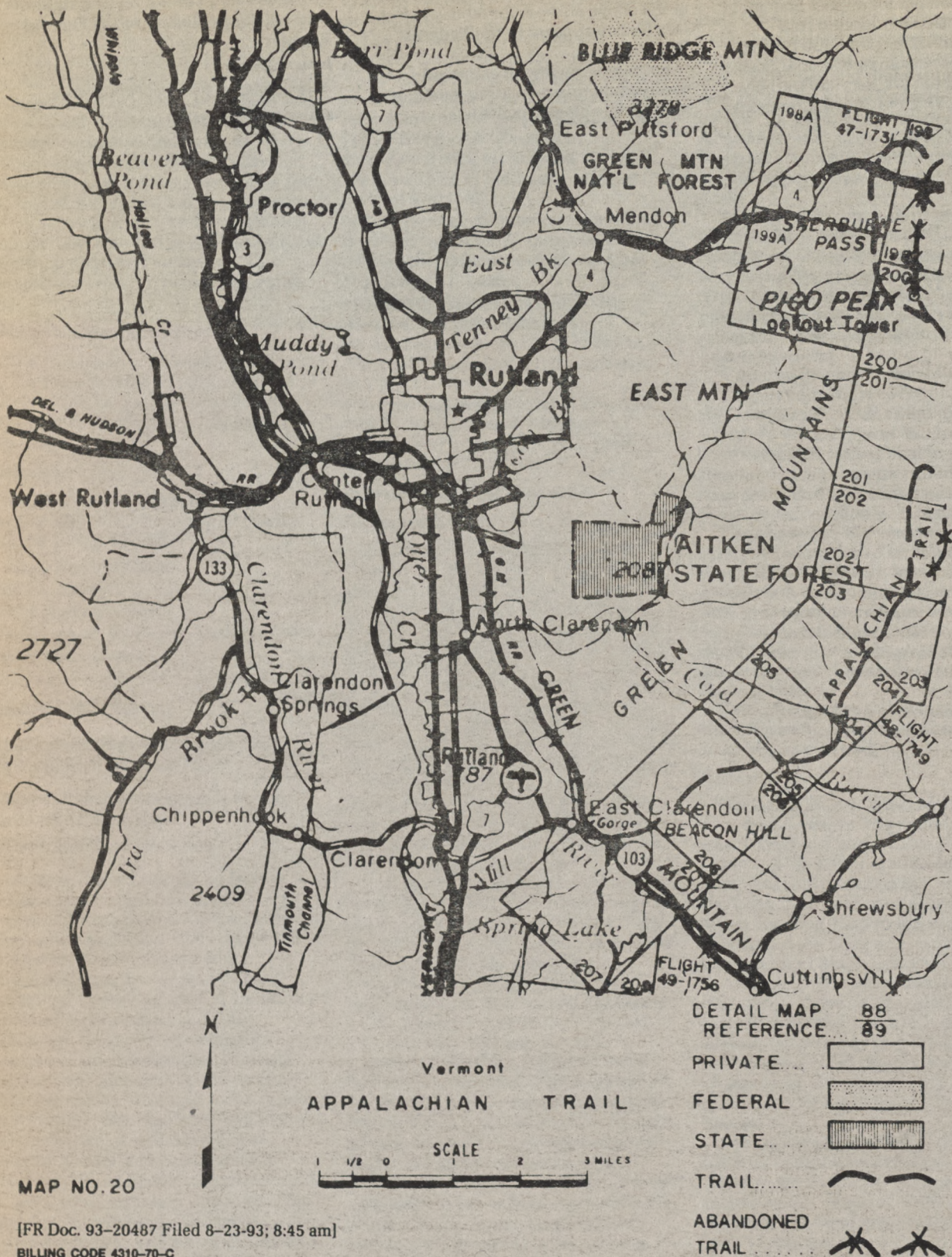
of-way segment described above. The Final Environmental Impact Statement that describes the relocated trail segment is available from the Project Manager, Appalachian National Scenic Trail, National Park Service, Harpers Ferry, West Virginia 25425. Comments will be received by the Project manager at the above address for 30 days after this Notice appears in the **Federal Register.**

Following review of comments received on this relocation, and any appropriate amendments made, implementation of the revised right-of-way will be published in the **Federal Register.**

John H. Davis,

Acting Director, National Park Service.

BILLING CODE 4310-70-M



[FR Doc. 93–20487 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–70–C

Appalachian National Scenic Trail; Record of Decision, Trail Protection Study, Pico/Killington Section

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice of record of decision.

SUMMARY: In June 1993, the *Final Environmental Impact Statement (FEIS) for the Trail Protection Study-Pico/Killington Section* was made available to the public. The FEIS evaluated alternative routes for the section of the Appalachian Trail between U.S. Highway 4 and the Mendon-Shrewsbury town line in Rutland County, Vermont. The purpose of this Record of Decision (ROD) is to document the National Park Service (NPS) decision to select and implement the Preferred Alternative identified in the FEIS including the relocation of the trail and the acquisition of land for the route identified in this alternative. In addition to being printed in the **Federal Register**, copies of the ROD are being distributed to federal, state and local government agencies and other interested parties, and are being sent to Aldridge Public Library, Barre, Vermont; Bennington Free Library, Bennington, Vermont; Fletcher Free Library, Burlington, Vermont; Kellogg-Hubbard Library, Montpelier, Vermont; Rutland Free Library and Southwest Regional Library, Rutland, Vermont; and Norman Williams Library, Woodstock, Vermont. The ROD is available at the Appalachian Trail Project Office in Harpers Ferry West Virginia and in room 1210, Interior Building, 18th & C Streets, NW., Washington, DC.

Decision and Rationale

After analysis of the environmental impacts of the Preferred Alternative and other alternatives presented in the FEIS, and after consideration of public comments received, the NPS has determined that the Preferred Alternative as described in the FEIS most fully meets the purposes of the National Trails System Act, provides the highest level of protection for this section of the Appalachian Trail, and is the environmentally preferable alternative. Therefore, the NPS has decided to implement the Preferred Alternative as the federal action.

Implementation of federal action will require the acquisition of fee interests in about 572 acres of privately owned land (upon which an easement interest in 102 acres is presently owned by the U.S. Government), and the extinguishment of privately owned interests in about 175 acres of state-owned land. If, during negotiations with interest holders, it is determined that adjacent lands would become isolated due to acquisition of land for the 1000-foot Appalachian Trail corridor, it is possible that these isolated tracts would be acquired and the two figures will increase to 2600 acres and 475 acres respectively. Either acquisition or negotiation of an agreement will be required to protect about 250 acres of land owned by the City of Rutland. Within the study area an agreement with the State of Vermont will be required to protect 400 acres of state-owned land. To protect the existing route of the Trail through the Pico ski area, acquisition of an easement interest in about 275 acres of privately owned land will be required.

The federal action taken will have a beneficial effect on the natural environment, and hikers will benefit from the new route because of increased solitude and less visual intrusion from ski area development. The route selected will improve opportunities for natural scenic views and will enable hikers to enjoy a variety of vegetative types. The new route is considered technically and economically feasible. In deciding to select the Preferred Alternative, full consideration was given to minimizing the adverse effects upon adjacent landowners as is required by the National Trails System Act. Although the federal action will restrict the options presently available to private landowners whose lands will be acquired for the trail corridor, the protection and use of the selected trail corridor will harmonize with and complement established multiple-use plans and will ensure maximum benefit from the land. The Preferred Alternative is supported by the State of Vermont and the local trail managing volunteer group partners, and will ensure continued protection of the Appalachian Trail from potential adverse effects of adjacent land uses.

All practicable means will be taken in implementing the federal action to avoid or minimize environmental harm or harm to cultural and archaeological resources and traditional use sites. This will include archaeological monitoring during construction of the footpath, and consultation with the Abenaki during identification of the actual footpath in the field. Other mitigating measures and compliance requirements are identified in the FEIS.

The voluntary protective transfer of private lands discussed in the FEIS will not take place as the mediated agreement that bound all parties to these terms became void when the private ski area developers withdrew their plans for ski area expansion. The transfer of lands remained in the FEIS for analysis purposes. If and when the ski area developers propose ski area expansion in the future, consideration of these protective land transfers should be reconsidered.

Alternatives Considered and Description of the Proposed Action

The alternatives considered in the environmental impact statement were:

—Alternative 1 No Action (eighteen+ ski related crossings)
—Alternative 2A Modified Existing Route (ten ski related crossings)
—Alternative 2B Modified Existing Route (seven ski related crossings)
—Alternative 2C Modified Existing Route (two ski related crossings)
—Alternative 3 Existing Route (No ski related crossings)
—Alternative 4A Eastern Relocation (five ski related crossings)
—Alternative 4B Eastern Relocation (two ski related crossings)
—Alternative 5 (Preferred Alternative) Western Relocation (No ski related crossings)

Under the Preferred Alternative, the northern portion of the trail will be relocated about 1 mile west of the existing trail, partially on land in the Rutland City Forest, owned by the City of Rutland. About one mile of new trail will be built between U.S. 4 and Deer Leap Mountain on land to be acquired by the USDA Forest Service and on U.S. Government property managed by the USDA Forest Service. Approximately four miles of new trail will be constructed between Killington Peak and the Mendon-Shrewsbury town line. This route will be laid out to the east of Mendon Peak in order to protect natural and cultural values identified by the State of Vermont and the Abenaki. There will be no known adverse effects on biological and physical resources within the trail corridor caused by implementing the federal action. Land acquired for protection in the Appalachian Trail corridor will be protected from any physical development which will enhance biological productivity and reduce habitat fragmentation. Wetlands, headwater streams, spruce/fir and northern hardwood forest species will not be adversely affected. Hikers will continue to enjoy forested views with small natural clearings offering views.

Compliance

The following compliance will take place prior to trail construction.

A small portion of the trail will be built through a wetland on the north side of U.S. 4 using a pedestrian bridge or a technique called turnpiking. This

involves building a raised trail. This action will not have an adverse effect on the wetland and is an excepted action under *NPS Guidelines for Compliance with Executive Order 11990, Wetlands.* The U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service will be consulted prior to construction.

Consultation will continue with the Abenaki to avoid impact to traditional use sites in the corridor. Members from the Abenaki Research Project will be present during identification in the field of the final footpath location. Traditional use sites will be avoided if at all possible, at which point mitigation will be identified and conducted.

Section 106 Compliance requirements have been completed.

Conclusion

It is our determination that the *Final Environmental Impact Statement for Trail Protection Study Pico/Killington Section, May 1993,* satisfies the requirements of Public Law 101–121 requiring the NPS to prepare an environmental impact statement to assess the impacts of ski development along this section of the Appalachian Trail.

The Preferred Alternative identified in the FEIS is selected as the federal action.

The route of the Appalachian Trail as described in the Preferred Alternative is selected as the permanent relocated route for the Appalachian National Scenic Trail between the Mendon-Shrewsbury town line and Deer Leap Mountain.

Willis P. King,

Acting Associate Director, Operations, National Park Service.

[FR Doc. 93–20488 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–70–M

Chesapeake & Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting will be held at 1 p.m., Saturday, September 11, 1993, at the First Federal Savings Bank of Western Maryland, 118 Baltimore Street, Cumberland, Maryland.

The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairman, Washington, DC
Ms. Diane C. Ellis, Brunswick, Maryland
Brother James T. Kirkpatrick, F.S.C., Cumberland, Maryland
Ms. Anne L. Gormer, Cumberland, Maryland
Ms. Elise B. Heinz, Arlington, Virginia
Mr. George M. Wykoff, Jr., Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, DC
Mr. Barry A. Passett, Washington, DC
Mrs. Jo Reynolds, Potomac, Maryland
Ms. Nancy C. Long, Glen Echo, Maryland
Ms. Mary Elizabeth Woodward, Shepherdstown, West Virginia
Dr. James H. Gilford, Frederick, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland
Mrs. Sue Ann Sullivan, Williamsport, Maryland
Mr. Terry W. Hepburn Hancock, Maryland
Mr. Laidley E. McCoy, Charleston, West Virginia
Ms. Jo Ann M. Spevacek, Burke, Virginia
Mr. Charles J. Weir, Falls Church, Virginia

The agenda for the meeting includes Old and New Business, Superintendent's Report and public comments.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Thomas O. Hobbs, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: August 17, 1993.

Sandra A. Alley,

Acting Regional Director, National Capital Region.

[FR Doc. 93–20492 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–70–M

Intent To Repatriate a Cultural Item in the Possession of the Field Museum of Natural History

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act of 1990 of the intent to repatriate a cultural item in the possession of the Field Museum of Natural History, Chicago, that meets the definitions of "sacred objects" and "object of cultural patrimony" under section 2 of the act.

The carved wheel with beads and eagle feathers, approximately 21 inches in diameter with an overall length of 30 inches, was collected in May 1900 at the Wind River Reservation, Wyoming, by George A. Dorsey, Chief Curator of Anthropology for the Field Museum. The original museum catalogue records describe the object as "catalogue number 61397; accession number 694; field number 548; Wheel (hoti)—from Sun dance pavilion—cottonwood; Arapahoe".

The form of the object, its source and documentation lead the museum to believe that it is a Sun Dance wheel. Copies of the museum records and photographs of the object have been provided to the Northern Arapaho Business Council and members of the appropriate Sun Dance religious body. Authorized representatives of the Arapaho tribe have viewed the object in person and concur with this identification of the object as a Sun Dance wheel. The Northern Arapaho Business Council has requested repatriation of the object from the Field Museum of Natural History in a letter dated January 19, 1993. The Field Museum of Natural History has no objections.

Authorities of the United States Fish and Wildlife Service have been contacted regarding applicability of Federal endangered species statutes to this transfer and have concurred in the conclusion that the object is not covered due to its age.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with this object should contact Dr. Jonathan Haas, Vice President for Museum Affairs, Field Museum of Natural History, Roosevelt Road at Lake Shore Drive, Chicago, IL 60605, telephone (312) 922–9410, extension 442, before September 23, 1993. Repatriation of the object to the Arapaho tribe may begin after that date if no additional claimants come forward.

Dated: August 11, 1993.

Dr. Francis P. McManamon,

Departmental Consulting Archeologist, Chief, Archeological Assistance Division.

[FR Doc. 93–20491 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–70–F

Completion of Inventory of Native American Human Remains Catalogued as Hawaiian, Received From Charles Derby, 1856, via the Essex Institute, ca 1867, in the Possession of the Peabody & Essex Museum, Salem, Massachusetts

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003 (d), of the completion of the inventory of human remains catalogued as Hawaiian, received from Charles Derby, 1856, via the Essex Institute, ca 1867.

These remains are in addition to that reported on December 4, 1992, and published in the **Federal Register** on January 6, 1993, indicating remains identified during inventory of the museum's archaeological collections. The museum has continued in its consultation with Hui Mālama I Nā Kūpuna 'O Hawai'i Nei, a Native Hawaiian organization recognized in Public Law 101–601.

Based on the above mentioned information, officials of the Peabody & Essex Museum, have determined pursuant to 25 U.S.C. (2) that there is a relationship of shared group identity which can be reasonably traced between these remains and present-day Native Hawaiian organizations.

Representatives of culturally affiliated Native Hawaiian organizations are advised that the human remains have been transferred, on loan, to representatives of The State Historic Preservation Officer, Chairperson, Department of Lands and Natural Resources who have agreed to hold the remains until an appropriate Native Hawaiian organization can be identified and any potential disputes settled, after which should a claimant come forward, they may be reinterred. This notice has been sent to officials of the Office of Hawaiian Affairs. Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with these human remains should contact John R. Grimes, Peabody & Essex Museum, East India Square, Salem, MA, (508) 745–1876, and Mr. William W. Paty, State Historic Preservation Officer, Chairperson, Department of Land and Natural Resources, P.O. Box 621 Honolulu, HI (808) 548–6550, before September 23, 1993.

Dated: August 11, 1993.

Francis P. McManamon,

Departmental Consulting Archeologist, Chief, Archeological Assistance Division.

[FR Doc. 93–20490 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–70–F

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 14, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by September 8, 1993.

Beth M. Boland,

Acting Chief of Registration, National Register.

FLORIDA

Volusia County

Strawn Historic Agricultural District (Citrus Industry Resources of Theodore Strawn, Inc., MPS), Bounded by Broderick and Retta Sts. and by Central and Dundee Aves., DeLeon Springs, 93000929

Strawn Historic Citrus Packing House District (Citrus Industry Resources of Theodore Strawn, Inc., MPS), 5707 Lake Winona Rd., DeLeon Springs, 93000931

Strawn Historic Sawmill District (Citrus Industry Resources of Theodore Strawn, Inc., MPS), 5710 Lake Winona Rd., DeLeon Springs, 93000930

GEORGIA

Coffee County

Downtown Douglas Historic District, Roughly bounded by Jackson St., Pearl Ave., Cherry St. and the Georgia—Florida RR tracks, Douglas, 93000941

Floyd County

Old Brick Mill, Park St. at Silver Cr., Lindale, 93000936

Lincoln County

Amity School (Lincoln County MPS), Clay Hill Rd. W of jct. with GA 43, Lincolnton vicinity, 93000933

Double Branches Historic District (Lincoln County MPS), Double Branches Rd. SE of jct. with main GA 220, Lincolnton vicinity, 93000934

Lincolnton Historic District (Lincoln County MPS), Roughly, along Washington, Peachtree, Goshen and Elm Sts., Lincoln, 93000932

Woodlawn Historic District (Lincoln County MPS), Jct. of Salem Church and Woodlawn—Amity Rds., Lincolnton vicinity, 93000935

LOUISIANA

Natchitoches Parish

Jones House (Louisiana's French Creole Architecture MPS), LA 484 along Cane R. Lake, Melrose vicinity, 93000937

MISSOURI

Boone County

Bond's Chapel Methodist Episcopal Church, MO A, 2.5 mi. NE of Hartsburg, Hartsburg vicinity, 93000940

Guitar, David, House, 2815 Oakland Gravel Rd., Columbia, 93000939

NORTH CAROLINA

Watauga County

Valle Crucis Episcopal Mission, NC 194 N side, 1 mi. SW of jct. with NC 1112, Valle Crucis vicinity, 93000938

OREGON

Deschutes County

Bend Amateur Athletic Club (Historic Development of The Bend Company in Bend, Oregon MPS), 520 NW. Wall St. (NE corner Wall St. and Idaho Ave.), Bend, 93000912

Bend Hill School (Historic Development of The Bend Company in Bend, Oregon MPS), 529 NW. Wall St., Bend, 93000916

Deschutes County Library (Historic Development of The Bend Company in Bend, Oregon MPS), 507NW. Wall St., Bend, 93000914

Reid School (Historic Development of The Bend Company in Bend, Oregon MPS), 129 NW. Idaho Ave., Bend, 93000913

Trinity Episcopal Church (Historic Development of The Bend Company in Bend, Oregon MPS), 469 NW. Wall St., Bend, 93000915

Jackson County

Baker, Sophenia Ish, House, 902 W. McAndrews Rd., Medford vicinity, 93000924

Patton, Hamilton and Edith, House, 245 Valley View Dr., Medford, 93000923

Pelton, John and Charlotte, House, 228 B St., Ashland, 93000922

Lane County

Eugene Blair Boulevard Historic Commercial Area, Blair Blvd. between W. 3rd and W. 5th Aves., including Van Buren St. between Blair and W. 3rd, Eugene, 93000928

Multnomah County

Broadway Hotel, 10 NW. Broadway, Portland, 93000927

Hahn, Henry, House, 1987 SW. Sixteenth Rd., Portland, 93000918

Long, A.G., House, 1987 SW. Sixteenth Ave., Portland, 93000917

Troutdale Methodist Episcopal Church, 302 SE. Harlow St., Troutdale, 93000921

Umatilla County

Still—Perkins House, 112 SE. Sixth Ave., Milton-Freewater, 93000925

Walla Walla Valley Traction Company Passenger Station and Powerhouse, 403 Robbins St., Milton-Freewater, 93000926

Wasco County

Fulton—Taylor House, 704 Case St., The Dalles, 93000920

Washington County

Crosley, Harry A., House, 2125 A St., Forest Grove, 93000919

[FR Doc. 93–20489 Filed 8–23–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Indexing the Annual Operating Revenues of Railroads, Motor Carriers of Property and Motor Carriers of Passengers

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

This Notice sets forth the annual inflation adjusting index numbers which are used to adjust gross annual operating revenues of railroads, motor carriers of property and motor carriers of passengers for classification purposes. This indexing methodology will insure that regulated carriers are classified based on real business expansion and not from the effects of inflation. Classification is important because it determines the extent of reporting for each carrier.

The railroad's inflation factors are based on the annual average Railroad's Freight Price Index. For both motor carriers of property and motor carriers of passengers, the inflation factors are based on the annual average Producer Price Index for all commodities. The indexes are developed by the Bureau of Labor Statistics (BLS).

The base years for railroads, motor carriers of property, and passenger motor carriers are 1992, 1980, and 1988 respectively. Ex Parte No. 492, Montana Rail Link, Inc., and Wisconsin Central Ltd., Joint Petition For Rulemaking With Respect To 49 CFR 1201, served June 17, 1992, raised the revenue classification level from $50 million (1978 dollars) to $250 million (1991 dollars). The base year for railroads, therefore, became 1991. The inflation index factors for 1989, 1990, 1991, and 1992 are presented as follows:

RAILROADS—RAILROAD FREIGHT INDEX

	Index	Deflator percent
1978	213.1	[1] 100.00
1990	402.3	52.98
1991	409.5	[2] 100.00
1992	411.8	99.45

[1] Docket No. 36367, Uniform System of Accounts for Railroads, served June 24, 1977, (42 FR 35016) raised the revenue classification level for Class I railroads from $10 million to $50 million effective January 1, 1978.

[2] Ex Parte No. 492, Montana Rail Link, Inc., and Wisconsin Central Ltd., Joint Petition For Rulemaking With Respect To 49 CFR 1201, served June 17, 1992, raised the revenue classification level for Class I railroads from $50 million to $250 million (1991 dollars), effective for the reporting year beginning January 1, 1992.

MOTOR CARRIERS OF PROPERTY PRODUCER PRICE INDEX*

	Index	Deflator percent
1980	89.8	.....
1990	116.3	77.21
1991	116.5	77.08
1992	117.2	76.62

*The indices and deflator percentages for motor carriers of property were adjusted to reflect changes by the BLS.

MOTOR CARRIERS OF PASSENGERS PRODUCER PRICE INDEX

	Index	Deflator percent
1988	106.9	.....
1990	116.3	91.92
1991	116.5	91.76
1992	117.2	91.21

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: William F. Moss III, (202) 927–5730.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–20409 Filed 8–23–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1609N–93]

RIN 1115–AD38

Solicitation of Proposals From Interested Parties To Participate in a Pilot Immigration Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: Commencing on August 24, 1993, the Immigration and Naturalization Service (the Service) will accept proposals from regional centers who wish to participate in an Immigrant Investor Pilot Program, provided for under section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Appropriations Act). Under this pilot program, the Service will select a regional center(s) in the United States that is/are responsible for promoting economic growth in a geographical area. For the purposes of the pilot program, 300 visas annually for five years will be set aside for immigrant investors who are coming to the United States to benefit the economy by creating employment for United States workers. The Service is publishing simultaneously in this issue of the **Federal Register** an interim rule to implement procedures and set forth criteria for selecting regional centers to participate in the Immigrant Investor Pilot Program.

DATES: Written proposals can be submitted on or after August 24, 1993.

ADDRESSES: Proposals must be submitted in duplicate, to the Acting Assistant Commissioner for Adjudications, R. Michael Miller, Immigration and Naturalization Service, 425 I Street, NW., room 7122, Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Michael W. Straus, Senior Immigration Examiner, Adjudications, Immigration and Naturalization Service, room 7122, 425 I Street, NW, Washington, DC 20536, telephone: (202) 514–5014.

Dated: July 30, 1993.

Chris Sale,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 93–20390 Filed 8–23–93; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 3, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 3, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC, 20210.

Signed at Washington, DC, this 9th day of August, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition number	Articles produced
Ametek—U.S. Gauge Div. (Wkrs)	Allentown, PA	08/09/93	07/28/93	28,926	Gas Pressure Gauges, Cockpit Instruments.
Eastern Associated Coal Corp. (UMWA)	Kopperston, WV	08/09/93	07/26/93	28,927	Coal.
Pentapco (Wkrs)	Elizabeth, NJ	08/09/93	07/09/93	28,928	Plaster Blister Packages.
L. J. Gonzer Associates (Wkrs)	Beacon, NY	08/09/93	07/19/93	28,929	Design and Engineering Service.
Kaiser Aluminum & Chemical Corp (USWA)	Mead, WA	08/09/93	07/26/93	28,930	Aluminum.
Fisher Rosemount System, Inc (Wkrs)	Burnsville, MN	08/09/93	05/18/93	28,931	Circuit Boards.
B&B Sportswear (Co)	Passaic, NJ	08/09/93	07/27/93	28,932	Ladies' & Mens' T-Shirts.
Brown & Root Industrial Services (Wkrs)	Houston, TX	08/09/93	07/26/93	28,933	Industrial Maintenance Services.
Bryan Manufacturing Co (Wkrs)	New Salem, PA	08/09/93	07/26/93	28,934	Ladies' Lingerie.
B.F.M. Energy Products (Wkrs)	Santa Ana, CA	08/09/93	07/08/93	28,935	Parts for Submarines.
Aeroquip Corp. (Wkrs)	Jackson, MI	08/09/93	07/23/93	28,936	Hose Lines & Fittings for Aerospace.
Aluminum Co. of America (USWA)	Badin, NC	08/09/93	07/26/93	28,937	Aluminum, Primary Ingot.
PPG Industries, Inc (AB&GU)	Greensburg, PA	08/09/93	07/27/93	28,938	Automobile Windshields.
Radiometer Technology, Inc (Wkrs)	Westlake, OH	08/09/93	07/28/93	28,939	Arterial Blood Samplers.
Reichert Shake & Fencing (Wkrs)	Toledo, WA	08/09/93	07/20/93	28,940	Cedar Shakes, Shingles & Fencing.
Super Computer Systems, Inc (Wkrs)	Eau Claire, WI	08/09/93	07/25/93	28,941	Computer Research and Development.
Spartan Oil Corp (Co)	Abilene, TX	08/09/93	07/26/93	28,942	Oil and Gas.
Joseph E. Seagrams & Sons (Wkrs)	So San Francisco, CA.	08/09/93	07/12/93	28,943	Distilled Spirits.
Imperial Smelting Corp (Wkrs)	Chicago, IL	08/09/93	07/15/93	28,944	Process Zinc Metal Alloys.
Texas Instrument (Wkrs)	Cypress, TX	08/09/93	07/29/93	28,945	Computer Service.
Technitrol, Inc (Wkrs)	Petersburg, PA	08/09/93	07/26/93	28,946	Transformers.
Allied Products Corp (UAW)	Hillsdale, MI	08/09/93	07/21/93	28,947	Large Automotive Dies.

[FR Doc. 93–20416 Filed 8–23–93; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–28, 565]

Moench Tanning Company; Gowanda, NY; Affirmative Determination Regarding Application for Reconsideration

On August 6, 1993, the petitioners requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination will soon be published in the **Federal Register.**

The petitioners state, among other things, that a major customer was not surveyed.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 11th day of August 1993.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Services; Unemployment Insurance Service.

[FR Doc. 93–20417 Filed 8–23–93; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Eastern Associated Coal Corporation

[Docket No. M–93–197–C]

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Federal No. 2 Mine (I.D. No. 46–01456) located in Monongalia County, West Virginia. Due to deteriorating roof conditions, certain areas of the main return airway cannot be traveled safely. The petitioner proposes to establish 4 ventilation check points to monitor the methane and oxygen airflow in the affected areas. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

2. New Warwick Mining Company

[Docket No. M–93–198–C]

New Warwick Mining Company, R.D. 1, Box 167A, Mount Morris, Pennsylvania 15349 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Warwick Mine (I.D. No. 36–02374) located in Greene County, Pennsylvania. Due to hazardous conditions and roof falls certain areas of the return air course cannot be traveled safely. The petitioner proposes to establish evaluation check points to monitor the quantity and quality of air entering and leaving the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

3. Island Creek Coal Company

[Docket No. M–93–199–C]

Island Creek Coal Company, Box 11430, Lexington, Kentucky 40575–1430 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Ohio No. 11 Mine (I.D. No. 15–03178) located in Union County, Kentucky. Due to hazardous conditions and roof falls in the Main South return entries, traveling the area would be unsafe. As an alternative, the petitioner proposes to establish monitoring stations on each side of a roof fall to monitor the return air across the fall and to examine this location weekly for hazardous conditions. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

4. Peabody Coal Company

[Docket No. M–93–200–C]

Peabody Coal Company, P.O. Box 1990, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.364(b)(4) (weekly examination) to its Martwick Mine (I.D. No. 15–14074) located in Muhlenberg County, Kentucky. Due to hazardous conditions in the 2nd SE panel seals, the area cannot be traveled safely. The petitioner proposes to establish an evaluation check point at the outby (downwind) end of the seals; to have a certified person test for methane and oxygen at the evaluation point on a weekly basis; to record test results in a book; to examine the return air course entry adjacent to the 2nd SE panel seals weekly when monitoring the air that ventilates the seals; and to examine the 2nd SE seals from the adjacent entry being traveled during weekly checks. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

5. Consolidation Coal Company

[Docket No. M–93–201–C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.364(b)(2) to its Humphrey No. 7 Mine (I.D. No. 46–01453) located in Monongalia County, West Virginia. Due to deteriorating roof and rib conditions, certain areas of the return air course cannot be traveled safely. The petitioner proposes to establish evaluation check points to monitor the air in the affected area and to have a certified person test for methane and the quantity of air on a weekly basis. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

6. Ashland Coal Company

[Docket No. M–93–202–C]

Ashland Coal Company, Box 126, R.D. #2, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its Orchard Slope (I.D. No. 36–06132) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit alternative methods of construction using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept design criteria in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

7. Ashland Coal Company

[Docket No. M–93–203–C]

Ashland Coal Company, Box 126, R.D. #2, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.360 (preshift examination) to its Orchard Slope (I.D. No. 36–06132) located in Schuylkill County, Pennsylvania. The petitioner proposes to examine each seal for physical damage from the slope gunboat during the preshift examination after an air quantity reading is taken in by the intake portal and to test for the quantity and quality of air at the intake air split locations off the slope in the gangway portion of the working section. The petitioner proposes to physically examine the entire length of the slope once a month. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

8. Ashland Coal Company

[Docket No. M–93–204–C]

Ashland Coal Company, Box 126, R.D. #2, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.364(b)(1), (4), and (5) (weekly examination) to its Orchard Slope (I.D. No. 36–06132) located in Schuylkill County, Pennsylvania. Due to hazardous conditions and roof falls, certain areas of the intake air course cannot be traveled safely. The petitioner proposes to examine the intake haulage slope and primary escapeway from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions once a month. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

9. Ashland Coal Company

[Docket No. M–93–205–C]

Ashland Coal Company, Box 126, R.D. #2, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.1100–2(a)(2) (quantity and location of firefighting equipment) to its Orchard Slope (I.D. No. 36–06132) located in Schuylkill

County, Pennsylvania. The petitioner proposes to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

10. Ashland Coal Company

[Docket No. M–93–206–C]

Ashland Coal Company, Box 126, R.D. #2, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.1200(d) and (i) (mine map) to its Orchard Slope (I.D. No. 36–06132) located in Schuylkill County, Pennsylvania. The petitioner proposes to use cross-sections instead of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000 feet intervals of advance from the intake slope and to limit the mapping of mine workings above and below to those present within 100 feet of the vein being mined except when veins are interconnected to other veins beyond the 100 feet limit through rock tunnels. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

11. Ashland Coal Company

[Docket No. M–93–207–C]

Ashland Coal Company, Box 126, R.D. #2, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.1202–1(a) to its Orchard Slope (I.D. No. 36–06132) located in Schuylkill County, Pennsylvania. The petitioner proposes to revise and supplement mine maps on an annual basis instead of the required 6 month interval and to update maps daily by hand notations. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

12. C & C Coal Company

[Docket No. M–93–208–C]

C & C Coal Company, 100 Big Mine Run, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Primrose Slope (I.D. No. 36–08341) located in Schuylkill County, Pennsylvania. The petitioner proposes to use an increased rope strength and secondary safety rope, instead of safety catches, on the slope conveyance (gunboat) used to transport persons. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

13. Jim Walter Resources, Inc.

[Docket No. M–93–209–C]

Jim Walter Resources, Inc., P.O. Box 830079, Birmingham, Alabama 35283–0079 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley-wires, trolley feeder wires, high-voltage cables and transformers) to its No. 3 Mine (I.D. No. 01–00758) located in Jefferson County, Alabama. The petitioner proposes to use 2300 A.C. high-voltage cable to supply power to permissible longwall face equipment in or inby the last open crosscut. The petitioner asserts that the proposed alternate method would provide at least the same protection as would the mandatory standard.

14. Drummond Company, Inc.

[Docket No. M–93–210–C]

Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama 35203 has filed a petition to modify the application of 30 CFR 75.1103–4(a) (automatic fire sensor and warning device systems; installations; minimum requirements) to its Shoal Creek Mine (I.D. No. 01–02901) located in Jefferson County, Alabama. The petitioner proposes to install low-level carbon monoxide sensors as an early warning fire detection system to monitor air traveling in the belt haulage entry; to provide an alarm at a manned location to detect carbon monoxide that exceeds 10 ppm above the ambient carbon monoxide level; to visually check the sensors each working day; and to check sensor calibration with a known concentration of carbon monoxide once every 30 days and record the results in a book maintained on the surface. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

15. Drummond Company, Inc.

[Docket No. M–93–211–C]

Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama 35203 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Shoal Creek Mine (I.D. No. 01–02901) located in Jefferson County, Alabama. The petitioner proposes to use all belt entries as intake air courses to eliminate any possible dead air areas and prevent air reversals due to changes in ventilation pressure; to continue separating the belt entries used as intake entries from other intake and return entries using a continuous permanent type stopping; and to install a carbon monoxide monitoring system in all belt entries used as intake air courses. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

16. Clinch Valley Coal Corporation

[Docket No. M–93–212–C]

Clinch Valley Coal Corporation, P.O. Box 942, Tazewell, Virginia 24651 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its No. 5 Mine (I.D. No. 46–07642) located in McDowell County, West Virginia. Due to deteriorating roof conditions, the left return air course cannot be traveled safely. The petitioner proposes to establish evaluation check points to monitor the air in the affected area. The petitioner asserts that application of the standard would result in a diminution of safety to the mining personnel.

17. Copper Range Company

[Docket No. M–93–06–M]

Copper Range Company, P.O. Box 100, White Pine, Michigan 49971–0100 has filed a petition to modify the application of 30 CFR 57.14101(2)(3) (brakes) to its White Pine Mine (I.D. No. 20–00371) located in Ontonagon County, Michigan. Due to muddy conditions underground created by exceptionally saline (caustic) water, parking brakes on self-propelled equipment cannot be kept in a safe working condition. The petitioner proposes to use wheel chocks on standard highway pickup trucks used to transport personnel and supplies underground. The petitioner asserts that with necessary training the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 23, 1993. Copies of these petitions are available for inspection at that address.

Dated: August 13, 1993.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 93–20418 Filed 8–23–93; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93–068]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's), supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

DATES: Comments are requested by September 23, 1993. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Ms. Eva L. Layne, Acting NASA Agency Clearance Officer, Code JTD, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700–0017), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (202) 358–1374.

Reports

Title: Report of Government-Owned/Contractor-Held Property.

OMB Number: 2700–0017.

Type of Request: Reinstatement.

Frequency of Report: Annually.

Type of Respondent: Businesses or other for-profit, small businesses or organizations.

Number of Respondents: 2,750.

Responses per Respondent: 1.

Annual Responses: 2,750.

Hours per Response: 4.

Annual Burden Hours: 11,000.

Abstract-Need/Uses: NASA is required to account for Government-owned/contractor-held property. The NASA Form 1018 submitted by contractors provides the data to reconcile NASA's property accounts, from which internal management and external information reports are derived.

Dated: August 13, 1993.

Eva L. Layne,

Acting Chief, IRM Policy and Acquisition Management Office.

[FR Doc. 93–20396 Filed 8–23–93; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 56th meeting on Wednesday and Thursday, August 25–26, 1993, in the Maryland Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. Notice of this meeting was published in the **Federal Register** on July 28, 1993 (58 FR 40448).

Wednesday, August 25, 1993

8:30–9:00 a.m.: Opening Remarks by ACNW Chairman (Open)

The ACNW Chairman will make opening remarks regarding conduct of the meeting and the matters to be discussed. Interested members of the public will be offered an opportunity to comment at this time.

9:00–9:15 a.m.: Preparation for Discussions with Commissioners Rogers and de Planque (Open/Closed)

The Committee will discuss matters in preparation for the scheduled discussions with Commissioners Rogers and de Planque. Included in these discussions will be matters related to the appointment of new Members, ACNW resources, and organizational and personnel matters relating to ACNW Members and ACNW staff.

(**Note:** Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

9:15–10:15 a.m.: Discussions with Commissioner Rogers (Open/Closed)

The Committee will meet with Commissioner Rogers to discuss issues related to the past performance of the ACNW and the future role of the ACNW in the NRC regulatory process, including (1) a revised ACNW charter, (2) ACNW resources, (3) the future activities of the ACNW, and (4) organizational and personnel matters relating to ACRS Members and ACNW staff.

(**Note:** Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

10:15–11:00 a.m.: Preparation for Discussions with Commissioner de Planque and the NRC Staff (Open/Closed)

The Committee will discuss matters in preparation for the scheduled discussions with Commissioner de Planque and senior members of the NRC staff. Included in these discussions will be matters related to the appointment of new members, ACNW resources, and organization and personnel matters relating to ACNW Members and ACNW staff.

(**Note:** Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

11:00–1:30 p.m.: Discussions with the Director of the NRC Office of Nuclear Material Safety and Safeguards (Open)

The Committee will meet with the Director of the NRC Office of Nuclear Material Safety and Safeguards and his senior staff to discuss issues related to the ACNW role in the regulatory review process including matters related to the future activities of the ACNW.

1:30–2:00 p.m.: Preparation for Discussions with Commissioner de Planque (Open/Closed)

The Committee will discuss matters in preparation for the scheduled discussions with Commissioner de Planque. Included in these discussions will be matters related to the appointment of new Members, ACNW resources, and organizational and personnel matters relating to ACNW Members and ACNW staff.

(Note: Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

2:00–3:00 p.m.: Discussions with Commissioner de Planque (Open/Closed)

The Committee will meet with Commissioner de Planque to discuss issues related to the past performance of the ACNW and the future role of the ACNW in the NRC regulatory process, including (1) a revised ACNW charter, (2) ACNW resources, (3) the future activities of the ACNW, and (4) organizational and personnel matters relating to ACRS Members an ACNW staff.

(Note: Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to the 5 U.S.C. 552b(c)(6).)

3:00–4:00 p.m.: Executive Session (Open/Closed)

The Committee will discuss what it has learned from its discussions with Commissioners Rogers and de Planque and the NMSS staff, including matters related to (a) the appointment of new members, (b) ACNW resources, (c) revisions to the ACNW charter, (d) the future activities of the ACNW, and (3) organizational and personnel matters related to ACNW and NRC staff.

(Note: Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

4:00–5:00 p.m.: Discussions with R. Budnitz (Open)

The Committee will discuss with Dr. Budnitz his perspective on presentations/discussions thus far as well as his recommendations for future Committee activities and improved protocols.

5:00–7:00 p.m.: Executive Session (Open/Closed)

The Committee will discuss matters related to implementation plans for the future activities of the ACNW, including matters related to revisions to the ACNW charter, ACNW resources, the appointment of new Members, and organizational and personnel matters related to the ACNW Members and ACNW staff.

(Note: Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 522b(c)(6).)

7:00 p.m.: Recess

Thursday, August 26, 1993

8:30–10:30 a.m.: Executive Session (Open/Closed)

The Committee will continue its discussion of matters related to implementation plans for the future activities of the ACNW, including matters related to revisions to the ACNW charter, ACNW resources, the appointment of new Members, and organizational and personnel matters related to the ACNW Members and ACNW staff. The Committee will also work on the preparation of a report which discusses its conclusions and recommendations on these matters.

(Note: Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

10:30–Noon: Future ACNW Activities (Open)

The Committee will discuss matters related to the planning of future ACNW activities including:

- Agenda for September meeting
- Plans related to the ACNW visit to Nevada and the Working Group [WG] meeting on characterization of the unsaturated zone flow and transport properties.
- Establish full Committee and WG meeting schedule for remainder CY 1993

1:00–3:00 p.m.: Executive Session (Open/Closed)

The Committee will continue its discussion of matters related to implementation plans for the future activities of the ACNW, including matters related to revisions to the ACNW charter, ACNW resources, the appointment of new Members, and organizational and personnel matters related to the ACNW Members and ACNW staff. The Committee will also continue preparation of a report which discusses its conclusions and recommendations on these matters.

(Note: Portions of this session may be closed to public attendance to discuss matters that relate solely to internal personnel rules and practices of this advisory committee pursuant to 5 U.S.C. 552b(c)(2) and to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

3:00–5:00 p.m.: Appointment of New Members (Open/Closed)

The Committee will discuss the qualifications of potential candidates for nomination of ACNW membership.

(Note: Portions of this session may be closed to public attendance to discuss matters the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).)

5:00 p.m.: Adjourn

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. The office of the ACRS is providing staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the office of the ACRS as far in advance as practical so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the office of the ACRS, Dr. John T. Larkins (telephone 301/492–4516), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACNW Executive Director or call the recording (301/492–4600) for the current schedule if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Public Law 92–463 that it is necessary to close portions of this meeting noted above to discuss

organizational and personnel matters that relate solely to internal personnel rules and practices of this advisory committee, the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(2) and (6).

Dated: August 18, 1993.

Andrew L. Bates,

Acting Advisory Committee Management Officer.

[FR Doc. 93–20399 Filed 8–23–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Advanced Boiling Water Reactors; Meeting

The ACRS Subcommittee on Advanced Boiling Water Reactors will hold a meeting on September 8, 1993, in room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 8, 1993—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the status of resolution of the remaining open issues in the ABWR Standard Safety Analysis Report and how the ABWR design satisfies the requirements resulting from the resolution of certain unresolved safety issues (USIs) and generic safety issues (GSIs). Also, it will discuss the NRC staff's schedule for submittal of the Final Safety Evaluation Report. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will hear presentations by and hold discussions with representatives of GE and its consultants, and other interested persons regarding this review. Representatives of the NRC staff will participate, as appropriate.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Dr. Medhat El-Zeftawy (telephone 301/492–9901) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 17, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–20400 Filed 8–23–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on September 8, 1993, room P–422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of certain portions that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, September 8, 1993—2:00 p.m. until 4:30 p.m.

The Subcommittee will discuss proposed ACRS activities, practices and procedures for conducting the Committee business, and organizational and personnel matters relating to ACRS and its staff. The purpose of this meeting will be to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff person, Dr. John T. Larkins (telephone 301/492–4516) between 7:30 a.m. and 4:15 p.m., EDT. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 16, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–20401 Filed 8–23–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Reclearance of Information Collection SF 3105

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Standard Form 3105, Documentation in Support of Disability Retirement Application, is used by applicants for disability retirement under the Federal Employees Retirement System, to supply OPM with documentation of their medical condition. The information is used by OPM to determine if the applicant meets the requirements for disability retirement.

Approximately 3,100 SF 3105 forms will be completed per year. The form requires approximately 90 minutes to

fill out. The annual burden is 4,650 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

Daniel A. Green, Jr., Chief, FERS Division, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street NW., room 4429, Washington, DC 20415 and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Administrative Management Branch (202) 606–0623.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–20343 Filed 8–23–93; 8:45 am]

BILLING CODE 6325–01–M

Request for Reclearance of an Information Collection, SF 2824, SF 2824A, and SF 2824C

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Standard Form 2824, Documentation in Support of Disability Retirement Application, SF 2824A, Applicant's Statement of Disability, and SF 2824C, Physician's Statement, are used to collect information from applicants for Civil Service Retirement System disability retirement so that OPM can determine whether to approve a disability retirement.

Approximately 9,000 SF 2824, SF 2824A, and SF 2824C forms are completed annually. The SF 2824A requires approximately 30 minutes to complete and the SF 2824C requires approximately 60 minutes to complete. The annual burden is 9,500 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before September 23, 1993.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415 and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Administrative Management Branch (202) 606–0623.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–20344 Filed 8–23–93; 8:45 am]

BILLING CODE 6325–01–M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Public Information Collection Requirements Submitted to OMB for Review

DATES: August 24, 1993.

PADC has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511 (44 U.S.C. ch. 35). Copies of the submission may be obtained by calling the PADC clearance officer listed. Send comments to the OMB reviewer listed and to the PADC clearance officer.

OMB Number: 3208.

Form Number: Standard Form 263.

Title: Claim for Moving Costs and Related Expenses—Businesses and Farm Operations.

Description: Under the authority of the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs regulation, 49 CFR part 24, PADC solicits information from businesses displaced by PADC's acquisition of real property for the purposes of determining eligibility and entitlement to relocation benefits. Standard Form 263 is generally recognized as the appropriate medium for this function; administrative regulations require OMB periodically to approve PADC's use of the form.

Respondents: Small businesses located within the Pennsylvania Avenue development area.

Clearance Officer: Talbot J. Nicholas II, Attorney, (202) 724–9055, PADC, suite 1220-North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004.

OMB Reviewer: Don Arbuckle, (202) 395–7340, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503.

Dated: August 12, 1993.

Robert E. McCally,

Acting Executive Director.

[FR Doc. 93–20375 Filed 8–23–93; 8:45 am]

BILLING CODE 7630–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32762; File No. SR–Amex–93–01]

Self-Regulatory Organizations; Filing of Proposed Rule Change by American Stock Exchange, Inc., Relating to the Adoption of New Rule 208, the Rescission of Rules 365 and 417 and the Revision of Rules 415 and 416

August 17, 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 January 7, 1993, as subsequently amended on June 25, 1993,[1] the American Stock Exchange, Inc. ("Amex" or "Exchange") 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the amended proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to adopt new Rule 208 concerning the bunching of odd-lot orders, rescind Rule 365 relating to the participation of clearing members in the profits and losses of specialists for whom they clear, rescind Rule 417 and revise Rules 415 and 416 relating to the handling of accounts by member and member organizations.

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

[1] See letter from Linda Tarr, Special Counsel, Legal and Regulatory Policy Division, Amex, to Louis A. Randazzo, Attorney, Commission, dated June 22, 1993. Amendment No. 1 makes Commentary .01 to Amex Rule 415 applicable to both paragraph (a) and (b) of Rule 415.

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

1. Purpose

The Exchange recently conducted a review of its rules and determined that certain changes were necessary to update them and, where appropriate, make them consistent with similar recently amended rules of the New York Stock Exchange ("NYSE"). Each rule change is described below, including an explanation as to why the changes are required.

New Rule 208. Bunching Odd-Lots. Currently, Exchange policy prohibits the combining of odd-lot orders given by several customers into round lots without the prior approval of such customers. Exchange policy also requires, under certain circumstances, that separate odd-lot orders which aggregate one or more round lots and which are entered for the same account,[2] to the extent possible, be consolidated into round lots.

This policy mirrors NYSE Rule 411(b) relating to the Conduct of Accounts,[3] and it is now proposed to articulate this policy in a new Exchange Rule 208.

Rule 365. Participation in Specialist Joint-Account Profits or Losses. This Rule, adopted in 1962, prohibits a clearing firm from participating in the profits or losses of a specialist joint account for which it clears, unless that clearing firm has a general partner or voting stockholder registered and active as a specialist in the joint account. Requiring active participation by a principal of the clearing firm was a crude method of dealing with specialist concentration issues, by in effect limiting the number of specialist units with which the clearing firm could be involved. Subsequently the Exchange has established more direct and sophisticated procedures for dealing with specialist concentration issues. Any proposed change in specialist unit structure is now reviewed by the Committee on Floor Member Performance and/or the Equities Allocations Committee, and, where such changes raise issues of concentration, they are analyzed by the staff and reviewed by the Committee on Specialist Unit Structure and by the Board of Governors of the Exchange.

No other exchange has a rule similar to Rule 365, an the Rule now unnecessarily restricts joint account arrangements involving clearing firms. Accordingly the Exchange proposes to delete Rule 365.

Rules 415 and 416. Member's Transactions with Another Member Organization and Accounts of Employees of Exchange and Members. These Rules restrict member organizations in the opening and handling of accounts of members and employees of other member organizations and employees of the Exchange. It is proposed that Rules 415 and 416 be revised to match certain clarifying amendments made recently in comparable NYSE rules.[4]

Rule 417. Margin Accounts of Employees of Financial Concerns. This Rules prohibits a member or member organization from opening a margin account or effecting a margin transaction for the account of an employee of a bank, trust company or similar financial organization unless the written consent of the employer has first been obtained. It is proposed to rescind this rule in line with the recent rescission of a comparable NYSE rule.[5] The Amex believes that such a Rule is now considered beyond the scope of appropriate exchange regulation.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition.

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other 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 the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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 Amex. All submissions should refer to File No. SR–Amex–93–01 and should be submitted by September 14, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20426 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[2] The Commission notes that, as embodied in proposed Rule 208, this policy applies to multiple odd-lot orders entered by one person for his own account or for various accounts in which he has an actual monetary interest or over which he is exercising investment discretion.

[3] For the most recent amendments to NYSE Rule 411(b), see Securities Exchange Act Release No. 31048 (August 18, 1992), 57 FR 38706 (August 26, 1992) (File No. SR–NYSE–92–03).

[4] The Exchange states that the amendments are based on NYSE Rules 406 and 407. See Securities Exchange Act Release No. 30744 (May 27, 1992), 57 FR 24075 (June 5, 1992) (File No. SR–NYSE–92–04).

[5] See Release No. 30744, *supra* note 4.

[Release No. 34–32753; File No. SR–BSE–93–15]

Self-Regulatory Organizations; Filing and Order Granting Temporary Accelerated Approval of Proposed Rule Change by Boston Stock Exchange, Inc., Relating to Specialist Concentration Policy Pilot Program

August 16, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 3, 1993, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is granting accelerated approval and 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 Exchange seeks to obtain accelerated effectiveness of a one-year extension of the pilot program concerning the BSE's Specialist Concentration Policy ("Concentration Policy"),[3] which will continue to permit the Executive Committee to review proposed specialist combinations that, in the Exchange's view, may lead to undue concentration within the specialist community.

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 III 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

1. Purpose

The purpose of the proposed rule change is to extend the BSE's specialist concentration policy pilot program, which establishes certain standards based on Consolidated Tape Association ("CTA") ranking of specialist stocks for reviewing certain proposed mergers, acquisitions and other combinations between or among specialist units. The pilot program authorizes the Executive Committee of the Board of Governors to review proposed combinations that, in the Exchange's view, may lead to undue concentration within the specialist community.

The Executive Committee reviews any arrangement where previously separate specialist organizations would be operating under common control and would comprise:

(a) 15% or more of the 100 most actively traded CTA stocks; or,

(b) 15% or more of the second 100 most actively traded CTA stocks; or,

(c) 20% or more of the third 100 most actively traded CTA stocks; or,

(d) 15% or more of all the CTA stocks eligible for trading on the BSE where the Free List contains fewer than 100 issues.[4]

The Executive Committee approves or disapproves the proposed combination based on its assessment of the following considerations:

(a) Specialist performance and market quality in the stocks subject to the proposed combination;

(b) The effects of the proposed combination in terms of the following criteria;

(i) Strengthening the capital base of the resulting specialist organization;

(ii) Minimizing both the potential for financial failure and the negative consequences of any such failure on the specialist system as a whole; and

(iii) Maintaining or increasing operational efficiencies;

(c) Commitment to the Exchange market, focusing on whether the constituent specialist organizations engage in business activities that might detract from the resulting specialist organization's willingness or ability to act to strengthen the Exchange agency/auction market and its competitiveness in relation to other markets; and

(d) The effect of the proposed combination on overall concentration of specialist organizations.

With respect to the criteria relating to the "commitment to the Exchange market," the Executive Committee looks to a variety of factors that extend beyond compliance with the Exchange's requirements for providing sufficient capital, talent and order handling services. For example, the Executive Committee reviews and assesses each constituent unit's past performance on the Exchange relating to such matters as:

—Acceptance and cooperation in the development, implementation and enhancement to the BSE Automated Communications Network ("BEACON");
—Efforts at resolving problems concerning customer orders;
—Willingness to facilitate early openings in order to compete effectively with other exchanges; and
—Willingness to voluntarily provide Execution Guarantees beyond the minimum required under BSE Rule 2039A.

2. Statutory Basis

The basis under the Act for the proposed policy is section 6(b)(5) in that the policy enables the Exchange to monitor the tendencies toward concentration in the specialist community and to intervene to prevent undue concentration, and as such is designed to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed policy will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. 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

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

[3] On February 7, 1990, the Commission approved, on a six-month pilot basis ending August 7, 1990, a proposed rule change by the BSE to establish procedures for reviewing proposed combinations among specialist units on the Exchange. *See* Securities Exchange Act Release No. 27684 (February 7, 1990), 55 FR 5527 (approving File No. SR–BSE–89–05). The Commission later approved the renewal of the pilot program for additional one-year periods ending August 1, 1991, August 13, 1992 and August 13, 1993. See Securities Exchange Act Release Nos. 28327 (August 10, 1990), 55 FR 33794 (File No. SR–BSE–90–11); 29551 (August 13, 1991), 56 FR 41380 (File No. SR–BSE–91–06); and 31037 (August 13, 1992), 57 FR 37854 (File No. SR–BSE–92–08).

[4] The Free List is made up of securities which are not registered to certain specialists and can be traded by any specialist.

Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–93–15 and should be submitted by September 14, 1993.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the BSE's proposal to extend its pilot program regarding specialist concentration for an additional one-year period is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, specifically, section 6 of the Act.[5] The Commission believes it is necessary to extend the pilot program's operation in order to afford both the Exchange and the Commission a further opportunity to evaluate the pilot's operation during the Commission's consideration of permanent approval of the concentration rules. Although the pilot has been in effect since February, 1990, only two proposed combinations have triggered an Executive Committee review. Consequently, the Commission believes that the Exchange, in conjunction with the Commission, needs additional time to fully evaluate the operation of the Concentration Policy and to determine whether the concentration rules are enhancing the quality of markets and improving specialist performance on the BSE. The Commission believes that allowing the Exchange an additional one-year period in which to implement the pilot will enable the Exchange and the Commission to adequately address the effectiveness of the pilot program.

In its prior orders renewing and extending the pilot program,[6] the Commission requested that the BSE develop criteria to evaluate the effects of its concentration rules on the activities of specialists and to determine, for example, whether implementation of these rules is increasing the performance and effectiveness of specialists and aiding in the prevention of undue concentration. Specifically, the Commission requested that the BSE submit a report to the Commission addressing, among other things, the following issues: The number of proposed specialist combinations that have triggered an Executive Committee review since the inception of the pilot program and the circumstances surrounding these reviews; whether the existence of more firms has increased competition among specialists for new stock allocations; whether the concentration rules have increased incentives for quality markets and higher standards for performance; and the impact that the specialist combination rules have had upon the competitive environment necessary to maintain an orderly market.

In response to the Commission's request, the BSE submitted a letter[7] which addressed many of the issues the Commission outlined in previous orders. The BSE stated, during the last pilot period, there has been one recent proposed specialist combination that exceeded the concentration limits set forth in the policy.[8] The BSE reported that an acquisition of a specialist operation triggered an Executive Committee review where the proposed merger would have resulted in adding four stocks that would result in the combined unit exceeding the third category of review (i.e. 20% or more of the third 100 most actively traded CTA stocks). According to the BSE, the specialist, in keeping with the spirit and intent of the Concentration Policy, voluntarily gave up four stocks for reallocation. Thereafter, the Executive Committee approved of the proposed combination.

The Commission also asked the BSE to discuss whether competition among specialists for new stock allocations has increased, as evidenced by the number of new stock allocations as well as specialists and specialist firms applying for those allocations. In response, BSE stated that it found that the increase or decrease in the number of applications for new stock allocations is directly related to the perceived quality of the new stock in terms of potential order flow. The BSE noted that the Concentration Policy was introduced because mergers and other combinations of firms results in fewer firms, not more firms.

The Commission asked the BSE to evaluate whether the Concentration Policy has increased incentives for quality markets and higher standards of performance. The BSE reported that among the factors considered in the allocation of stocks are the specialist performance standards which measure the quality of markets on the Exchange. According to the BSE, it is imperative that each specialist strive to achieve the best quality markets and highest standards of performance in order to aid him/her in obtaining new allocations. The BSE stated that since most combinations in recent years have comprised the larger order flow firms acquiring smaller independent firms, it believes that it is the added order flow, rather than the Concentration Policy, that has led to improved quality of markets.

The Commission questioned what impact the Concentration Policy has had upon the competitive environment necessary to maintain an orderly market. The Exchange stated that it does not believe that the Concentration Policy has had any impact on the competitive environment necessary to maintain an orderly market. The BSE explained that a specialist must, by rule, maintain fair and orderly markets in each of his/her stocks. Furthermore, the BSE believes that the competition in those stocks is among the participants in the Intermarket Trading System, and new order flow enables the formerly independent BSE specialists to become more competitive.

The Commission asked the BSE to report on whether any firms that have undergone Executive Committee review have demonstrated an improvement in specialist evaluation results or displayed a higher quality of markets. The BSE responded that there is no direct correlation between the application of the Concentration Policy and improved specialist performance or higher quality of markets. The BSE stated that order flow and market conditions have the greatest impact on performance and market quality. The BSE explained that the Concentration Policy was not adopted to improve performance or market quality on the

[5] 15 U.S.C. 78f (1988).

[6] See *supra*, note 3.

[7] See letter from Karen A. Aluise, Staff Attorney, BSE to Diana Luka-Hopson, Branch Chief, Commission, dated April 1, 1993.

[8] The BSE has had a total of two proposed combinations since the inception of the pilot program. The first proposed combination that exceeded the concentration limits was discussed in Securities Exchange Act Release No. 29551 (August 13, 1991), 56 FR 41380 (File No. SR–BSE–91–06). The second proposed combination is discussed above. This issue was clarified during a telephone conversation between George W. Mann, Jr., Senior Vice President and General Counsel, BSE, and Elizabeth Cosgrove, Attorney, Commission, dated August 5, 1993.

Exchange, but rather to provide a reasonable means of preventing a monopoly or the concentration of most of the top quality stocks within a small number of firms. The BSE believes that the improvement in both specialist performance and market quality is directly related to the competition among specialist firms for the allocation of new stocks and their desire to attract new order flow.

Finally, the Commission asked whether the Concentration Policy has assisted the Exchange in increasing order flow and, if so, the reasons for this conclusion. The BSE responded that order flow to the Exchange has increased steadily since 1985. The BSE stated that this is in part due to the impact of national wirehouses entering the specialist business, absorbing some of the independent specialists, and directing new order flow to the Exchange. According to the BSE, with the addition of fee incentives, high quality markets and efficient automation, some of these firms now send order flow in stocks traded by unaffiliated specialists as well.

During the extended pilot period, as was requested during the previous one-year pilot periods, the Commission expects the Exchange to continue to develop criteria to evaluate the effects of its concentration rules on the activities of specialists. In this regard, the Commission expects the BSE to report to the Commission by May 1, 1994, the number of proposed specialist combinations that have triggered an Executive Committee review since the extension of the pilot program and the circumstances surrounding these reviews; whether competition among specialists for new stock allocations has increased, as evidenced by the number of new stock allocations as well as specialists and specialist firms applying for those allocations since the inception of the pilot program;[9] and whether any of the specialist firms that have undergone Executive Committee review have demonstrated an improvement in specialist evaluation results or displayed a higher quality of markets.[10] In addition, the Commission remains interested in whether the BSE finds that the concentration rules have assisted the Exchange in increasing order flow and if so, the reasons for this conclusion, as well as the impact that the specialist combination rules have had upon the competitive environment necessary to maintain an orderly market.[11]

The Commission finds good cause for approving the proposed extension of the specialist concentration pilot program prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that accelerated approval of the extension of this pilot program furthers the protection of investors and the public interest because it allows the Exchange additional time to evaluate the effectiveness of the pilot program on an uninterrupted basis during the Commission's consideration of the Exchange's request for permanent approval. Further, the substance of the proposed rule change has been noticed previously in the **Federal Register** for the full statutory period and the Commission did not receive any comments.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act [12] that the proposed rule change (SR–BSE–93–15) be, and is hereby approved for a period ending August 13, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20339 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32752; File No. SR–BSE–93–5]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Boston Stock Exchange, Inc., Relating to Exchange Inquiries

August 16, 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 8, 1993, as amended subsequently on March 30, 1993,[1] and July 26, 1993,[2] the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the amended 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 BSE seeks to amend its Constitution and Rules to provide that members, member organizations and allied members must comply with Exchange requests for information and that continued non-compliance may result in the suspension or expulsion of that member or member organization.[3]

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 governing 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

(1) Purpose

The purpose of the proposed rule change is to clarify the regulatory obligation of Exchange members, member organizations and allied members to comply with Exchange requests for information and access to books and records maintained under section 17(a) of the Act.[4] The Exchange

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[9] The Commission believes the BSE needs to more fully address and justify why the proposed concentration levels are set appropriately and prevent mergers and combinations that could potentially decrease the competition for stock allocations thereby affecting the quality of BSE's markets.

[10] *Id.*

[11] In evaluating the effects of the pilot, the Commission expects the BSE to provide specific data to support its conclusions. For example, the Commission is interested in examining the number of specialists applying for new allocations both before and during the pilot program.

[12] 15 U.S.C. 78s(b)(2) (1988).

[13] 17 CFR 200.30–3(a)(12) (1991).

[1] See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated March 25, 1993. Amendment No. 1 clarified certain language in the proposed rule change.

[2] See letter from Karen A. Aluise, Assistant Vice President, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated July 20, 1993. Amendment No. 2 revised proposed BSE Chapter XVIII, Section 5(b).

[3] The exact text of the proposed amendment was attached as Exhibit 2 to File No. SR–BSE–93–5 and can be obtained at the places specified in Item IV below.

[4] 15 U.S.C. 78q(a)(1) (1988). Section 17(a) of the Act requires, among other things, that every national securities exchange, member thereof, broker or dealer who transacts a business in securities through the medium of any such member, registered securities association, register broker or dealer, registered municipal securities dealer, registered securities information processor, registered transfer agent, and registered clearing agency and the Municipal Securities Rulemaking Board shall make and keep for prescribed periods

Continued

Constitution currently provides that a member is required to submit records to its Board of Governors ("Board"), its committees and authorized officers. The Exchange now seeks to broaden this provision to add member organizations under its authority, as well as to eliminate the requirement of a two-thirds vote of the Board.[5] Because the constitutional provision acts as an enabling rule, the Exchange has proposed a rule which restates the requirement to respond to Exchange inquiries and sets forth procedures to address noncompliance.[6]

(2) Statutory Basis

The basis under the Act for the proposed rule change is section 6(b)(5) in that the rule is 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; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange needs the ability to require its members, member organizations and allied members to provide access to books and records that are required to be maintained under section 17(a) of the Act in order for it to fulfill its responsibilities as a self-regulatory organization.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed rule change was approved by the Exchange Board on February 23, 1993. The Exchange notified its membership of the proposal and received no comments on the proposed amendment to the Constitution.[7]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other 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 the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–93–5 and should be submitted by September 14, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20427 Filed 8–23–93; 8:45 am]

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such records, furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Municipal Securities Rulemaking Board shall make and keep for prescribed periods such records, furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[5] Article XIV, section 6 of the BSE Constitution currently provides that the Board may, by a two-thirds vote of its members present, require that a member or allied member of the Exchange submit to the Board, any committee or authorized officer, for examination, such books or papers as are material and relevant to any matter under investigation by said Board or committee. As amended, Article XIV, Section 6 would authorize the Board, any Exchange committee or authorized officer to require that a member, member organization or allied member of the Exchange submit books and records deemed material and relevant to any matter under investigation by the Board, Committee, or authorized officer.

[6] The Exchange proposes to adopted the following amendment to Chapter XVIII of its Rules:

Failure to Respond to Exchange Inquiries

Sec. 5(a) In accordance with Article XIV of the Constitution, for any regulatory purpose that the Exchange deems appropriate under its Constitution and Rules, all Members and Member Organizations of the Exchange, and all associated persons thereof, shall be required to (1) respond orally or in writing to any Exchange inquiry and (2) provide access to its books, records and accounts, as required to be maintained under section 17(a) of the Securities Exchange Act of 1934, within the timeframe specified by the Exchange in its request.

(b) Failure to comply with the provisions of paragraph (a) shall result in written notice to the Member, Member Organization or associated person that the continued failure to respond to an Exchange inquiry constitutes grounds for suspension from membership. After fifteen (15) calendar days written notice without compliance, a Hearing Committee will be empaneled to address the non-compliance with paragraph (a). Upon a determination by the Hearing Committee, such Member, Member Organization or associated person may be suspended. Written notice of the suspension shall be provided to the Member, Member Organization or associated person.

[7] See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated March 19, 1993.

Article XX, Section 1 of the BSE Constitution provides that any amendment to the Constitution which is adopted by the Board shall be submitted to Exchange members. If the amendment is not protested by fifteen Exchange members prior to the expiration of the seventh business day after the date of delivery or mailing of the proposed amendment, then the amendment is deemed approved.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Chicago Stock Exchange, Inc.

August 18, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Bedford Property Investors, Inc.
Common Stock, $1.00 Par Value (File No. 7–11047)

Triple A and Government Series—1995, Inc.
Common Stock, $.001 Par Value (File No. 7–11048)

DWG Corp.
Class A Common Stock, $.10 Par Value (File No. 7–11049)

Pittston Services Group
Common Stock, $.01 Par Value (File No. 7–11050)

Pittston Minerals Group
Common Stock, $.01 Par Value (File No. 7–11051)

U.S.A. Waste Services, Inc.
Common Stock, $.01 Par Value (File No. 7–11052)
Allied Signal, Inc.
Common Stock, $1.00 Par Value (File No. 7–11053)
Calprop Corporation
Common Stock, No Par Value (File No. 7–11054)
Kasler Holding Company
Common Stock, No Par Value (File No. 7–11055)
Navistar International Corporation (Holding Company)
$6.00 Cum. Conv. Pfd. Stock Series G, $.10 Par Value (File No. 7–11056)
USG Corporation
Common Stock, $.10 Par Value (File No. 7–11057)
USG Corporation
Warrants Expiring 1998, No Par Value (File No. 7–11058)
Crestar Financial Corp.
Common Stock, $5.00 Par Value (File No. 7–11059)
Kaiser Aluminum Corp.
$.65 Depositary Shares, $.05 Par Value (File No. 7–11060)
Landauer, Inc.
Common Stock, $.10 Par Value (File No. 7–11061)
Motor Coach Industries International, Inc.
Common Stock, $.01 Par Value (File No. 7–11062)
Magma Copper
5.625% Cum Conv. Pfd. D, $.01 Par Value (File No. 7–11063)
Grupo Radio Centro SA DE
American Depository Shares (Rep. 5 Non-Red. Ord. Partic. Ctfs.), No Par Value (File No. 7–11064)
Southern Pacific Rail Corporation
Common Stock, $.001 Par Value (File No. 7–11065)
Southwestern Property Trust, Inc.
Common Stock, $.001 Par Value (File No. 7–11066)
AT&T Capital Corp.
Common Stock, $.01 Par Value (File No. 7–11067)
Diversified Communications Industries Ltd.
Common Stock, $.08 Par Value (File No. 7–11068)
Elan Corporation Plc
Rights, No Par Value (File No. 7–11069)
Houston Biotechnology, Inc.
Common Stock, $.10 Par Value (File No. 7–11070)
Robertson-Ceco Corporation
Common Stock, $.01 Par Value (File No. 7–11071)
Crown American Realty Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–11072)
Eckerd Corp.
Common Stock, $.01 Par Value (File No. 7–11073)
Forum Retirement Partners LP
Dep. Units, No Par Value (File No. 7–11074)
Lakehead Pipeline Partners LPI
Units, No Par Value (File No. 7–11075)
LSB Industries, Inc.
Common Stock, $.10 Par Value (File No. 7–11076)
National Golf Properties, Inc.
Common Stock, $.01 Par Value (File No. 7–11077)
Excel Realty Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–11078)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 9, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–20430 Filed 8–23–93; 8:45 am]

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Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

August 18, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Banco Bilbao Vizcaya International (Gibraltar) Ltd.
American Depositary Shares Ser. C (rep. Non-Cum. Gtd. Pref. Sh., Ser. C) (File No. 7–11114)
Carr-Gottstein Foods Co.
Common Stock, $.01 Par Value (File No. 7–11115)
China Tire Holdings Ltd.
Common Stock, $.01 Par Value (File No. 7–11116)
CSS Industries, Inc.
Common Stock, $.10 Par Value (File No. 7–11117)
Ek Chor China Motorcycle Co. Ltd.
Common Stock, $.10 Par Value (File No. 7–11118)
Elf Overseas Ltd.
7⅝% Cum. Gtd. Pref. Ser. B (File No. 7–11119)
Espirito Santo Financial Holdings S.A.
American Depositary Shares (rep. 1 Ord. Sh. $10.00 Par Value (File No. 7–11120)
Freeport-McMoran Copper & Gold, Inc.
Depositary Shares (rep. $0.05 Sh. of Step-Up Cv. Pfd. Stk. $.10 Par Value (File No. 7–11121)
Grancare, Inc.
Common Stock, No Par Value (File No. 7–11122)
Grupo Radio Centre SA de C.V.
American Depositary Shares (rep. 5 Non-Red. Ord. Part. Ctfs.) (File No. 7–11123)
Hecla Mining Co.
Ser. B Cum. Cv. Pfd. $.25 Par Value (File No. 7–11124)
Kaiser Aluminum Corp.
$.65 Depositary Shares (rep. 1/10 sh. of Ser. A and Cv. Prem. Div. Pfd. Stk.) (File No. 7–11125)
LASMO Plc
American Depositary Shares Ser. A (rep. 1 Cum. Dollar Pref. SH. Ser. A) (File No. 7–11126)
Levitz Furniture, Inc.
Common Stock, $.01 Par Value (File No. 7–11127)
MMI Co.'s Inc.
Common Stock, $.10 Par Value (File No. 7–11128)
Mascotech, Inc.
Common Stock, $1.00 Par Value (File No. 7–11129)
Merry Land & Investment Co., Inc.
$1.75 Ser. A Cum. Conv. Pfd., No Par Value (File No. 7–11130)
Pulitzer Publishing Co.
Common Stock, $.01 Par Value (File No. 7–11131)
Rhone-Poulenc Overseas Ltd.
8⅛% Cum. Gtd. Pref. Ser. A (File No. 7–11132)
Sithe Energies, Inc.
Common Stock, $.01 Par Value (File No. 7–11133)
Stone Energy Corp.
Common Stock, $.01 Par Value (File No. 7–11134)
Sun Healthcare Group, Inc.
Common Stock, $.01 Par Value (File No. 7–11135)

These securities are listed and registered on one or more other national

securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 9, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–20431 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32746; International Series Release No. 574; File No. SR–ISCC–93–03]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of a Proposed Rule Change by International Securities Clearing Corporation Relating to a Revision to ISCC's Fee Schedule

August 13, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on August 11, 1993, International Securities Clearing Corporation ("ISCC") 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 ISCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to ISCC's fees for providing instruction processing services.

[1] 15 U.S.C. 78s(b)(1) (1988).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISCC 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. ISCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The proposed rule change consists of a change to the fees for providing instruction processing services, to reflect the actual costs that ISCC incurs. ISCC has two categories of fees for the receipt of transaction instruciotns—one for individuals and one where submission is by one entity on behalf of multiple member. The latter category was created several years ago with the implementation of Portal and has not been reexamined until recently due to the limited volume usage.

Under the link with Euroclear,[2] ISCC will receive transactions from Automatic Data Processing, Inc. on behalf of multiple members. Upon Examination of this fee, ISCC determined that it does not accurately reflect the cost involved in processing these transactions. ISCC is proposing an increase in this fee from $.50 per item to $1.00 per item. This fee would be applicable in all instances where one entity is submitting transactions on behalf of multiple members where the submitting entity is not a member.

(b) The proposed fee change will provide for the equitable allocation of fees among members, so the proposed rule change is consistent with the requirements of section 17A(b)(3)(D) of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

ISCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

[2] See Securities Exchange Act Release No. 32564 (June 30, 1993), 58 FR 36722.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. ISCC will notify the Commission of any written comments received by ISCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder because it establishes or changes a due, fee, or other charge of the self-regulatory organization. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to SR–ISCC–93–03 and should be submitted by September 14, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20428 Filed 8–23–93, 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32760; File No. SR–NSCC–92–12]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving a Proposed Rule Change Relating to Short Positions That Are Subject to the Depository Trust Company's Honest Broker Procedures

August 17, 1993.

On October 13, 1992, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change relating to settlement of open short positions subject to the Depository Trust Company's ("DTC") honest broker procedures. The Commission published notice of the proposed rule change in the **Federal Register** on December 3, 1992.[2] No comments were received. This order approves the proposal.

I. Description

The proposed rule change adds new Rule 21 to NSCC's rules, which provides that an NSCC member requesting that DTC activate its honest broker program[3] thereby authorizes NSCC to submit to DTC on behalf of the member such data as necessary to allow DTC to deliver securities to NSCC's account at DTC to cover any short positions in NSCC's Continuous Net Settlement ("CNS") System in that security.[4] The authorization will continue for the entire period the member utilizes the honest broker program.

Under DTC's honest broker procedures, a troubled broker must submit to DTC a listing of the open delivery obligations that it would like to complete if shares are released by a pledge bank. If the member submits instructions to DTC relating to CNS open short positions and shares are released, DTC has agreed that CNS obligations will take priority over other delivery obligations. If the member does not include open CNS short positions in its instructions to DTC they will not be covered.

NSCC will settle money payments with DTC for deliveries made through the CNS settlement procedure on the day the deliveries are completed.[5] DTC will include such payments in its *pro rata* distribution to the pledgee banks that participate in the honest broker program.

II. Discussion

The Commission believes the proposed rule change is consistent with the Act, and in particular, Section 17A(b)(3)(F).[6] That section provides that the rules of a clearing agency should be designed to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. That section further provides that the rules of a clearing agency should be designed to promote the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds that are in the possession or control of the clearing agency.[7] The Commission believes the proposed rule change is consistent with these objectives.

The proposed rule change ensures that open CNS short positions are covered by the release of pledged securities in the event an NSCC member activates DTC's honest broker procedures. The need for such a mechanism became apparent during the 1990 winddown of Drexel Burnham Lambert Group, Inc. and its broker-dealer subsidiary, Drexel Burnham Lambert, Inc. ("Drexel").[8] Prior to becoming insolvent, Drexel held significant positions in corporate equity and debt that could be delivered by book-entry transfer. Counterparties were reluctant to release securities to Drexel due to concerns that Drexel's promise to pay at the end of the day might result in the counterparty's inability to retrieve the securities if a bankruptcy petition had been filed. This was made more complicated by the need to account for settling trades with NSCC. Among other things, Drexel's lenders were concerned that release of securities for delivery to NSCC could result in no net reduction of loans to Drexel because NSCC might apply the money due Drexel for those securities to meet other Drexel purchase or payment obligations. In response to this concern and other concerns of pledgee banks, Drexel and its lenders, in consultation with the Commission and federal bank regulatory staff, created a mechanism by which the pledgee bank delivered its collateralized securities to a third party financial institution that guaranteed that the pledgee bank would receive a *pro rata* share of the proceeds from any liquidated positions and the return of any securities that remained in the account at the end of the day.[9] NSCC's and DTC's proposals codify this mechanism to facilitate efficient clearance and settlement of pledged positions.

In CNS, NSCC assumes the credit risk of fails to deliver and fails to receive by substituting itself as the counterparty upon reporting successfully compared trades to members. NSCC seeks to protect against the financial risk of these open positions through its membership standards, marks-to-the-market, and by obtaining contributions from its members to a clearing fund that mutualizes the risk of a major loss among all NSCC members.

The proposal provides for DTC to allocate securities that are released from pledgee banks first to open short CNS positions at NSCC. This aspect of the rule change will promote confidence in the national clearance and settlement system by facilitating the orderly and timely settlement of CNS positions. Nevertheless, the Commission recognizes that some pledgee banks may not wish to have the securities allocated in this manner. A pledgee bank may decide not to deliver securities to the honest broker account if the pledgee bank believes the funds generated from the settlement of open short CNS

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 31503 (November 23, 1992), 57 FR 57253.

[3] For a description of DTC's honest broker program, *see* Securities Exchange Act Release No. 30948 (July 22, 1992), 57 FR 33533 (notice of the proposed rule change). DTC will activate the honest broker program upon the request of a labor pledgor when pledgee banks are unwilling to return pledged securities directly to a pledgor that is experiencing financial or operational difficulties. The Commission is approving this order concurrently with the DTC honest broker proposal.

[4] NSCC's CNS system is a system for accounting for and settling securities transactions in which a member's short and long securities positions are brought forward on a perpetual basis, merged, and netted with the days's current settling trades. At the end of each day, all long and short positions that do not settle are marked-to-the-market. Because NSCC interposes itself as the counter party to its members' trades, *i.e.*, NSCC becomes the buyer to a member's sell obligations and the seller to a member's buy obligations, CNS provides financial protection to NSCC members, but it also exposes NSCC to the risk that a member will default on its settlement obligations.

[5] Pursuant to NSCC Rule 12, NSCC pays or collects the net amount of all debits and credits arising out of CNS transactions that have been entered into the settling member's account on the scheduled settlement day. NSCC's participation in the honest broker program will require that NSCC settle money payments with DTC on account of the release of pledged securities on the day the deliveries are completed.

[6] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[7] *Id.*

[8] As described more fully in the Commission's testimony before the Senate Banking Committee, near gridlock developed in the mortgage-backed securities market and in the corporate debt and equity markets where Drexel was an active participant. The Issues Surrounding the Collapse of Drexel Burnham Lambert, Hearings before the United States Congress, Senate Committee on Banking, Housing, and Urban Affairs, 101st Cong., 2d Sess. 5 (1990) (testimony of Richard C. Breeden, Chairman, Commission) ("Drexel testimony").

[9] Although the Drexel experience involved both physical and book-entry deliveries, the honest broker proposal only addresses the liquidation of book-entry pledges.

positions at NSCC will not cover the outstanding loan. To facilitate pledgee planning, DTC will notify each pledgee bank of the total settlement amount and the share price for CNS and non-CNS open positions. If a pledgee bank does not deliver securities to the honest broker account, the pledgee bank may liquidate the securities outside of DTC's system.[10]

III. Conclusion

For the reasons stated above, the Commission finds that the proposed rule change is consistent with the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–NSCC–92–12), be and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20429 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32756; File No. SR–NASD–93–43]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to Implementation of Trade Reporting Requirements for Over-the-Counter Equity Securities

August 16, 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 August 9, 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 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

Pursuant to section 19(b)(1) under the Act, the NASD is proposing a rule change to defer until a date on or before December 27, 1993, the effectiveness of new Part XIV of Schedule D to the NASD By-Laws. This provision establishes rules and procedures for real-time reporting of members' transactions in securities classified as over-the-counter equity securities ("OTC Equity Securities").[1] In its original rule proposal on this matter (File No. SR–NASD–92–48), the NASD had specified implementation by mid-August of 1993.

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 sole purpose of this rule change is to defer the implementation of new NASD rules governing real-time transaction reporting in OTC Equity Securities. These trade reporting requirements were the subject of File No. SR–NASD–92–48, which was approved by the Commission on July 16, 1993.[2] In that rule filing, the NASD projected an implementation date of mid-August, 1993. The instant filing is intended to defer implementation until a date on or before December 27, 1993.

More specifically, the NASD intends to implement the new trade reporting regime in two phases. First, NASD members will be required to report transactions in OTC Equity Securities, within 90 seconds of execution, commencing no later than December 27, 1993. On or before May 31, 1994, the NASD will be prepared to support real-time vendor dissemination of transactional data in these securities. Between initiation of the first phase in December and the commencement of vendor dissemination next May, the NASD will collect and process trade data on OTC Equity Securities solely for regulatory purposes. This information will not be disseminated through the communications network of The Nasdaq Stock Market, Inc., until vendor dissemination begins next year.

The NASD acknowledges the importance of this trade reporting initiative *vis à vis* the goal of enhanced market surveillance and regrets having to defer implementation for approximately four months. However, this deferral is traceable to several factors including substantial commitments of staff resources to: (i) Development and testing of the data collection, processing, and market surveillance systems pertinent to transaction reporting in OTC Equity Securities; (ii) the migration to the new communications network and hardware platform for The Nasdaq Stock Market; (iii) development of the next generation of the Nasdaq workstation software; and (iv) development of the Fixed Income Pricing System ("FIPS") for high-yield debt instruments. In short, increasing demands placed on limited staff resources necessitate deferring effectiveness of the transaction reporting requirements for OTC Equity Securities until December, 1993.

Finally, the December implementation date will provide ample time for the NASD to publish the text of the new trade reporting requirements and respond to interpretive queries from the membership. Likewise, member firms will have additional time to make the necessary adjustments to their internal systems to facilitate the December start-up.

The NASD believes that the proposed rule change is consistent with sections 11A(a)(1), 15A(b)(6) and 17B of the Act. Section 11A(a)(1) sets forth the Congressional findings and policy goals respecting operational enhancements to the securities markets. Basically the Congress found that new data processing and communications techniques should be applied to improve the efficiency of market operations, broaden the distribution of market information, enhance the ability of investors to monitor the quality of executions received, and foster competition among market participants. Section 15A(b)(6) requires *inter alia*, that the NASD's rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principals of trade, and facilitate transactions in securities.

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[10] The Commission notes that DTC is providing a mechanism for delivery/receipt against payment for liquidation of pledged collateral held by banks. The proposal is not intended to alter the respective rights and obligations of the pledgor and pledgees under the terms of agreements between those parties.

[11] 17 CFR 200.30–3(a)(12) (1990).

[1] The term "OTC Equity Securities" is defined in Part XIV, Section 1(b) as any equity security not classified as a "designated security" for purposes of Parts XII and XIII of Schedule D to the NASD By-Laws. The term also includes certain exchange-listed securities that do not otherwise qualify for real-time trade reporting because they are not "eligible securities" as defined by Section 1(d) 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, nor any securities designated in the PORTAL Market.

[2] Securities Exchange Act Release No. 32647 (July 16, 1993), 58 FR 39262 (July 22, 1993).

Finally, Section 17B contains Congressional findings and directives respecting the collection and distribution of quotations and last sale information on certain low-priced equity securities (classified as "penny stocks" pursuant to Rule 3a51–1 under the Act) that are neither Nasdaq nor exchange-listed. Such securities are included within the universe of OTC Equity Securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

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 the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder because the proposal constitutes a stated policy, practice, or interpretation concerned solely with the administration of enforcement of an existing rule, the new Part XIV of Schedule D to the NASD By-Laws as approved by the Commission on July 16, 1993. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference 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 September 14, 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. 93–20340 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32750; File No. SR–NYSE–93–26]

Self-Regulatory Organizations; Filing of Proposed Rule Change by New York Stock Exchange, Inc., Amending Rule 113(a)—Specialists' Public Customers—and Rule 98 Restrictions on Approved Person Associated With Specialist's Member Organization

August 16, 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 May 24, 1993, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed amendment to Rule 113(a) limits the ability of approved persons associated with specialist organizations to accept orders in specialty stocks from certain parties. The amendments to Rule 98 grant an exemption to the new Rule 113(a) limitation for approved persons.

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

1. Purpose

The Exchange proposes to amend Rule 113(a) to limit the ability of approved persons associated with specialist organizations ("approved persons") to accept orders in specialty stocks from certain parties. The term approved person refers to an individual or entity that controls a member organization, or is engaged in the securities business and is either controlled by, or is under common control with a member organization.[1] An exception to this prohibition would be permitted for approved persons that have established procedures to effectively separate their business operations from those of their associated specialist organizations.

Rule 113(a) currently prohibits specialists and their associated member organizations and corporate affiliates from accepting orders in specialty stocks from certain entities. These include: (i) The specialists' listed companies; (ii) officers, directors and 10% shareholders of the listed companies; (iii) pension and profit sharing funds; and (iv) institutions such as banks, trust companies, insurance companies and investment companies. The Exchange is proposing to expand the limitation to prohibit approved persons from accepting orders in the specialty stocks from the entities noted in (i)–(iv) above.

In a similar context, Rule 113(b) currently requires approved persons to identify orders given to the specialist for accounts in which they are interested. This identification insures that orders for approved persons do not receive preferential treatment over public customer orders. Similarly, Rule 113.20 prohibits approved persons from popularizing specialty stocks unless they have obtained a Rule 98 exemption and make specified disclosures. This provision minimizes potential conflicts of interest.

In light of the restrictions already in place in Rule 113(b) and Rule 113.20, the Exchange is proposing to amend Rule 113(a) to extend the limitations contained in the rule to approved persons. The Exchange believes that restricting approved persons' ability to

[1] See Article I, Section 3 of the NYSE Constitution.

accept certain orders will further minimize potential conflicts of interest.

In conjunction with the proposed amendment to Rule 113(a), the Exchange also proposes to amend Rule 98 to provide an exemption to Rule 113(a) for approved persons that have implemented programs pursuant to Rule 98. Rule 98 and its Guidelines provide exemptions from several provisions of Exchange rules to associated parties of parties of specialist organizations that would otherwise place significant restrictions on full-service member organizations. In order to receive Rule 98 exemptions, approved persons must demonstrate that a functional separation has been implemented between themselves and their associated specialists member organizations. A functional separation establishes procedures for review of trading, substantive supervision of inter-firm communications and procedures concerning the access to, and handling of, sensitive position information with respect to specialty stocks. These procedures are designed to minimize potential conflicts of interests.

In order to allow a sufficient adjustment period for specialist organizations which might be impacted by the change to Rule 113(a), and which do not currently have Rule 98 exemptions, the Exchange proposes to implement the proposed rule changes six months after the Commission approves them.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, 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 amendments to Rule 113(a) and Rule 98 are consistent with these objectives in that they are designed to minimize approved persons' potential conflicts of interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other 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 the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested person are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20459. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions shall refer to File No. SR–NYSE–93–26 and should be submitted by September 14, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20338 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32751; File No. SR–NYSE–93–30]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc., Relating To Proposed Measure of Specialist Capital Utilization

August 16, 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 June 29, 1993, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of adopting an additional measure of specialist performance which focuses on a specialist unit's use of its own capital in relation to the total dollar volume of trading activity in the unit's stocks. This capital utilization measure, described in detail below, would be used by the Allocation Committee in allocating newly-listed stocks, and by the Market Performance Committee in conducting performance improvement actions pursuant to exchange Rule 103A. The use of this measure would be implemented on a one-year pilot basis.

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 froth 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

1. Purpose

In recent years, both the Commission and the Exchange have emphasized to specialist units the importance of dealer

participation, which provides "value added" in maintaining fair and orderly markets, particularly in volatile markets.[1]

The Commission has also emphasized "the need for the . . . NYSE to develop relative, objective standards of performance for evaluating specialists."[2] The Exchange shares that interest for developing measures of specialist performance for use by the Allocation Committee in allocating newly-listed stocks, and by the Market Performance Committee in conducting performance improvement actions pursuant to Exchange Rule 103A.

The Exchange has developed a measure of specialist performance dealing with utilization of capital for marketmaking. This measure of performance focuses on a specialist unit's use of its own capital in relation to the total dollar value of trading activity in the unit's stocks.

A capital utilization percentage is derived fro each specialist unit by dividing the average daily dollar value of the unit's stabilizing purchases and sales by the average daily total dollar value of shares traded in the unit's stocks. This percentage is calculated both for stabilizing trades only and stabilizing plus reliquifying trades.[3] These percentages are provided for base periods (*i.e.*, non-volatile periods) and volatile periods,[4] so that performance of a unit relative to other units can be compared as to volatile and non-volatile market conditions.

The capital utilization measure separates stocks into three broad groupings including:

1. stocks included in the top 200 stocks in the S&P 500 Stock Index and other stocks that are at least as active,

2. the remainder of the S&P 500 and any stocks among the 500 most active on the Exchange,

3. all other stocks.[5]

Within each grouping, stocks would be further broken down as to whether they are high, mid-range or low beta stocks.[6]

Specialist units would be placed alphabetically into three tiers based on their base day and volatile day capital utilization percentages for each of the three groupings of stocks. Within each grouping, a Floor-wide mean capital utilization percentage would be calculated. A unit would be in Tier 1 if its capital utilization percentage is more than 1.1 standard deviations above the mean.[7] A unit would be in Tier 2 if its capital utilization percentage is within 1.1 standard deviations above or below the mean. A unit would be in Tier 3 if its capital utilization percentage is more than 1.1 standard deviations below the mean.

The Allocation Committee would receive specialist capital utilization information on a "rolling" 12-month basis. The Allocation Committee would be given information as to a unit's tier in each stock grouping, with the tier data being included with other objective data, such as DOT turnaround performance, stabilization rates[8] and TTV percentages.[9] This information would also be made available to the Market Performance Committee for use in counselling specialist units. The specialist units themselves would be given, on a monthly basis for the prior 12 months, their actual capital utilization percentages for each stock.

The Exchange proposes that this new measure of specialist performance be implemented on a one-year pilot basis. During this period, the Market Performance Committee would receive quarterly reports on this initiative, with a view toward their recommending such enhancements or modifications as may seem appropriate based on actual experience with this measure. Any modifications or enhancements would be filed with the Commission, and would be implemented only with the Commission's approval.

2. Statutory Basis

The basis under the Act for this proposed rule change is Section 6(b)(5), which requires that the rules of the Exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Exchange believes the proposed rule change is consistent with these objectives in that developing an objective measure of specialist performance based on capital utilization would help perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other 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 the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

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[1] For example, in a recent Commission release regarding NYSE specialists liquidated transactions the Commission noted that during the market breaks of October 1987 and October 1989, "specialists were confronted with extraordinary order imbalances that required unprecedented capital commitments . . . Both the 1987 Market Break Report and the October 1989 Report reaffirmed the importance of specialist participation in countering market trends during periods of market volatility." *See* Securities Exchange Act Release No. 29626 (August 29, 1991), 56 FR 43953 (September 5, 1991) (SR–NYSE–91–7).

[2] Division of Market Regulation, *The October 1987 Market Break*, February 1988, p. xvii.

[3] A reliquifying transaction is one in which the specialist reduces a position in a specialty stock by selling part of a long position on a zero-minus tick, or purchasing to cover part of a short position on a zero-plus tick.

[4] The NYSE defines as volatile periods days when there is a change of one percent or more in the S&P 500 Stock Price Index and the ten percent most volatile days for each stock. The S&P 500 Stock Price Index is a service mark of the Standard and Poor's Corporation.

[5] These three groups do not include the following: foreign stocks, preferred stocks, warrants, when issued stocks, IPOs (for the first 30 days), closed-end funds, stocks selling for $5 and under, and stocks with less than 2,000 shares average daily trading volume.

[6] A stock would be a low beta stock if its beta is below 0.5. A stock would be a mid-range beta stock if its beta is 0.5 to 1.5. A stock would be a high beta stock if its beta is above 1.5.

[7] A standard deviation is a statistical measure of the distance from the mean.

[8] The stabilization rate represents the percentage of specialist transactions which were stabilizing—buying as the price declined, selling as it rose.

[9] TTV percentage is computed by totalling all purchases and sales by the specialist and determining what percentage this share volume is of the security's twice total volume, or "TTV."

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–93–30 and should be submitted by September 14, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20374 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Pacific Stock Exchange, Inc.

August 18, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

AT&T Capital Corporation
Common Stock, $.01 Par Value (File No. 7–11079)
Aztar Corporation
Common Stock, $.01 Par Value (File No. 7–11080)
British Telecommunications, Plc
First American Depositary Shares (each rep. 10 interim ordinary shares (File No. 7–11081)
Chase Manhattan Corporation
Warrants (expire 6/30/96) (File No. 7–11082)
China Tire Holdings, Ltd.
Common Stock, $.01 Par Value (File No. 7–11083)
Elan Corporation, Plc
Rights (Expiring 8/12/93) (File No. 7-11084)
Kasler Holding Company
Common Stock, No Par Value (File No. 7–11085)
Mark Centers Trust
Common Stock, $.001 Par Value (File No. 7–11086)
Mascotech, Inc.
Common Stock, $1.00 Par Value (File No. 7–11087)
Mascotech, Inc.
$1.20 Conv. Pfd. (Dividend Enhanced Conv. Stock—DECS
$1.00 Par Value) (File No. 7–11088)
Morgan Stanley Emerging Markets Debt Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–11089)
Pittston Minerals Group
Common Stock, $1.00 Par Value (File No. 7–11090)
Pittston Services Group
Common Stock, $1.00 Par Value (File No. 7–11091)
Royal Caribbean Cruises Ltd.
Common Stock, $.01 Par Value (File No. 7–11092)
Shanghai Petrochemical Company
American Depositary Shares (Rep. 100 class H Shares, RMB $1.00 Par Value (File No. 7–11093)
Southern Pacific Rail Corp.
Common Stock, $.001 Par Value (File No. 7–11094)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 9, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–20432 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

August 18, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–l thereunder for unlisted trading privileges in the following securities:

Beverly Enterprises, Inc.
Cum. Conv. Exchangeable Pfd. (File No. 7–11095)
United Meridian Corporation
Common Stock, $.01 Par Value (File No. 7–11096)
Freeport McMoran Copper & Gold, Inc.
Dep. Shares each rep. 0.05 Shares of Gold Denominated Pfd Stock (File No. 7–11097)
Aon Corporation
8% Cum. Prep. Pfd Stock, $1.00 Par Value (File No. 7–11098]
Motor Coach Industries International, Inc.
Common Stock, $.01 Par Value (File No. 7–11099)
Municipal Partners Fund II, Inc.
Common Stock, $.001 Par Value (File No. 7–111000)
Excel Realty Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–11101)
Eckerd Corporation
Common Stock, $.01 Par Value (File No. 7–11102)
Texas Utilities Corporation
Dep. Shares Series A each rep. ¼ 7.50 Cum. Pfd Stock (File No. 7–11103]
Crestar Financial Corporation
Common stock, $5.00 Par Value (File No. 7–11104]
Cycomm International, Inc.
Common Stock, No Par Value (File No. 7–11105)
National Golf Properties, Inc.
Common Stock, $.01 Par Value (File No. 7–11106)
Shanghai Petrochemical Company, Ltd.
American Depositary Shares (File No. 7–11107)
USA Waste Services, Inc.
Common Stock, $.01 Par Value (file No. 7–11108)
Bank of Boston Corporation
Dep. Shares each 1.10th of a share of 7 7/8 Pc Cum. Pfd Stock (File No. 7–11109)
Andrea Electronics Corporation
Common Stock, $.50 Par Value (File No. 7–11110)
Pittston Minerals Group
Common Stock, $.01 Par Value (File No. 7–11111)
Pittston Services Group
Common Stock, $.01 Par Value (File No. 7–11112)
Ralston-Continental Baking Group
Common Stock, $.01 Par Value (File No. 7–11113]

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 9, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washignton, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon

all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–20433 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19639; 811–4557]

Colonial California Tax-Exempt Trust; Notice of Application

August 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Colonial California Tax-Exempt Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on June 7, 1993 and amended on August 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 13, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC 450 5th Street, NW., Washington, DC 20549. Applicant, One Financial Center, Boston, Massachusetts 02111.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Robert A. Robertson, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On January 10, 1986, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on May 30, 1986, and the initial public offering commenced on June 16, 1986.

2. On April 12, 1991 and December 13, 1991, applicant's board of trustees approved an agreement and plan of reorganization (the "Plan") between applicant and Colonial California Tax-Exempt Fund (the "California Fund"), a new series of Colonial Trust V—a registered open-end management investment company. In addition, on December 13, 1991, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On June 19, 1992, applicant mailed proxy materials to its shareholders. At a meeting held on August 3, 1992, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on August 3, 1992, applicant was merged into the California Fund. Prior to the merger, the California Fund had no assets and no shareholders. Applicant's net assets and number of shares outstanding immediately prior to the merger were equal to the net assets and number of shares outstanding of the California Fund immediately after the merger. The merger was in economic terms a change in organizational structure, not a merger of two operating funds.

5. All expenses incurred in connection with the reorganization were borne by the applicant and totaled $31,255.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant will file certificates of dissolution with Massachusetts authorities after the requested order is obtained.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

[1] Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20434 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19643; 811–1948]

Colonial Income Trust; Notice of Application

August 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Colonial Income Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on June 7, 1993 and amended on August 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 13, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Financial Center, Boston, Massachusetts 02111.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Robert A. Robertson, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application

may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On September 30, 1969, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective and applicant's initial public offering commenced on December 16, 1969.

2. On April 12, 1991 and December 13, 1991, applicant's board of trustees approved an agreement and plan of reorganization (the "Plan") between applicant and Colonial Income Fund, a new series of Colonial Trust I—a registered open-end management investment company. In addition, on December 13, 1991, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On March 20, 1992, applicant mailed proxy materials to its shareholders. At a meeting held on May 1, 1992, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on May 1, 1992, applicant was merged into the Colonial Income Fund. Prior to the merger, the Colonial Income Fund had no assets and no shareholders. Applicant's net assets and number of shares outstanding immediately prior to the merger were equal to the net assets and number of shares outstanding of the Colonial Income Fund immediately after the merger. The merger was in economic terms a change in organizational structure, not a merger of two operating funds.

5. All expenses incurred in connection with the reorganization were borne by the applicant and totaled $49,206.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant will file certificates of dissolution with Massachusetts authorities after the requested order is obtained.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary,

[FR Doc. 93–20435 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[1] Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers.

[Rel. No. IC–19642; 811–4793]

Colonial Michigan Tax-Exempt Trust; Application

August 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Colonial Michigan Tax-Exempt Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on June 7, 1993 and amended on August 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 13, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Financial Center, Boston, Massachusetts 02111.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Robert A. Robertson, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On August 11, 1986, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective and applicant's initial public offering commenced on September 26, 1986.

2. On April 12, 1991 and December 13, 1991, applicant's board of trustees approved an agreement and plan of reorganization (the "Plan") between applicant and Colonial Michigan Tax-Exempt Fund (the "Michigan Fund"), a new series of Colonial Trust V—a registered open-end management investment company. In addition, on December 13, 1991, the board of trustees made the findings by rule 17a–8 under the Act.[1]

3. On June 19, 1992, applicant mailed proxy materials to its shareholders. At a meeting held on August 3, 1992, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on August 3, 1992, applicant was merged into the Michigan Fund. Prior to the merger, the Michigan Fund had no assets and no shareholders. Applicant's net assets and number of shares outstanding immediately prior to the merger were equal to the net assets and number of shares outstanding of the Michigan Fund immediately after the merger. The merger was in economic terms a change in organizational structure, not a merger of two operating funds.

5. All expenses incurred in connection with the reorganization were borne by the applicant and totaled $15,001.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant will file certificates of dissolution with Massachusetts authorities after the requested order is obtained.

[1] Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20436 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19641; 811–4794]

Colonial Minnesota Tax-Exempt Trust; Notice of Application

August 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Colonial Minnesota Tax-Exempt Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on June 7, 1993 and amended on August 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 13, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Financial Center, Boston, Massachusetts 02111.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Robert A. Robertson, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On August 11, 1986, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective and applicant's initial public offering commenced on September 26, 1986.

2. On April 12, 1991 and December 13, 1991, applicant's board of trustees approved an agreement and plan of reorganization (the "Plan") between applicant and Colonial Minnesota Tax-Exempt Fund (the "Minnesota Fund"), a new series of Colonial Trust V—a registered open-end management investment company. In addition, on December 13, 1991, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On June 19, 1992, applicant mailed proxy materials to its shareholders. At a meeting held on August 3, 1992, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on August 3, 1992, applicant was merged into the Minnesota Fund. Prior to the merger, the Minnesota Fund had no assets and no shareholders. Applicant's net assets and number of shares outstanding immediately prior to the merger were equal to the net assets and number of shares outstanding of the Minnesota Fund immediately after the merger. The merger was in economic terms a change in organizational structure, not a merger of two operating funds.

5. All expenses incurred in connection with the reorganization were borne by the applicant and totaled $16,307.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant will file certificates of dissolution with Massachusetts authorities after the requested order is obtained.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20437 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel No. IC–19640; 811–5268]

Colonial U.S. Government Trust; Notice of Application

August 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Colonial U.S. Government Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on June 7, 1993 and amended on August 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 13, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Financial Center, Boston, Massachusetts 02111.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Robert A. Robertson, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application

[1] Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers.

may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On August 4, 1987, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on October 9, 1987, and the initial public offering commenced on October 13, 1987.

2. On April 12, 1991 and December 13, 1991, applicant's board of trustees approved an agreement and plan of reorganization (the "Plan") between applicant and Colonial U.S. Government Fund (the "Fund"), a new series of Colonial Trust II—a registered open-end management investment company. In addition, on December 13, 1991, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On December 27, 1991, applicant mailed proxy materials to its shareholders. At a meeting held on February 14, 1992, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on February 14, 1992, applicant was merged into the Fund. Prior to the merger, the Fund had no assets and no shareholders. Applicant's net assets and number of shares outstanding immediately prior to the merger were equal to the net assets and number of shares outstanding of the Fund immediately after the merger. The merger was in economic terms a change in organizational structure, not a merger of two operating funds.

5. All expenses incurred in connection with the reorganization were borne by the applicant and totaled $125,543.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant will file certificates of dissolution with Massachusetts authorities after the requested order is obtained.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20438 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[1] Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers.

[Rel. No. IC–19629; 812–8490]

Keyport Life Insurance Co.; Application

August 16, 1993.

AGENCY: Securities and Exchange Commission (the "Commission" or "SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Keyport Life Insurance Company ("Keyport"), SteinRoe Variable Investment Trust (the "Trust"), Crown America Holding Company, Crown American Life Insurance Company ("Crown America"), Crown America Variable Life Separate Account, Crown America Variable Annuity Separate Account (collectively the "Crown America Separate Accounts"), and Crown America Series Fund, Inc. (the "Fund") (collectively the "Applicants").

RELEVANT 1940 ACT SECTIONS AND RULES: Exemptions requested under section 6(c) and Rule 17d–1, from section 17(d) of the 1940 Act and Rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Applicants request exemptions to the extent necessary to permit them to consummate a Stock Purchase and Reorganization which involves the merger of the Trust and the Fund.

FILING DATE: The application was filed on July 9, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 10, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, Keyport Life Insurance Company, 125 High Street, Boston, Massachusetts 02110. Crown Life Insurance Company, 1881 Scarth Street, Regina, Saskatchewan, Canada S4P 4K9.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Attorney, or Wendell M. Faria, Deputy Chief, on (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Keyport is a stock life insurance company organized under the laws of Rhode Island. The Trust, a Massachusetts business trust, is a management investment company registered under the 1940 Act. Currently, the Trust offers its shares only to Keyport and Liberty Life Assurance Company of Boston, an affiliate of Keyport. The Trust serves as the underlying investment medium of the following separate accounts of Keyport that are registered as unit investment trusts under the 1940 Act and interests in which are registered under the Securities Act of 1933: Keyport Variable Account I and KMA Variable Account (the "Keyport Separate Accounts").

2. Crown America is a stock life insurance company organized under the laws of Michigan. Crown America is a wholly-owned subsidiary of Crown America Holding Company ("Crown America Holding"), a Delaware Corporation, which is, in turn, a wholly-owned subsidiary of Crown Life Insurance Company, a Canadian insurance company. The Crown America Separate Accounts, registered unit investment trusts under the 1940 Act, are maintained by Crown America as the funding media for its variable life insurance policies and variable annuity contracts ("Crown America Contracts"). The Fund is a Maryland Corporation registered as a management investment company under the 1940 Act. Shares of the Fund are offered solely to Crown America and the Crown America Separate Accounts.

3. Crown America Holding and Keyport entered into a Stock Purchase Agreement, dated May 21, 1993, pursuant to which Keyport will purchase from Crown America Holding all of the outstanding shares of Crown

America Stock (the "Stock Purchase"). Keyport currently intends that following the Stock Purchase, Crown America will change its name and continue as a wholly-owned subsidiary of Keyport and the Crown America Separate Accounts will, under different names, continue their existence and operations.

4. Keyport believes that the Reorganization of the Fund will make it more economical for it to administer the Crown America Contracts following the Stock Purchase than would otherwise be the case, and that the acquisition of Crown America will enable Keyport to achieve certain operating efficiencies and economies of scale that might not otherwise be available to Keyport. Accordingly, the Stock Purchase Agreement provides that, as a condition precedent to closing, the Fund will be reorganized and liquidated. Applicants represent that except for the Reorganization, which will involve the transfer of substantially all of the Fund's assets to the Trust in exchange for Trust shares, the purchase by Keyport of Crown America's stock will have no effect on the terms and conditions of the Crown America Contracts or on the holders of such Contracts.

5. On June 30, 1993, the Trust and the Fund entered into an Agreement and Plan of Reorganization and Liquidation (the "Agreement") pursuant to which certain of the Trust's series (the "Trust Series") will issue their shares in exchange for the assets of the corresponding series of the Fund (the "Fund Series") as follows:

Trust series	Fund series
Cash Income Fund	Money Market Series.
Managed Growth Stock Fund.	Capital Growth Series.
Managed Assets Fund.	Managed Series.
Mortgage Securities Income Fund.	Bond Income Series.
Mortgage Securities Income Fund.	Zero Coupon Bond Series 1996.
Mortgage Securities Income Fund.	Zero Coupon Bond Series 2006.

The exchange will be made at the respective net asset values of the above named series computed as of the close of business of the New York Stock Exchange on the Closing Date for the Reorganization ("Closing Date"). Immediately following these transactions, the Fund Series will liquidate and distribute the Trust Series shares to the Crown America Separate Accounts. Applicants state that except as otherwise provided in the Agreement, Keyport will assume all of the expenses of the Reorganization and that in no event will the Fund or the Trust assume such expenses.

6. Consummation of the Reorganization is conditioned upon obtaining the approval of Fund shareholders (the Crown America Separate Accounts) and the approval of the holders of Crown America Contracts. Applicants represent that holders of Crown America Contracts will have the opportunity to give voting instructions in accordance with the customary "pass through" voting procedures observed in connection with the Crown America Separate accounts.[1]

7. The Agreement is intended to be (a) a plan of reorganization and liquidation within the meaning of section 386(a) of the Internal Revenue Code of 1986, as amended ("Code"), and/or (b) a plan involving the transfer of assets in exchange for stock, followed by a liquidation under section 332 of the Code, for those acquired Series and acquiring Series as to which section 368(a) of the Code is inapplicable. Applicants represent that the Reorganization will have no adverse federal income tax consequences for Keyport, Crown America or the holders of Crown America Contracts. Moreover, Keyport has been advised that there will be no adverse federal income tax consequences for the holders of Keyport Contracts.

8. Applicants believe that the acquisition of Crown America by Keyport and the combination of the Fund and the Trust will have several possible benefits for holders of Crown America Contracts. Applicants state that Crown America ceased selling the Crown America Contracts several years ago whereas, following the Stock Purchase, the Contracts will be administered as part of Keyport's variable insurance product business to which Keyport is strongly committed and which will be significantly larger than the Crown America variable product business by itself. Following the Reorganization, the Crown America Contracts and the Keyport Contracts will also participate in significantly larger investment portfolios which should benefit from the increased asset size, the expense caps discussed below, and the economies of scale and additional operating efficiencies expected to result from the Reorganization. Furthermore, the holders of the Crown America Contracts will have a broader range of investment alternatives in the Trust than they have in the Fund. Also, the Trust will be larger and have better growth prospects; as a result, there is a greater likelihood that additional investment options might become available in the future before both the Crown America and Keyport Contracts.

9. Applicants acknowledge that the Reorganization may benefit Keyport and certain companies that are affiliated with Keyport and provide management and other services to the Trust. However, they assert that those benefits will depend on the terms of the contractual arrangements that are negotiated from time to time between the Trust and its service providers. Applicants submit that the Agreement provides protections to investors with respect to such arrangements. For example, the Agreement provides that, for a period of three years after the Closing Date, at least 75% of the Trust's Trustees will not be interested persons of the Trust, its current investment adviser or the Fund's current investment adviser. In addition, the Agreement provides that for two years after the Closing Date, with respect to the participating Trust Series, the Trust will not (a) pay directly or indirectly any compensation to its investment adviser or any interested person of its adviser for other than bona fide investment advisory or other services, (b) purchase securities from or sell securities to its investment adviser or any interested person of its investment adviser other than where such sales are permitted by section 15(f)(1)(B) of the 1940 Act, (c) enter into, participate in, or pay compensation in connection with any arrangement that facilitates or is intended to facilitate the payment of compensation proscribed by (a) and (b) above, or (d) increase the rate of fees payable by the Trust to its investment adviser or any interested person thereof, above the rate paid at May 3, 1993, nor, through April 30, 1995, permit or accede to an increase in the expense limits applicable on May 3, 1993. The expense limits for the Trust Series and the expense ratios for the corresponding Series of the Fund are set forth in the application.

10. Applicants represent that the Board of Trustees of the Trust and the Board of Directors of the Fund have determined that the transactions contemplated by the Reorganization are advisable and in the best interest of the Keyport Separate Accounts and the Crown America Separate Accounts, respectively, and that the interest of the Separate Accounts would not be diluted as a result of the transactions. Also, Applicants represent that the Stock Purchase and the Reorganization will

[1] See the Registration Statement of the SteinRoe Variable Investment Trust filed on Form N–14 on July 9, 1993 (File No. 33–65832), which is incorporated by reference in the application.

not proceed if the required approval of the Stock Purchase by the Michigan Insurance Bureau is not obtained.

Applicants' Legal Analysis

1. Section 17(d) of the 1940 Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal to effect any transaction in which such registered investment company, or a company controlled by such registered company, is a joint participant with such a person or affiliated person, in contravention of the rules of the Commission. Rule 17d–1(a) prohibits persons enumerated in section 17(d) from participating in, or effecting "any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which any * * * registered investment company," or a controlled company "is a participant" unless an application has been filed with the Commission and approved "prior to submission of the plan to * * * security holders."

2. Crown America Holding, Crown America, the Crown America Separate Accounts (including the subaccounts thereof) and the Fund (including its Series) may each be deemd to be an affiliated person of the other pursuant to section 2(a)(3) of the 1940 Act. Each of these Applicants will be affected in various ways by the Stock Purchase and/or Reorganization, which transactions are dependent upon one another. It is possible, therefore, that participation by some or all of these Applicants in various aspects of the transactions could be deemed to constitute participation in a joint enterprise or other joint arrangement or profit sharing plan within the contemplation of Rule 17d–1. For example, Crown America Holding and Keyport will bear certain costs and expenses in connection with the transactions. Crown America Holding and Keyport do not qualify for the exemption provided by Rule 17d–1(a)(8). Moreover, three of the Fund series will simultaneously exchange substantially all of their assets, together with payables relating to those assets, for shares of the Mortgage Securities Income Fund. Although Applicants do not believe that the provisions of section 17(d) or Rule 17d–1 apply to their proposed transactions, to remove any doubt, they have requested an order that would permit those transactions.

3. Applicants assert that although Keyport, Crown America and Crown America Holding hope to derive benefits from the proposed transactions, those benefits are not inconsistent with the interests of security holders of the Crown America Separate Accounts, the Fund, the Trust, or the Keyport Separate Accounts. Indeed the proposed transactions also will provide potential benefits to such security holders, as discussed above.

4. Applicants state that the only investment company that could be deemed to be undergoing a fundamental change is the Fund. Shareholders of each Fund Series voting separately must approve the Reorganization, and the holders of Crown America Contracts participating in each Fund Series will have the right to give voting instructions with respect to their allocable portion of the such shares. Shares for which voting instructions are not received and shares held by Crown America will be voted in the same proportion as shares of each series for which instructions have been received.

5. Applicants state that the Reorganization will result in the Fund's shareholders receiving shares of the Trust, which, as a Massachusetts business trust, is in some respects different from the Fund, which is a Maryland corporation. Nevertheless, to the extent material, these differences will be fully disclosed in the Proxy Statement.

6. According to the application, the Trust Series that will replace each Fund Series is judged by the Applicants to be the Trust Series that is most comparable to that Fund Series. Nevertheless, each of the Fund Series has investment objectives and policies that are at least slightly different from those of the corresponding Trust Series. These differences are greatest with the Mortgage Securities Income Fund. Applicants submit that, pursuant to full disclosure in the Proxy Statement, the holders of Crown America Contracts participating in each Fund Series will in effect have an opportunity to vote for or against these changes. Applicants assert that the 1940 Act, in general, permits changes in investment objectives and advisory fees, based on, among other things, security holder approval by a statutory majority and submit, therefore, that any differences between a Fund Series and the corresponding Trust Series will, under the circumstances, present no inconsistency with the policies, provisions and purposes of the 1940 Act and the rules thereunder.

7. Each Applicant will participate in the transactions described in the application in a different role from that of each other Applicant, and could therefore be said to participate on a "different basis" from each other Applicant. Also because of the differing roles of the respective Applicants, the potential benefits for each Applicant of the transactions are somewhat different. Applicants argue that it does not follow that the participation of any Applicant is on a basis "less favorable" than that of any other Applicant. Indeed, because the differences result from differences in the role of each Applicant, it would not be possible to make identical the effects of the transactions as to each Applicant.

8. Applicants submit that the proposed transactions are fair to all of the Applicants. In particular Applicants represent that the proposed transactions will be in the interest of shareholders of each Fund Series and each Trust Series, as well as in the interest of holders of insurance contracts participating in such Series. Applicants emphasize that the Reorganization will be submitted to holders of Crown America Contracts for their approval, and that neither such holders nor holders of Keyport Contracts will bear, directly or indirectly, any of the costs or expenses of the Reorganization and Liquidation. Also, Applicants represent that all transactions involving the valuation of investment company assets or liabilities, or the pricing of investment company securities, will be in compliance with all applicable provisions of the 1940 Act and rules thereunder.

Conclusion

Applicants request an exemption pursuant to Rule 17d–1, or, in the alternative, section 6(c) from section 17(d) and Rule 17d–1 thereunder to the extent necessary to permit them to consummate the Stock Purchase and Reorganization. Applicants state that, based upon the foregoing, the request for exemption meets the standards set forth in section 6(c) of the 1940 Act and Rule 17d–1 thereunder.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20336 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–19637; 812–8430]

Midland National Life Insurance Co. et al.; Application for Exemptions

August 17, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or "Commission").

ACTION: Notice of application for exemptions under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Midland National Life Insurance Company ("Midland"),

Midland National Life Separate Account C ("Separate Account C"), and North American Management ("NAM").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit them to deduct a mortality and expense risk charge from the assets of Separate Account C, which funds individual flexible premium variable annuity contracts.

FILING DATES: The application was filed on June 7, 1993 and amended on August 11, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 13, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Midland National Life Insurance Company, One Midland Plaza, Sioux Falls, South Dakota 57193.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Counsel, at (202) 504–2802, or Michael V. Wible, Special Counsel, at (202) 272–2026, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

Applicant's Representations

1. Midland was organized as a mutual life insurance company in South Dakota in 1906, and was reincorporated as a stock life insurance company in 1909. Midland is licensed to do business in 49 states, the District of Columbia, and Puerto Rico. Midland is a subsidiary of Sammons Enterprises, Inc.

2. Separate Account C was established by Midland as a separate account under South Dakota law on March 19, 1991 pursuant to a resolution of Midland's Board of Directors. Separate Account C is registered under the 1940 Act as a unit investment trust. The assets of Separate Account C are owned by Midland, but are held separately from Midland's other assets and are not chargeable with liabilities incurred in any other business operation of Midland (except to the extent that assets in Separate Account C exceed the reserves and other liabilities of Separate Account C). The income, capital gains, and capital losses incurred on the assets of Separate Account C are credited to or charged against the assets of Separate Account C, without regard to the income, capital gains, or capital losses arising out of any other business that Midland may conduct.

3. Separate Account C will invest in shares of one or more of the investment portfolios of the Fidelity Variable Insurance Products (VIP) Fund or the Fidelity VIP Fund II (the "Funds"). These Funds are diversified, open-end management investment companies, and are advised by Fidelity Management and Research Company. The assets of each portfolio of a Fund are separate from the others, and each portfolio has separate investment objectives and policies. As a result, each portfolio operates as a separate investment fund, and the investment performance of one portfolio has no effect on the investment performance of any other portfolio. Separate Account C has a number of investment divisions, each of which invests solely in shares of a specific portfolio of a Fund.

4. NAM will serve as the distributor and principal underwriter of the individual flexible premium variable annuity contracts (the "Contracts") to be issued by Separate Account C. NAM is registered as a broker-dealer under the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc.

5. The Contracts may be purchased on a non-tax qualified basis, or they may be purchased and used in connection with retirement plans or individual retirement accounts that qualify for favorable federal income tax treatment. The Contracts may be purchased with a monthly premium of at least $100, for a Contract purchased and used in connection with a tax-deferred 403(b) annuity, or an initial premium of at least $2000, for any other contract. Subsequent premiums must be at least $50. The owner of the Contract can allocate premiums to one or more investment divisions of Separate Account C, or to Midland's general account. Under the Contracts, the annuitant may receive annuity payments that are either fixed in amount or variable, and that last for a fixed duration or for life. If the annuitant is the owner and dies before the maturity date of the Contract, then a death benefit equal to the greater of the following will be paid: (a) The contract value or (b) the sum of all premiums paid less any prior withdrawals.

6. Each contract year, Midland will deduct a contract maintenance charge of $33. This charge will be deducted from the contract value at the end of each contract year prior to the maturity date of the Contract (and upon a full surrender) to compensate Midland for the administrative services that it provides to Contract owners. Midland also deducts a daily administrative expense charge from the assets of each investment division of Separate Account C. This charge is equal to an effective annual rate of .15% of the net assets of each such investment division. Midland does not anticipate making any profit from the contract maintenance charge or the daily administrative expense charge. Midland will monitor its administrative expenses and the proceeds of those charges at least annually to ensure compliance with Rule 26a–1 under the 1940 Act. Midland guarantees that the contract maintenance charge and the administrative expense charge will never increase.

7. To cover its expenses of distributing the Contracts, Midland assesses a contingent deferred sales charge of up to 7% of the premiums withdrawn on certain full surrenders or partial surrenders of Contract value. The applicable percentage charge declines by one percent each year that the Contract is in effect, and is not imposed in the seventh Contract year and later. To the extent that this sales charge proves to be insufficient to recover all distribution expenses, the deficiency will be met from Midland's surplus, which may be, in part, derived from the mortality and expense risk charge.

8. Midland proposes to assess a daily charge to compensate it for bearing certain mortality and expense risks in connection with the Contracts. This charge is equal to an effective annual rate of 1.25% of the value of the net assets in Separate Account C. Of that amount, approximately .85% is attributable to mortality risks, and approximately .40% is attributable to expense risks. Midland guarantees that the mortality and expense risk charge will never increase. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risks, the loss will fall on Midland. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to Midland. Midland currently

anticipates making a profit from this charge.

9. The mortality risk borne by Midland arises from its contractual obligation to make payments (determined in accordance with the tables and other provisions contained in the Contract) regardless of how long all annuitants or any individual annuitant may live. This undertaking assures that neither an annuitant's own longevity, nor an improvement in general life expectancy, will adversely affect the annuity payments that the annuitant will receive under the Contract. Midland also incurs a mortality risk in connection with its guarantee to pay a death benefit equal to the greater of the following: (a) The contract value or (b) the sum of all premiums paid less any prior withdrawals.

10. The expense risk assumed by Midland is the risk that Midland's actual administration costs will exceed the amount recovered through the administrative and contract maintenance charges.

11. Midland currently imposes no charge for the first fifteen transfers in a contract year, but imposes a $25 charge for each transfer thereafter. However, Midland reserves the right to impose the $25 charge after the fourth transfer in a contract year. Midland does not anticipate making any profit from this charge. No charges are currently made for federal, state, or local taxes, although Midland may deduct such taxes from Separate Account C in the future.

Applicants' Legal Analysis

1. Applicants request an exemption from sections 26(a)(2) and 27(c)(2) of the 1940 Act to the extent relief is necessary to permit the deduction under the Contracts of the mortality and expense risk charge from the assets of Separate Account C. Section 27(c)(2) of the 1940 Act prohibits any registered investment company issuing periodic payment plan certificates, and any depositor of or underwriter for such company, from selling any such certificate unless, among other things, the proceeds of all payments on such certificates (excluding sales load) are held by a qualified trustee or custodian under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and 26(a)(3) for trust indentures of unit investment trusts. Among the provisions required to be included in such an indenture or agreement is the proviso in section 26(a)(2)(C) that permits the trustee or custodian to deduct from the assets of the trust as an expense only bookkeeping and other administrative services charges not exceeding such reasonable amount as the Commission may prescribe. Applicants do not concede the applicability of sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the charge for mortality and expense risks. However, in order to avoid any possibility that questions may be raised as to the potential applicability of those provisions to this charge, Applicants request exemptions from those provisions to the extent necessary to permit the assessment of the charge for mortality and expense risks in the manner described in the application.

2. Applicants submit that Midland is entitled to reasonable compensation for its assumption of mortality and expense risks. Applicants represent that the charge 1.25% under the Contracts made for mortality and expense risks is consistent with the protection of investors because it is a reasonable and proper insurance charge. The mortality and expense risk charge is a reasonable charge to compensate Midland for the risks that (a) annuitants under the Contracts will live longer as a group than has been anticipated in setting the annuity rates guaranteed in the Contracts, (b) the Contract value will be less than the death benefit, and (c) administrative expenses will be greater than the amounts derived from the administrative charges.

3. Midland represents that the charge of 1.25% per annum for mortality and expense risks assumed under the Contracts is within the range of industry practice for comparable annuity products. This representation is based upon Midland's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. Midland will maintain at its home office, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

4. Applicants acknowledge that the contingent deferred sales charge may be insufficient to cover all costs relating to the distribution of the Contracts. Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses not reimbursed by the sales charge. Midland has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit Separate Account C and the Contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Midland at its home office and will be available to the Commission.

5. Midland also represents that Separate Account C will only invest in management investment companies which undertake, in the event such company adopts a plan under Rule 12b–1 to finance distribution expenses, to have a board of directors (or trustees), a majority of whom are not interested persons of the company, formulate and approve any plan under Rule 12b–1.

Conclusion

Applicants request exemptions from sections 26(a)(2) and 27(c)(2) to the extent necessary to permit them to deduct on a daily basis a charge equal to 1.25% annually of the assets of Separate Account C attributable to the Contracts for the assumption of mortality and expense risks described herein. For the reasons set forth above, Applicants believe that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20337 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–19628; 812–8450]

Nicholas-Applegate Capital Management, et al.; Application for Exemption

August 16, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Nicholas-Applegate Capital Management (the "Adviser"), Stratford Partners (the "Partnership"), Nicholas-Applegate Emerging Growth Pooled Trust (the "Pooled Trust"), and Nicholas-Applegate Mutual Funds (the "Trust"), for itself and on behalf of the Trust's Emerging Growth Qualified Portfolio.

RELEVANT ACT SECTIONS: Exemption requested under section 17(b) from section 17(a).

SUMMARY OF APPLICATION: Applicants seek an order that would permit the Partnership and the Pooled Trust to transfer their assets and liabilities to the Trust's Emerging Growth Qualified

Portfolio in exchange for shares of the portfolio, which would then be issued to the owners of interests in the Partnership and Pooled Trust.

FILING DATE: The application was filed on June 16, 1993, and amended and restated on August 11, 1993. Applicants have agreed to file a second amended and restated application during the notice period, the substance of which is incorporated herein.

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. September 9, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request nofication by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, 600 West Broadway, 30th floor, San Diego, California 92101.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Senior Attorney, at (202) 504–2284, or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Partnership is a California limited partnership organized on August 1, 1985. The Adviser serves as general partner and investment manager of the Partnership. The Partnership is not registered under the Act in reliance on section 3(c)(1) thereof.[1] Limited partnership interests in the Partnership are offered only to institutional investors and high net worth individuals in private placements pursuant to section 4(2) of the Securities Act of 1933. There is a minimum initial purchase requirement of $250,000. The investment objective of the Partnership is to maximize long-term capital appreciation by investing primarily in common stocks of companies with small market capitalizations. As of May 31, 1993, the Partnership had 25 limited partners and net assets of approximately $40.6 million.

2. The Pooled Trust was organized under Massachusetts law on January 1, 1988, pursuant to a trust agreement between State Street Bank and Trust Company (as trustee) and the Adviser. It is operated exclusively for the collective investment of the assets of eligible domestic pension plans, profit-sharing plans, and group trusts ("Participants"). The Pooled Trust is a qualified trust under section 401(a) of Internal Revenue Code and Revenue Ruling 81–100, and qualifies as a tax-exempt trust under section 501(a) of the Code. The Adviser serves as investment manager for the assets contributed to the Pooled Trust. The Pooled Trust is not registered under the Act in reliance on section 3(c)(1) thereof. Units of beneficial interest in the Pooled Trust are offered in private placements pursuant to section 4(2) of the Securities Act of 1933. There is a minimum purchase requirement of $1 million. The investment objectives of the Pooled Trust are identical to, and its portfolio securities substantially the same as, those of the Partnership. As of May 31, 1993, the Pooled Trust had seven Participants and net assets of approximately $171 million.

3. The Adviser, a California limited partnership formed in 1984, is registered as an investment adviser under the Investment Advisers Act of 1940. Its general partner is Nicholas-Applegate Capital Management, Inc., a California corporation. For its services to the Partnership, the Adviser receives an annual management fee from each limited partner, payable quarterly, equal to the sum of 1.75% of the first $1 million of a limited partner's net investment, 1.375% of such partner's net investment between $1 million and $2 million, and 1% of such partner's net investment above $2 million. The Adviser also is allocated net income, gains, and losses in proportion to its investment in the Partnership. For its services to the Pooled Trust, the Adviser receives an annual management fee, payable monthly, equal to 1% of the Pooled Trust's average daily net assets.

4. The Trust is registered under the Act as a diversified open-end management investment company. It was organized in December 1992 as a Delaware business trust. The Trust currently offers 17 series or "Portfolios." Assets of the Portfolios are invested in corresponding series of Nicholas-Applegate Investment Trust (the "Master Trust") in a "master-feeder" structure. The various series of the Master Trust have the same investment objectives, policies, strategies, and restrictions as the Portfolios that invest in them.

5. The Trust's Portfolios can be grouped into three categories. Series A Portfolios are offered to the public with a front-end sales load and lower 12b–1 fees. Series B Portfolios are offered to the public with a contingent deferred sales load and higher 12b–1 fees. Qualified Portfolios are offered without a sales charge or 12b–1 fees to qualified retirement plans with assets in excess of $100 million; to employee benefit trusts, foundations, endowments, corporations, and other advisory clients of the Adviser; to partners, officers, and employees of the Adviser and the Portfolios' distributor, and their immediate family members; and to former limited partners and participants of certain investment partnerships and pooled trusts previously managed by the Adviser.

6. The Trust's registration statement on Form N–1A was declared effective on April 8, 1993. On June 11, 1993, the Trust filed Post-Effective Amendment No. 2 to its registration statement to register three additional Portfolios: Emerging Growth Portfolio A, Emerging Growth Portfolio B, and Emerging Growth Qualified Portfolio. This application relates solely to the Emerging Growth Qualified Portfolio (the "Portfolio").

7. The Portfolio invests all of its assets in the Emerging Growth Fund series of the Master Trust (the "Fund"). The Fund invests primarily in a diversified portfolio of common stocks of U.S. companies with small market capitalizations.

8. Because of the master-feeder structure, the Portfolio will not have an investment adviser. The Adviser will serve as investment adviser to the Fund and will be compensated by the Fund at the annul rate, payable monthly, of 1% of the Fund's average daily net assets. The Portfolio will bear its proportionate share of the Fund's advisory fees and other operating expenses and, in addition, will have its own operating expenses. During the Portfolio's first year of operation, the Adviser has agreed to reduce its fees and to absorb certain other expenses of the Portfolio.

9. Applicant propose that, after the effective date of Post-Effective Amendment No. 2 to the Trust's registration statement, the Portfolio will acquire the assets and liabilities of the Partnership and Pooled Trust in exchange for Portfolio shares having an

[1] Section 3(c)(1) provides that an issuer is not an "investment company" for purposes of the Act if its outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and it is not making and does not presently propose to make a public offering of its securities.

aggregate net asset value equal to the value of the net assets received. The Portfolio will issue its shares either (i) to the Partnership and Pooled Trust, which will then distribute such shares to the partners and Participants, respectively, in liquidation, or (ii) directly to the partners and Participants upon liquidation of the Partnership and Pooled Trust. Each limited partner and Participant will receive Portfolio shares having an aggregate net asset value equivalent to the net asset value of the interests in the Partnership or units of the Pooled Trust held by such partner or Participant prior to the exchange. (These transactions will be referred to hereafter as the "Affiliated Transactions.") The net assets of the Partnership and Pooled Trust received by the Portfolio will be transferred to the Emerging Growth Fund in exchange for Fund shares having an aggregate net asset value equal to the net asset value of the assets being transferred by the Portfolio. (This transaction and the Affiliated Transactions will be collectively referred to hereafter as the "Exchanged Transactions.")

10. The Exchange Transactions will establish the Portfolio as a successor investment vehicle to the Partnership and Pooled Trust. The Adviser will render investment management services to the Fund (and thus to the Portfolio) substantially the same as those it currently renders to the Partnership and the Pooled Trust. The Exchange Transactions will not result in increased investment management fees for the limited partners and Participants who will become shareholders of the Portfolio.

11. The Exchange Transactions will benefit limited partners of the Partnership and Participants of the Pooled Trust in several ways. Shareholders of the Portfolio will be able to purchase and redeem shares on each business day, as opposed to only monthly in the case of the Partnership and the Pooled Trust. Shareholders of the Portfolio also will have the advantage of being able to shift their funds among the various Portfolios offered by the Trust. Portfolio shareholders will receive relatively simple Form 1099 tax forms, as opposed to the complicated Form K–1s provided to the limited partners of the Partnership and the Participants of the Pooled Trust.

12. The foregoing benefits will be realized at no cost to investors. All expenses associated with the Exchange Transactions will be borne by the Adviser. No brokerage commission, fee, or other remuneration will be paid by any of the applicants. Finally, the Exchange Transactions will not result in the recognition of any gain or loss by the limited partners or Participants, and will allow the Portfolio to acquire portfolio securities without incurring brokerage expenses.

13. The Trust's board of trustees, including all of the trustees who are not "interested persons" of the Trust, and the Adviser (as general partner of the Partner and investment manager of the Pooled Trust) have approved the Exchange Transactions. The Exchange Transactions will be submitted to the limited partners and Participants for their approval. Each limited partner and Participant will be given a copy of the restructuring plan; a prospectus describing the Portfolio; and a written statement describing the nature of and reasons for the Exchange Transactions and the tax and other consequences to the limited partners and Participants, and comparing the Portfolio to the Partnership or Pooled Trust in terms of their investment objectives and policies, fees, management, an other aspects of their operations.

14. Limited partners and Participants who do not wish to become shareholders of the Portfolio will have adequate opportunity to redeem their Partnership interests or Pooled Trust units before the Exchange Transactions take place. Such partners and Participants also may be offered the opportunity to establish separate accounts that will be managed by the Adviser in the same manner as the Partnership and Pooled Trust were managed.

15. The Exchange Transactions will not be effected unless and until the registration statement covering shares of the Portfolio becomes effective, and the Adviser has received an opinion of counsel that the Exchange Transactions will not result in the recognition of a gain or loss by the Partnership, the Pooled Trust, the Portfolio, the partners, or the Participants.

Applicants' Legal Analysis

1. Applicants seek an exemption under section 17(b) of the Act from the provisions of section 17(a) to the extent necessary to permit the Affiliated Transactions. Section 17(a), in relevant part, prohibits any affiliated person of a registered investment company from selling to or purchasing from such company any security or other property. The Partnership and the Pooled Trust may each be considered affiliated persons of the Portfolio if the three entities are deemed to be under the "common control" of the Adviser.

2. Section 17(b) of the Act authorizes the Commission to exempt any person from the provisions of section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; the proposed transaction is consistent with the policy of the registered investment company concerned; and the proposed transaction is consistent with the general purposes of the Act.

3. Applicants assert that the Affiliated Transactions are fair and reasonable and do not involve overreaching. All Affiliated Transactions will occur at relative net asset value. The Adviser will bear all costs associated with the Affiliated Transactions. The Affiliated Transactions will not result in the recognition of any gain or loss by limited partners or Participants. Because there will be no Portfolio or Fund shares outstanding prior to implementation of the Affiliated Transactions, there can be no dilution of existing shareholders as a result of such transactions.

4. Applicants further assert that it is consistent with the policies of the Portfolio to acquire (and transfer to the Fund) securities owned by the Partnership and Pooled Trust because all three entities have the same investment objectives and policies. Moreover, by acquiring securities from the Partnership and Pooled Trust, the Portfolio is able to acquire securities with lower transaction costs than would have been possible in the open market.

5. Finally, applicants assert that the Affiliated Transactions are consistent with the general purposes of the Act as they do not give rise to the abuses that section 17(a) was designed to prevent.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20341 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25869]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

August 17, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available

for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 9, 1993, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Newport Electric Corporation (70–8183)

Newport Electric Corporation ("Newport"), 12 Turner Road, P.O. Box 4128, Middletown, Rhode Island 02840, an electric public-utility subsidiary company of Eastern Utilities Associations, P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed a declaration under sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

There are two series of Electric Energy Facilities Revenue Bonds outstanding which have been authorized by the Rhode Island Port Authority and Economic Development Corporation ("Rhode Island Port Authority") for the benefit of Newport. These series are the $6,045,000 Series 1982 A bonds ("1982 A Bonds"), 12%, due 2011 and the $1,880,000 Series 1988 bonds ("1988 Bonds"), 8.5%, due 1998 (collectively, "Outstanding Bonds"). The proceeds from the 1982 A Bonds were used to finance, in part, the acquisition and installation of various machinery, equipment, and fixtures to be used to improve and expand the capacity of Newport to generate, transmit and distribute electricity in the City of Newport and the Towns of Jamestown, Middletown, and Portsmouth, all in the County of Newport, Rhode Island. The proceeds of the 1988 Bonds were used to refund Newport's $1.8 million Series 1982 B bonds, 13%, due 2012.

Newport proposes to refinance up to $7,925,000 aggregate amount of the Outstanding Bonds by entering into one or more loan agreements ("Loan Agreements") with the Rhode Island Port Authority or similar governmental agency with tax-exempt authority. Through the Loan Agreements, Newport will borrow, on or before December 31, 1994, the proceeds of one or more issues of refunding revenue bonds ("Refunding Bonds"). The Loan Agreements will require Newport to make payments corresponding to the amounts required to pay the principal, interest, and premium, if any, on the Refunding Bonds as they become due. The interest rates, payment dates, prepayment provisions, and maturities of the Refunding Bonds will be determined at the time of issuance by negotiation between the Rhode Island Port Authority and the purchaser of the Refunding Bonds or the managing underwriter of a public offering of the Refunding Bonds. However, the Refunding Bonds will mature no later than approximately 30 years after the date of issuance.

The Refunding Bonds will not be general obligations of the Rhode Island Port Authority or of the state of Rhode Island, rather the Refunding Bonds will be issued pursuant to one or more financing and security documents ("Financing Documents"). The Financing Documents will provide that the payments received by the Rhode Island Port Authority from Newport thereunder, are to be pledged and assigned by the Rhode Island Port Authority to a trustee ("Trustee") for the benefit of the holders of the Refunding Bonds. In addition, the Financing Documents will obligate Newport to pay the fees and expenses of the Rhode Island Port Authority and the Trustee.

The Refunding Bonds will be issued as either fixed rate bonds ("Fixed Rate Bonds") or as variable rate bonds ("Variable Rate Bonds"). The Fixed Rate Bonds will bear a fixed interest rate until maturity. The Variable Rate Bonds will bear interest at the floating rate for interest rate periods determined by Newport. The interest rate will be determined by a remarketing agent pursuant to a remarketing agreement. Owners of the Variable Rate Bonds will also be able to tender their bonds for mandatory purchase at 100% of the principal amount thereof plus accrued interest. Newport expects that the Variable Rate Bonds will also provide for a conversion at Newport's option, to a fixed rate for the remaining life of the bonds.

To enhance the credit rating of the Refunding Bonds, Newport may issue one or more series of first mortgage bonds or second mortgage bonds ("Collateral Bonds") to the Rhode Island Port Authority, obtain bond insurance, and/or arrange for an irrevocable letter of credit with a bank. The Collateral Bonds would contain provisions similar to those of the Refunding Bonds.

In consideration for the bond insurance, Newport would be required to pay a policy premium based on the debt service of the Refunding Bonds being issued. The insurer may require Newport to Provide certain security for Newport's obligation to reimburse the insurer if a claim is made under the policy, or require Newport to comply with certain covenants while the policy is outstanding.

To insure payment of principal of, premium, if any, and interest on the Variable Rate Bonds (and payment of purchase price upon tender for mandatory purchase), Newport may arrange for the issuance of an irrevocable letter of credit by a bank with an acceptable credit rating. Newport would execute a reimbursement agreement whereby Newport would agree to reimburse the bank for all draws under the letter of credit and to pay the fees and expenses of the bank in connection with such letter of credit. The letter of credit and reimbursement agreement may be extended when they reach maturity. Alternatively, from time to time Newport may enter into successor letter of credit and reimbursement agreements which thereafter may be extended.

Newport states that it will not undertake to refinance the Outstanding Bonds if Newport does not believe that the estimated net present value of the interest cost savings to be derived from the net difference between interest on the Refunding Bonds and the Outstanding Bonds would, on an after-tax basis, be greater than the present value of all redemption and issuance costs, including any tendering and premium costs and credit enhancement expenses, assuming an appropriate discount rate.

Newport requests authorization under Rule 50(a)(5) to commence negotiations with various underwriters, representatives, banks, and insurance companies with respect to the Refunding bonds and to the Collateral Bonds. It may do so.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–20335 Filed 8–23–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2674]

Territory of Guam; Declaration of Disaster Loan Area

The Territory of Guam is hereby declared a disaster area as a result of damages caused by an earthquake which occurred on August 8, 1993. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 18, 1993, and for economic injury until the close of business on May 17, 1994, at the address listed below: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795; or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and nonprofit organizations without credit available elsewhere	4.000
Others (including nonprofit organizations) with credit available elsewhere	7.625
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 267402 and for economic injury the number is 799000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 17, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93–20452 Filed 8–23–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2669]

Kansas; Amendment #4; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with Notices from the Federal Emergency Management Agency dated August 5, 6, and 9, 1993, to include Atchison, Brown, Clay, Cloud, Edwards, Ellis, Jackson, Jewell, Lane, Lyon, Marion, McPherson, Morris, Nemaha, Ness, Republic, Rooks, Stafford, and Washington Counties in the State of Kansas as a disaster area as a result of damages caused by flooding and severe storms beginning on June 28, 1993 and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Chase, Coffey, Finney, Ford, Gove, Graham, Greenwood, Hodgeman, Kiowa, Pratt, Scott, Stafford, and Trego in the State of Kansas may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have been previously declared or are covered under a separate declaration for the same occurrence.

All other information remains the same, i.e., the termination date for filing applications for physical damage is September 20, 1993 and for economic injury the deadline is April 25, 1994.

The economic injury number for Kansas is 793500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 12, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93–20453 Filed 8–23–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Economic Injury Disaster Loan Area #7979]

South Carolina; and Contiguous Counties in North Carolina; Declaration of Disaster Loan Area

Berkeley, Cherokee, Colleton, Georgetown, and Kershaw Counties and the contiguous counties of Allendale, Bamberg, Beaufort, Charleston, Chesterfield, Clarendon, Darlington, Dorchester, Fairfield, Hampton, Horry, Lancaster, Lee, Marion, Orangeburg, Richland, Spartanburg, Sumter, Union, Williamsburg, and York in South Carolina; and Cleveland and Rutherford Counties in North Carolina constitute an economic injury disaster area as a result of a flooding which occurred in January 1993. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on May 13, 1994, at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, GA 30308, or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The economic injury number assigned to this disaster for the State of North Carolina is 798000.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: August 13, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93–20455 Filed 8–23–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2673]

Washington; Declaration of Disaster Loan Area

King County and the contiguous counties of Chelan, Kitsap, Kittitas, Pierce, and Snohomish in the State of Washington constitute a disaster area as a result of damages caused by a fire which occurred on June 23, 1993 in the Village Green Apartments in the City of Kent. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 14, 1993, and for economic injury until the close of business on May 13, 1994, at the address listed below: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795; or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and nonprofit organizations without credit available elsewhere	4.000
Others (including* nonprofit organizations) with credit available elsewhere	7.625
For Economic Injury	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 267305 and for economic injury the number is 798900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 13, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93–20454 Filed 8–23–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 93–052]

Review of the Coast Guard Regulatory Development Process

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Coast Guard is currently conducting an internal review of its regulatory development process. It will hold a public meeting to obtain comments from the public on the impact of the Coast Guard's current process for regulatory development. The public is invited to comment on public perception of the time involved in the regulatory process and to make suggestions for improvement.

DATES: A public meeting will be held from 9 a.m. to 3 p.m., September 20, 1993. Written comments must be received on or before September 20, 1993.

ADDRESSES: The public meeting will be held in room 2415, Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001. Comments may be mailed to the Executive Secretary, Marine Safety Council, Commandant (G–LRA), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Captain Dennis Bryant, Oil Pollution Act (OPA 90) Staff (G–MS), telephone (202) 267–6826, or at the address listed above.

SUPPLEMENTARY INFORMATION: The Coast Guard has many missions which directly affect the public. These missions include placing and maintaining aids to navigation, enforcing laws and treaties, maintaining military readiness, protecting the marine environment, search and rescue, and ensuring marine safety and security. Various statutes authorize the Coast Guard to issue regulations to implement these missions. Consequently, the Coast Guard regulates in such diverse areas as national security, port safety, safety of life at sea, protection of the marine environment, and recreational boating.

The Coast Guard has created the Marine Safety Council, a group of senior Coast Guard officers, to establish regulatory policy, review rulemakings, and advise the Commandant. The Marine Safety Council reviews planning documents for every regulatory project, whether an amendment to existing regulations or promulgation of a regulation under new statutory authority. Generally, rulemaking documents (notices of proposed rulemakings, supplemental notices, and final rules) are drafted by technical subject-matter experts, reviewed by appropriate program offices for policy implications, and reviewed by the Coast Guard legal staff for legal sufficiency and compliance with statutes, such as the Administrative Procedure Act, 5 U.S.C. 552, and existing Executive Orders. This is often a time consuming process.

The vast majority of Coast Guard rulemakings follow informal notice and comment rulemaking procedures under the Administrative Procedure Act. In informal rulemaking, the Coast Guard publishes a notice of proposed rulemaking in the **Federal Register**, and provides opportunity for public comment. The Coast Guard reviews the comments, and may change the final rule in response to the comments.

The Coast Guard is currently reviewing its internal regulatory development process to determine how to improve its response to rulemaking needs. It will conduct a public meeting on September 30, 1993, to obtain comments from the public on the effect of the Coast Guard's rulemaking process. The Coast Guard specifically seeks comments from the general public, members of the marine industry, recreational boaters, members of the environmental community, and members of existing Coast Guard advisory committees. It is especially interested in the public's evaluation of the Coast Guard's rulemaking process, and the impact, including indirect costs, of any perceived delays. The Coast Guard also seeks comments on developing and increasing the use of alternatives, such as negotiated rulemakings, to informal notice and comment rulemaking procedures.

Dated: August 19, 1993.

J.E. Shkor,

Rear Admiral, U.S. Coast Guard, Chief Counsel.

[FR Doc. 93–20447 Filed 8–23–93; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

August 17, 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 OfficeDepartment of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0173
Form Number: IRS Form 4563
Type of Review: Extension
Title: Exclusion of Income for Bona Fide Residents of American Samoa
Description: Used by bona fide residents of American Samoa whose income is from sources within American Samoa, Guam, and the Northern Mariana Islands to the extent specified in Internal Revenue Code section 931. This information is used by the Service to determine if an individual is eligible to exclude possession source income.
Respondents: Individuals or households
Estimated Number of Respondents/ Recordkeepers: 100
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—33 minutes
Learning about the law or the form—5 minutes
Preparing the form—25 minutes
Copying, assembling, and sending the form to the IRS—17 minutes
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 135 hours

OMB Number: 1545–0520
Form Number: IRS Form SWR E–665
Type of Review: Extension
Title: Deduction for Depletion on Ground Water Used for Irrigation
Description: This form is required by Revenue Procedure 66–11 as an attachment to the tax return. The form provides a standard method of computing and reporting water depletion deductions by tax payers who extract ground water from the Ogallala geological formation. The Internal Revenue Service uses the information to determine if the depletion has been computed correctly.
Respondents: Individuals or households, Farms, Businesses or other for-profit
Estimated Number of Respondents: 2,000
Estimated Burden Hours Per Respondent: 2 hours
Frequency of Response: Annually
Estimated Total Reporting Burden: 4,000 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.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 93–20373 Filed 8–23–93; 8:45 am]

BILLING CODE 4830–01–P

Internal Revenue Service

Tax Counseling for the Elderly (TCE) Program; Availability of Application Packages

AGENCY: Internal Revenue Service, Treasury.

ACTION: Availability of TCE application packages.

SUMMARY: This document provides notice of the availability of Application Packages for the 1994 Tax Counseling for the Elderly (TCE) Program.

DATES: Application packages are available from the IRS at this time. The deadline for submitting an application package to the IRS for the 1994 Tax Counseling for the Elderly (TCE) Program is September 24, 1993.

ADDRESSES: Application Packages may be requested by contacting: Program Manager, Tax Counseling for the Elderly Program. Internal Revenue Service. Management and Operations Branch (T:T:M) 1111 Constitution Ave., NW., room 7207, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Haag, Management and Operations Branch (T:T:M) room 7207, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224. The non-toll-free telephone number is: (202) 622–7664.

SUPPLEMENTARY INFORMATION: Authority for the Tax Counseling for the Elderly (TCE) Program is contained in Section 163 of the Revenue Act of 1978, Public Law 95–600, (92 Stat. 12810), November 6, 1978. Regulations were published in the **Federal Register** at 44 72113 on December 13, 1979. Section 163 gives the Internal Revenue Service authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Because applications are being solicited before the FY 1994 budget has been approved, cooperative agreements will be entered into subject to appropriation of funds. Once funded, sponsoring agencies and organizations will receive a grant from the IRS for administrative expenses and to reimburse volunteers for expenses incurred in training and in providing tax return assistance. The Tax Counseling for the Elderly (TCE) Program is referenced in the Catalog of Federal Domestic Assistance in section 21.006.

John J. Mannion,

Chief, Management and Operations Branch.

[FR Doc. 93–20346 Filed 8–23–93; 8:45 am]

BILLING CODE 4830–01–U

Sunshine Act Meetings

Federal Register

Vol. 58, No. 162

Tuesday, August 24, 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).

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice to Change Time of Board Meeting of the Export-Import Bank of the United States

TIME AND PLACE: Thursday, August 19, 1993 the Board of Directors Meeting will be held at 3:00 p.m. in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571. All other regular Board Meetings will be held at 9:30 a.m.

FURTHER INFORMATION: For further information, contact Loretta Carrier, Room 966, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8893.

Dated: August 19, 1993.

Helene H. Wall,

Vice President, Administrative and Management Services.

[FR Doc. 93–20424 Filed 8–20–93; 9:34 am]

BILLING CODE 6690–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of August 23, 30, September 6, and 13, 1993.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of August 23

Wednesday, August 25

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of August 30—Tentative

Tuesday, August 31

10:00 a.m.
Briefing on NRC Research Program on Aging (Public Meeting)
(Contact: John Craig, 301–492–3850)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Briefing on Results of Agreement State Compatibility Workshop (Public Meeting)
(Contact: Shelly Schwartz, 301–504–2325)

Week of September 6—Tentative

Thursday, September 9

2:00 p.m.
Periodic Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)
(Contact: John Larkins, 301–492–4516)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, September 10

9:00 a.m.
Briefing on Proposal to Realign NRC Regions IV and V (Public Meeting)
(Contact: James Turdici, 301–504–1728)
10:30 a.m.
Briefing by Advanced Reactor Corporation (Public Meeting)
2:00 p.m.
Briefing on Management Plan for Regulating Medical Use of Byproduct Material (Public Meeting)
(Contact: Carl Paperiello, 301–504–2659)

Week of September 13—Tentative

Thursday, September 16

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, September 17

1:30 p.m.
Briefing on Status of Form and Content for Design Certification Rule (Public Meeting)
(Contact: Dennis Crutchfield, 301–504–1199)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill, (301) 504–1661.

Dated: August 19, 1993.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–20558 Filed 8–20–93; 2:48 pm]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 58, No. 162
Tuesday, August 24, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing a Meeting of Computer System Security and Privacy Advisory Board

Correction

In notice document 93-19546 beginning on page 43095 in the issue of Friday, August 13, 1993, make the following correction:

On page 19546, in the third column, under **SUMMARY**, in the sixth line, "September 3, 1993" should read "September 2, 1993".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB52

Endangered and Threatened Wildlife and Plants; The Plant Eutrema penlandii (Penland Alpine Fen Mustard) Determined To Be a Threatened Species

Correction

In rule document 93-17933 beginning on page 40539 in the issue of Wednesday, July 28, 1993, on page 40539, in the first column, under **EFFECTIVE DATE**, "August 12, 1993" should read "August 27, 1993".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Western Gulf of Mexico, Gas and Oil Lease Sale 143

Correction

In notice document 93-18816 beginning on page 42098 in the issue of Friday, August 6, 1993, make the following corrections:

1. On page 42100, in the second column, in the table, for the entry "Coffee Lump", footnote reference "6" should precede "Various.".

2. On page 42102, in the first column, under **Outer Continental Shelf Lease Sale 143—Western Gulf of Mexico**, the blocks for Mustang Island, Galveston, and High Island should read as set forth below:

Leased Blocks and Partial Blocks

* * * * *

Mustang Island

730, 731, 737, 738, 739, 740, 742, 743, 752, 754, 755, 757, 758, 762, 763, 764, 765, 767, 768, 769, 776, 778, 779, 781, 782, 784, 785, 786, 787, 789, 790, 791, 801, 802, 803, 804, 805, 806, 809, 811, 813, 814, 821, 822, 823, 824, 825, 826, 827, 828, 830, 831, 832, 833, 837, 838, 844, 846, 847, 848, 849, 850, 852, 853, 854, 858, 868, 869, 870, 871, 872, 873, 874, 875, 876, A–1, A–2, NE¼NW¼ NE¼; NE¼NW¼; NE¼SE¼ NW¼; W½NW¼ NE¼, A–3, A–6, A–10, A–11, A–15, A–16, A–17, A–18, A–19, A–21, A–22, A–24, A–25, A–26, A–27, A–30, A–31, A–32, A–33, A–36, A–37, A–38

* * * * *

Galveston

144, 151, 180, 181, 182, 189, 190, 191, 192, 209, 210, 211, 212, 213, 223, 225, 226, 238, 239, 240, 241, 242, (Landward of 8(g) Line), 243, 252, 253, 255, 256, 257, 258, 265, 266, 269, 270, 272, 273, 274, 283, 284, 285, 286, 287, 288, 289, (SW¼ NW¼ NW¼;W½ SW¼ NW¼; SE¼ SW¼NW¼;SW¼ SE¼ NW¼; SW¼ W½ SE¼), 290, 291, 294, 295, (S½ NE¼ NE¼; NW¼ NE¼; W½ SW¼ NE¼; NE¼ SW¼ NE¼; N½ SE¼ NE¼; W½; W½ NW¼ SE¼; S½ SE¼), 296, (NE¼; NE¼ NE¼ NW¼; S½ NE¼ NW¼; SE¼ NW¼; S½ SW¼ NW¼; N½ SW¼; NE¼ SW¼ SW¼; N½ SE¼ SW¼; N½ SE¼; N½ SW¼ SE¼; SE¼ SE¼), 297, 298, 299, 300, 301, 303, 304, 305, 312, 313, 318, 319, 320, 321, 322, 324, 325, 326, 328, 329, 330, 331, 332, 333, 334, 343, 344, 345, 346, 349, 350, 351, 354, 356, 357, 358, 359, 360, 361, 362, 363, 379, 380, 383, 384, 386, 388, 389, 391, 392, 393, 394, 395, 418, 419, 423, 427, 428, 460, 465, 503, A–2, A–15, A–16, A–18, A–21, A–24, A–34, A–35, A–37, A–38, A–39, A–40, A–41, A–42, A–49, A–50, A–54, A–58, A–60, A–62, A–77, A–78, A–79, A–81, A–84, A–85, A–86, A–108, A–109, A–110, A–111

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High Island

20, 21, 22, 34, 36, 47, 52, 53, 67, 68, 69, 70, 71, 73, 87, 88, 89, 90, 91, 92, 93, 97, 98, 105, 106, 108, 109, 110, 111, 113, 114, 115, 116, 117, 134, 135, (N½; N½ S½; SW¼ SW¼; W½ SE¼ SW¼; NE¼ SE¼ SW¼; N½ S½ SE¼), 136, (E½; E½ NE¼ SW¼; S½ SE¼ SW¼) 138, 139, 140, 141, (W½), 154, (N½), 155, (W½), 156, 160, (NE¼; NE¼ NW¼; E½ SE¼ NW¼; N½ SE¼; N½ SE¼ SE¼), 161, (NW¼ NE¼ NW¼; S½ NE¼ NW¼; W½ NW¼; SE¼ NW¼; NE¼ NE¼ SW¼; W½ NE¼ SW¼; NW¼ SW¼; NW¼ SW¼ SW¼), 164, 165, 170, 171, 173, 174, 175, 176, 177, 178, 179, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 204, 206, 207, 208, 229, 230, 231, 232, 233, 234, 235, 261, 262, 263, 264, 292, A–1, A–3, A–5, A–6, A–7, A–8, A–9, A–12, A–14, A–16, A–17, A–19, A–20, A–21, A–22, A–23, A–26, A–36, A–37, A–38, A–39, A–41, A–44, A–61, A–62, A–63, A–64, A–68, A–69, A–72, A–78, A–83, A–87, A–92, A–93, A–94, A–95, A–98, A–99, A–108, A–127, A–128, A–129, A–137, A–154

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BILLING CODE 1505-01-D

federal register

Tuesday
August 24, 1993

Part II

Department of Education

34 CFR Parts 76 and 80

State-Administered Programs Under the Rehabilitation Act of 1973; Withdrawal of Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Parts 76 and 80

RIN 1880–AA41

State-Administered Programs Under the Rehabilitation Act of 1973

AGENCY: Department of Education.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Secretary withdraws a notice of proposed rulemaking regarding the administrative responsibilities of grantees and subgrantees under State-administered programs authorized under the Rehabilitation Act of 1973 (Rehabilitation Act). Congress passed legislation during the last session that removed the need for the proposed regulations. The Secretary takes this action to inform the public that development of the regulations described in the NPRM is no longer being considered.

FOR FURTHER INFORMATION CONTACT: Kathy Thomas, Grants Division, Policy and Support Staff, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue SW. (room 3636, ROB–3), Washington, DC 20202–4700, (202) 401–6901. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: In the notice of proposed rulemaking published on August 26, 1992 (57 FR 38740), the Secretary proposed to add a new § 76.708 to the Education Department General Administrative Regulations (EDGAR) to extend the liquidation period for certain kinds of obligations. The proposed rule was designed to eliminate the undesirable effects of the liquidation rule in 34 CFR 80.23(b) on the various State-administered programs authorized under the Rehabilitation Act. The liquidation rule in part 80 requires that a State or local government liquidate obligations—that is, redeem checks or other instruments representing payment for goods or services—within 90 days after the end of the funding period or, if liquidation cannot be completed within the 90-day period, to request extension of the 90-day period from the Department.

The Rehabilitation Act has been funded out of current appropriations and those funds have been made available for a maximum period of 12 months. If Congress did not appropriate funds by the start of a fiscal year, the period for obligation would have been shorter than 12 months. The Secretary had determined that a maximum period of 12 months for obligation of funds under the Rehabilitation Act State-administered programs was so short as to place an inappropriate and burdensome restriction on grantees and subgrantees in the liquidation of obligations. However, Congress enacted the Rehabilitation Act Amendments of 1992 on October 29, 1992. Section 19 of that law (Pub. L. 102–569) extends the obligation period to 24 months, provided any program matching requirement is met fully within the initial 12-month period. This brings the State-administered programs of the Rehabilitation Act closer to the 27-month obligation period permitted under the other State-administered programs of the Department that are forward funded.

The Secretary stated in the NPRM that he did not see a need at that time to establish an extended liquidation period for the other State-administered programs of the Department, but asked for comment on whether the other programs should have a longer liquidation period. No comments were received in response to this request. The Secretary does not see a need for extended liquidation under either the Rehabilitation Act or other State-administered programs of the Department. Therefore, the Secretary withdraws the notice of proposed rulemaking that would have extended the liquidation period for certain obligations under the State-administered programs authorized by the Rehabilitation Act.

(Authority: 20 U.S.C. 1232e–3(a)(1) and 3474)

Dated: August 17, 1993.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number does not apply)

[FR Doc. 93–20386 Filed 8–23–93; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
August 24, 1993

Part III

Pension Benefit Guaranty Corporation

29 CFR Parts 2606 and 2617
Rules for Administrative Review of Agency Decisions; Standard Terminations of Single-Employer Plans; Disaster Relief; Final Rule and Notice

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2606 and 2617

Rules for Administrative Review of Agency Decisions; Standard Terminations of Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Interim rule.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") has concluded that its regulations governing administrative review of agency decisions and standard terminations of single-employer plans do not adequately provide for disasters of the magnitude of the current major flood disaster in the midwestern United States. Therefore, PBGC is amending (1) its administrative review regulation to include exceptions to the deadlines for filing requests for reconsideration and appeals of agency determinations and (2) its standard termination regulation to include both an exception to the deadline for filing the standard termination notice (and, hence, the deadline for issuing notices of plan benefits to participants and beneficiaries) and an exception to the deadline for completing the distribution of plan assets. Under the amended regulations, when the President of the United States declares that a major disaster exists, the PBGC's Executive Director (or his or her designee) may extend the above deadlines for up to 180 days by issuing a Notice of Disaster Relief. These amendments, which will permit the PBGC to grant relief to plan administrators, sponsors, participants and beneficiaries, and other affected parties who otherwise might be unable to comply with regulatory deadlines, are effective August 24, 1993.

DATES: Effective August 24 1993. Comments must be received on or before September 23, 1993.

ADDRESSES: Comments may be mailed to the Office of the General Counsel (22000), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, or hand-delivered to suite 7200 at the above address between 9 a.m. and 5 p.m., Monday through Friday. Comments will be available for inspection at the PBGC's Communications and Public Affairs Department, suite 7100, at the above address between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Renae R. Hubbard, Special Counsel, Office of the General Counsel (Code 22000), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202–778–8850 (202–778–1958 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation ("PBGC") administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1001 *et seq.* Pursuant to its authority under 29 U.S.C. 1302(b)(3), the PBGC has issued regulations to carry out purposes of title IV; these regulations are codified at 29 CFR parts 2601 *et seq.* Several PBGC regulations include deadlines by which private parties are to submit filings to the PBGC or take other actions.

With the continuation and extension of the major flood disaster in the midwestern United States, the PBGC has come to realize that some of its regulations do not adequately provide for natural disasters of this magnitude and that, in certain limited situations, the deadlines should be extended. Accordingly, the PBGC is taking several steps to provide disaster victims with relief from certain deadlines imposed by PBGC regulations.

The PBGC is amending parts 2606 and 2617 of its regulations, Rules for Administrative Review of Agency Decisions and Standard Terminations of Single-Employer Plans, to provide for modification of certain of the deadlines in those regulations in the event of a major disaster. Under the amendments, when the President of the United States declares that, under the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121, 5122(2), 5141(b)), a major disaster exists, the PBGC's Executive Director (or his or her designee) may issue a Notice of Disaster Relief extending certain deadlines in the regulations. These amendments are effective immediately and, elsewhere in today's **Federal Register**, the PBGC's Executive Director is issuing a Notice of Disaster Relief to extend the deadlines for persons in areas affected by the current flood in the midwestern states.

In addition to these amendments to its regulations (which are discussed in more detail below), the PBGC is providing relief to flood victims with respect to premium penalties that may be imposed under section 4007 of ERISA (29 U.S.C. 4007) and penalties for failure to submit material information that may be assessed under section 4071 of ERISA (29 U.S.C. 1371). Such relief is described in the PBGC's Notice of Disaster Relief published elsewhere in today's **Federal Register**.

Amendments to the PBGC's Administrative Review Regulation

The PBGC's regulations provide rules for obtaining administrative review of certain agency decisions (29 CFR part 2606). Under those rules, an aggrieved person must file a request for reconsideration within 30 days after the date of the initial determination for which reconsideration is sought (§ 2602.33) and must file an appeal within 45 days after the date of the initial determination being appealed (§ 2606.53). The regulation also provides for extensions of time for good cause shown, if requested in writing prior to expiration of the applicable time limit (§ 2606.4).

The PBGC has concluded that in situations like the current flood in the Midwest, the above deadlines do not serve the agency's objective of making timely review of agency determinations available to aggrieved persons. The PBGC is accordingly amending its administrative review regulation to provide that, when the President declares that a major disaster exists, the PBGC's Executive Director may issue a Notice of Disaster Relief extending the deadlines for requests for reconsideration and appeals by up to 180 days. Such an extension is available to any person aggrieved by a PBGC decision who resides in, or whose principal place of business is located in, an area covered by the notice. Elsewhere in today's **Federal Register**, the PBGC's Executive Director is issuing such a Notice of Disaster Relief with respect to the flood in the midwestern states, extending the deadline for requesting reconsideration or filing an appeal until October 15, 1993.

Amendments to the PBGC's Standard Termination Regulation

Part 2617 of the PBGC's regulations (29 CFR part 2617) prescribes rules for the voluntary termination of a single-employer plan in a standard termination under ERISA section 4041 (29 U.S.C. 1341). These regulations, which were published on December 14, 1992, apply to single-employer plans for which notices of intent to terminate ("NOIT") are issued on or after January 28, 1993 (57 FR 59206, as amended 58 FR 6605, February 1, 1993, and corrected 58 FR 4203 and 34709, January 13 and June 29, 1993).

Part 2617 requires, among other things, that when a plan is being terminated in a standard termination, the plan administrator must file a standard termination notice (PBGC Form 500, with Schedule EA–S) with the PBGC no later than 120 days after

the proposed termination date (§§ 2617.3(b)(2) and 2617.25(a); 57 FR 59227 and 59231, respectively). The plan administrator also must issue notices of plan benefits to participants and beneficiaries (§§ 2617.3(b)(3) and 2617.23(a); 57 FR 59227 and 59231, respectively) no later than the date on which the standard termination notice is filed with the PBGC.

In addition, the plan administrator must distribute plan assets in satisfaction of all benefit liabilities under the plan within 180 days after the end of the PBGC's period for reviewing the standard termination notice, but may receive an automatic extension under certain limited circumstances (§ 2617.28(e)) or a discretionary extension upon written request filed with the PBGC at least 30 days before the expiration of the 180-day (or extended) period §§ 2617.28 (a) and (f); 57 FR 59233). If the plan administrator does not satisfy the above requirements, any action taken to effect the plan termination is null and void, and the plan is an ongoing plan (§§ 2617.3(c), 2617.27(b); 57 FR 59227 and 59232, respectively).

When the PBGC issued part 2617, it noted that while part 2617 does not provide for extension of the 120-day period, a plan administrator may defer its commencement (and thus, in effect, extend it) by specifying in the standard termination notice a proposed termination date that is later than the one in the NOIT (57 FR 59208). The PBGC anticipated that a plan administrator's discretion to delay the proposed termination date (as defined in § 2617.2, 57 FR 59227) by up to 30 days (*i.e.*, from the 60th to the 90th day after issuance of the NOIT) would be sufficient to enable plan administrators to respond to unforeseen circumstances.

The PBGC has concluded that, in situations like the current flood in the Midwest, the regulation's deadlines may not be feasible for many terminating plans and so do not serve the agency's objective of expediting the termination process with due regard for the needs and rights of private parties and the burdens on the PBGC. The PBGC is accordingly amending its regulations to provide that, when the President declares that a major disaster exists, the PBGC's Executive Director may issue a Notice of Disaster Relief extending by up to 180 days the deadlines for (1) filing standard termination notices (and, consequently, for providing notices of plan benefits to participants) and (2) completing the distribution of plan assets. The extended due dates would apply to plans with respect to which the principal place of business of the plan administrator or sponsor is within a designated disaster area.

Elsewhere in today's **Federal Register**, the PBGC is issuing a Notice of Disaster Relief providing relief for persons in areas affected the current flood in the midwestern states by extending the above deadlines to October 15, 1993. (The notice also provides relief from penalties for late filing of the post-distribution certification.)

The PBGC recognizes, with respect to all of the amendments to its regulations discussed above, that in some cases persons may invoke an extension even though their particular circumstances do not necessitate the additional time made available by the Executive Director's notice. The PBGC believes, however, that it is appropriate to avoid the public and private expense of case-by-case determinations of need for an extension and that, if the scope of relief to be granted is to be imprecise, that scope should be too broad rather than too narrow.

Need for Immediate Action

The PBGC has concluded that this action is appropriate under section 553 of the Administrative Procedure Act (5 U.S.C. 553). The extraordinary situation presented by the current major flood disaster constitutes good cause for finding that notice and public procedure thereon are impracticable and contrary to the public interest and for making these amendments effective on the date of publication (5 U.S.C. 553(b)(B) and (d)(3)). Moreover, these amendments are essentially procedural in that they establish alternative mechanisms for obtaining extensions of filing or other deadlines (5 U.S.C. 553(b)(A)). (While part 2617 notification requirements themselves may be viewed as substantive, this rule merely provides for the granting of an exemption from a regulatory deadline for complying with those requirements (see 5 U.S.C. 553(d)(1)).)

Persons who might be denied administrative review under part 2606 because of the flood in the midwestern states should receive immediate reassurance that they will not be denied that review. In some cases, timely reassurance will further the regulatory objectives of minimizing burdens on the public, making administrative review readily available whenever warranted, and eliminating the need for any unnecessary judicial proceedings. In any event, the reassurance would be significantly diluted if the PBGC were to await completion of notice and comment rulemaking before relieving this restriction on the availability of administrative review.

Similarly, immediate action is needed to ensure that extensions of the 120-day deadline for issuing notices of plan benefits and filing a standard termination notice and the 180-day deadline for completing the distribution of plan assets are available with respect to plan terminations affected by the flood disaster and thereby avoid the private sector disruption that may otherwise result. Due to the flood disaster, compliance with these regulatory deadlines may be impossible. If amendments that enable the PBGC to provide relief from these deadlines are delayed, plan administrators will have to initiate new termination proceedings, resulting in unwarranted burdens, delays, and uncertainties. That outcome would frustrate, rather than serve, the regulatory objective of ERISA section 4041(b), as implemented in part 2617: To provide for the orderly and expeditious termination of plans that are able to satisfy all promised benefits with only limited PBGC involvement.

The PBGC does recognize, however, that the amendments will enable it to take comparable action in the future, and it invites interested persons to submit written comments within the next 30 days. If the comments received warrant modifying provisions of this rule, the agency will do so.

E.O. 12291

For reasons stated above, the PBGC has concluded that this rule responds to an emergency situation and, hence, it is impracticable to follow section 3(c)(3) of E.O. 12291 and submit this rule to the Director of the Office of Management and Budget at least 10 days prior to publication. The PBGC did report this rule to the Director when it transmitted the rule to the **Federal Register** for publication.

Also, the PBGC has determined that this rule is not a "major rule" for the purposes of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects

29 CFR Part 2606

Administrative practice and procedure, Organization and functions (Government agencies), Pension insurance, Pensions.

29 CFR Part 2617

Employee benefit plans, Pension insurance, Pensions, Reporting requirements.

For the reasons set forth above, the PBGC is amending 29 CFR parts 2606 and 2617 as follows:

PART 2606—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

1. The authority citation for part 2606 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3).

2. Section 2606.4 is amended by designating the current paragraph as (a) and adding a heading, and by adding a new paragraph (b) to read as follows:

§ 2606.4 Extension of time.

(a) *General rule.* * * *

(b) *Disaster relief.* When the President of the United States declares that, under the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121, 5122(2), 5141(b)), a major disaster exists, the Executive Director of the PBGC (or his or her designee) may, by issuing one or more notices of disaster relief, extend the due date for filing a request for reconsideration under § 2606.33 or an appeal under § 2606.53 by up to 180 days.

(1) The due date extension or extensions shall be available only to an aggrieved person who is residing in, or whose principal place of business is within, a designated disaster area; and

(2) The request for reconsideration or appeal shall identify the filing as one for which the due date extension is available.

PART 2617—STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

3. The authority citation for part 2617 is revised to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341, 1344.

4. Paragraph (b)(2) of § 2617.3 is amended by adding, at the end before the semicolon, "or, if applicable, no later than the due date established in an extension notice issued under paragraph (a)(2) of that section".

5. Paragraph (a) of § 2617.25 is amended by removing everything after "thereto" and before the period and by adding paragraphs (a)(1) and (a)(2) to read as follows:

§ 2617.25 Standard termination notice.

(a) *Form.* * * *

(1) Except as provided in paragraph (a)(2) of this section, the plan administrator shall file the standard termination notice on or before the 120th day after the proposed termination date.

(2) When the President of the United States declares that, under the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121, 5122(2), 5141(b)), a major disaster exists, the Executive Director of the PBGC (or his or her designee) may, by issuing one or more notices of disaster relief, extend the due date for filing the standard termination notice by up to 180 days.

(i) The due date extension or extensions shall apply only to plan terminations with respect to which the principal place of business of the contributing sponsor or the plan administrator is within a designated disaster area.

(ii) The standard termination notice shall identify the filing as being qualified for the due date extension.

* * * * *

6. Section 2617.28 is amended by adding a new paragraph (f)(4) to read as follows:

§ 2617.28 Closeout of plan.

* * * * *

(f) * * *

(4) Notwithstanding any other provision of this section, when the President of the United States declares that, under the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121, 5122(2), 5141(b)), a major disaster exists, the Executive Director of the PBGC (or his or her designee) may, by issuing one or more notices of disaster relief, extend the time for completing the distribution of plan assets by up to 180 days.

(i) The due date extension or extensions shall apply only to plan terminations with respect to which the principal place of business of the contributing sponsor or the plan administrator is within a designated disaster area.

(ii) The post-distribution certification required under paragraph (h) of this section shall identify the plan termination as being qualified for the distribution extension.

* * * * *

Issued in Washington, D.C. this 20th day of August, 1993.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 93–20600 Filed 8–23–93; 8:45 am]

BILLING CODE 7708–01–M

PENSION BENEFIT GUARANTY CORPORATION

Disaster Relief

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of disaster relief in response to Midwestern flood.

SUMMARY: The PBGC is waiving penalties for certain late payments of premiums, is forgoing assessment of penalties for failure to comply with certain information submission requirements, and is extending the deadlines for complying with certain requirements of its administrative review and standard termination regulations. This relief is generally available to persons residing in, or whose principal place of business is within, an area designated by the Federal Emergency Management Agency as affected by the major disaster declared by the President of the United States on account of the severe flooding in the Midwest.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Renae R. Hubbard, Special Counsel, Office of the General Counsel (Code 22000), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202–778–8850 (202–778–1958 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation ("PBGC") administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1001 *et seq.* Under ERISA and the PBGC's regulations, a number of deadlines must be met in order to avoid the imposition of penalties or other consequences. Four areas in which the PBGC is providing relief are (1) penalties for late payment of premiums due the PBGC, (2) ERISA section 4071 penalties for failure to provide required notices or other material information by the applicable time limit, (3) deadlines for filing a standard termination notice and distributing plan assets in a standard termination, and (4) deadlines for filing requests for reconsideration or appeals of certain agency determinations.

The President of the United States has declared, under the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121, 5122(2), 5141(b)), that a major disaster exists because of the severe storms and flooding in nine midwestern states. As of the third week in August, more than 450 counties, townships, and cities in these states (Minnesota, Wisconsin, Missouri, Iowa, Illinois, Nebraska, South Dakota, Kansas, and North Dakota) were designated areas (within the meaning of Federal Emergency Management Agency ("FEMA") regulations; 44 CFR 205.2(a)(5)).[1]

Given the severity of this major disaster, and its continuation and expanding scope over several months, as the Executive Director of the PBGC, I have decided to provide relief from certain PBGC deadlines and penalties. For purposes of premium penalties, section 4071 penalties, and standard termination deadlines, this notice is applicable with respect to plans whose administrators' or sponsors' principal place of business is located in a designated disaster area. For purposes of filing requests for reconsideration or appeals, this notice is applicable to any aggrieved person who is residing in, or whose principal place of business is within, a designated disaster area.

Premiums

The PBGC will waive the late payment penalty charge with respect to any premium payment due on or after June 11, 1993, and before October 15, 1993, if the payment is made by October 15, 1993. The PBGC is not permitted by law to waive late payment interest charges still apply. (ERISA section 4007(b); 29 CFR 2610.7 and 2610.8(b)(3).)

Section 4071 Penalties

The PBGC will not assess a section 4071 penalty for a failure to file any of the following notices that were, or will be, required to be filed with the PBGC on or after June 11, 1993, and before October 15, 1993, if the notice is filed by October 15, 1993: (1) standard termination post-distribution certification (PBGC Form 501; ERISA section 4041(b)(3)(B); 29 CFR 2617.28(h) (57 FR 59206, 59233–34, December 14, 1993), (2) notice of termination for multiemployer plans (ERISA section 4041A; 29 CFR 2673.2), (3) notice of plan amendments increasing benefits by more than $10 million (ERISA section 307(e)), and (4) reportable event notice, *except* for reportable events related to bankruptcy or insolvency (or similar proceeding or settlement), liquidation or dissolution, and transactions involving a change in contributing sponsor or controlled group (ERISA section 4043; 29 CFR 2615.21, 2615.22, and 2615.23).

The PBGC will not assess a section 4071 penalty for a failure to provide certain supporting information and documentation when any of the following notices is timely filed: (1) Notice of failure to make required contributions totaling more than $1 million (including interest) (PBGC Form 200; ERISA section 302(f)(4); 29 CFR 2615.30), and (2) notice of a reportable event related to bankruptcy or insolvency (or similar proceeding or settlement), liquidation or dissolution, or a transaction involving a change in contributing sponsor or controlled group. For a notice of failure to make required contributions, the timely filed notice must include at least items 1 through 7 and items 11 and 12 of Form 200; the responses to items 8 through 10, with the certifications in items 11 and 12, may be filed late. For a reportable event notice, the timely filed notice must include at least the information specified in 29 CFR 2615.3(b) (1) through (5); the information that may be filed late is that specified in 29 CFR 2615.3(b) (6) through (9) and 2615.3(c) (5) and (6), as applicable. This relief applies to notices that were, or will be, required to be filed with the PBGC on or after June 11, 1993, and before October 15, 1993, provided that all supporting information and documentation are filed by October 15, 1993.

Standard Termination Notice and Distribution of Assets

With respect to a standard termination for which a notice of intent to terminate is issued on or after January 28, 1993, the PBGC is extending the due date for filing a standard termination notice (and, thus, for providing notices of plan benefits) and the deadline for completing the distribution of plan assets to October 15, 1993. In addition, as noted above, the PBGC is providing relief from penalties for late filing of the post-distribution certification irrespective of when the notice of intent to terminate was issued. (Elsewhere in today's **Federal Register** the PBGC is publishing an interim rule, effective immediately, that amends Part 2617 to provide for due date extensions under the circumstances addressed in this notice (29 CFR 2617.3, 2617.25, and 2617.28).)

Requests for Reconsideration or Appeals

For persons who are aggrieved by certain agency determinations and for whom the deadline for filing a request for reconsideration or an appeal falls on or after June 11, 1993, and before October 15, 1993, the PBGC will extend the deadline to October 15, 1993. (Elsewhere in today's **Federal Register** the PBGC is publishing an interim rule,

[1] For additional information as to which portions of these states are designated areas, contact FEMA's toll-free teleregistration number, 1–800–462–9029.

effective immediately, that amends Part 2606 to provide for due date extensions under the circumstances addressed in this notice (29 CFR 2606.4, 2606.33, and 2606.53).)

Applying for Waivers/Extensions

A submission to the PBGC to which a waiver or an extension is applicable under this notice should be marked in bold print "FLOOD DISASTER, County of (fill in appropriate county name and state)" at the top center.

Issued in Washington, DC this 20th day of August, 1993.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 93–20601 Filed 8–23–93; 8:45 am]

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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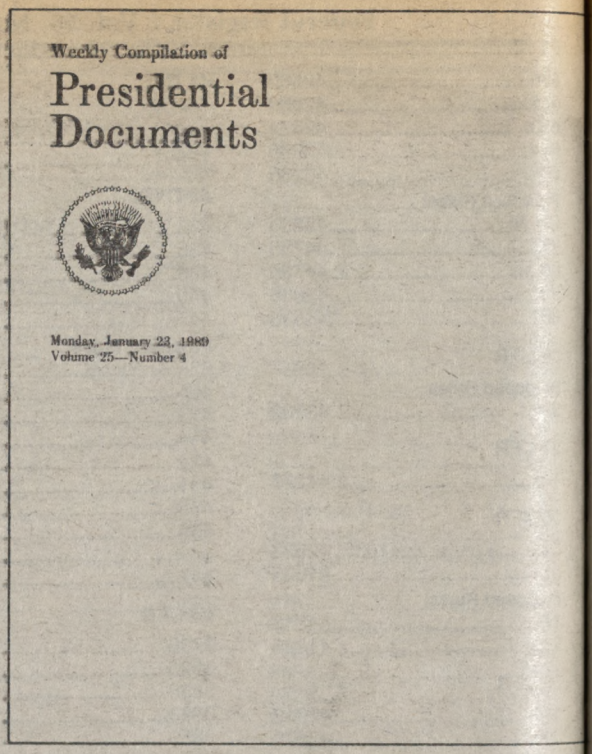

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