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WHO: The Office of the Federal Register.

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

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2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

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(two briefings)

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 846

RIN 3206–AE01

Deemed Elections of Coverage Under the Federal Employees Retirement System

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to allow employees to remain covered by the Federal Employees Retirement System (FERS), if their employing agency erroneously placed them under FERS during the period when they would have had the opportunity to elect FERS coverage. These regulations will deem employees to have elected FERS coverage unless they notify the employing agency that they do not want to be deemed to have elected FERS. These regulations are necessary to prevent the agency error from depriving such employees of their statutory right to have elected FERS coverage.

DATES: Interim rules effective October 13, 1993; comments must be received on or before November 12, 1993.

ADDRESSES: Send comments to Mary M. Sugar, Deputy Assistant Director for Retirement and Insurance Policy; Retirement and Insurance Group; Office of Personnel Management; P.O. Box 57; Washington, DC 20044; or deliver to OPM, room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 606–0299.

SUPPLEMENTARY INFORMATION: The Federal Employees Retirement System (FERS) Act of 1986, Public Law 99–335, enacted June 6, 1986, created a new retirement system for Federal employees. Employees may acquire coverage under FERS either automatically by operation of law or voluntarily by election of the employee. Generally, Federal employees first employed after December 31, 1983, are automatically covered by FERS, as are some rehired employees who are reemployed after a 365-day break in service who lack 5 years of prior civilian service. Individuals who are automatically covered by FERS have no choice concerning retirement coverage.

Provisions of the FERS Act also permit certain employees to elect coverage under FERS. Those eligible to elect FERS coverage include rehired employees who have at least 5 years of prior civilian service. Generally, with the exception of the July-December open season in 1987, elections can be made only within 6 months after reemployment or conversion to a qualifying appointment. OPM's interim regulations also allow agencies to accept prospective belated elections during the 6-month period following the statutory election period if circumstances beyond the employee's control prevented him or her from making an election within the prescribed time limit. (Following the open season, this meant that agencies could accept belated elections through June 30, 1988.) In addition, OPM had been allowing individuals to make retroactive elections of FERS coverage if OPM determined that retroactive relief was necessary to assure that the employee had an opportunity to make an informed election.

In a recent decision, the United States Court of Appeals for the Federal Circuit determined that OPM did not have authority to allow retroactive belated FERS elections made after June 30, 1988, on the basis that the employing agency provided incomplete information to the employee, or that the employee was otherwise prevented from making an informed election by circumstances beyond the employee's control. The case, *Killip* v. *Office of Personnel Management*, 991 F. 2d 1564 (Fed. Cir. 1993), involved an employee who had an opportunity to elect FERS during the July-December 1987 open season. She did not file her request to transfer until March 1990. She claimed that she received incorrect information concerning the public pension offset from Social Security benefits and should be allowed to make a belated election. OPM and the Merit Systems Protection Board found that she was not prevented by circumstances beyond her control from making an informed election prior to March 1990 and did not approve the belated election. The court affirmed the denial, but on the grounds that OPM did not have authority to allow the belated election.

After carefully reviewing the court decision, we have determined that the court found that OPM lacks authority to allow retroactive transfers by employees who did have an opportunity to make an election, regardless of circumstances that may have prevented the employee from making an informed election. However, the court decision does not address the situation of employees who were incorrectly denied any right of election whatsoever during the election period provided by statute. Employees never had their "open season" to elect FERS if their agency placed them in FERS automatically.

As employing agencies review their employees' personnel folders, they occasionally find coverage errors. Because the coverage determinations are governed by rules set out in law, the employing agency is required to correct an erroneous determination retroactively. An explanation of the coverage rules may be found in Federal Personnel Manual Supplement 830–1, Chapter 10.

For example, an agency may have erroneously put an employee in FERS on January 15, 1989, when he was reinstated after a break in service because the agency did not realize that the employee had 5 years of previous civilian service. Years later in an audit the agency discovered its error and found that the employee should have had Civil Service Retirement System (CSRS) Offset coverage. Under the FERS law this employee should have had a 6-month election period to elect FERS coverage following reemployment, but did not get the opportunity because the employing agency automatically placed this employee in FERS upon reinstatement. Because the agency error prevented the employee from having an opportunity to elect FERS coverage, we believe the employee must still be allowed the opportunity to retain FERS coverage. The Congressional purpose in enacting section 301 of the FERS Act, which provides for the election right,

would otherwise be thwarted by denying this statutory right to these individuals.

For the reasons, we believe that under our general regulatory authority to administer FERS, section 8461 of title 5, United States Code, allowing the employee to be deemed to have elected FERS coverage is allowable and appropriate in this special situation and that the court in *Killip* did not intend to preclude this action.

Based on our experience, we believe that most employees who have been denied the opportunity to elect FERS because their employing agencies erroneously decided that they were automatically covered by FERS will want to be covered under FERS. This is especially true for employees who have been contributing to the Thrift Savings Plan and receiving matching Government contributions that are only available under FERS. To minimize the paperwork required and simplify the procedures as much as possible in accommodating employees who have been denied their election rights, these regulations will treat the employees as having made timely elections to join FERS, which is what we expect most will want. For affected employees who do not want to be deemed to have elected FERS, the regulation provides each affected employee 60 days in which to choose not to be deemed to have elected FERS. An agency's authority under this regulation to retain employees under FERS coverage based on deemed elections does not extend beyond circumstances in which an agency is retroactively correcting an erroneous determination that an employee was automatically covered by FERS and that the error prevented the employee from exercising the statutory right to make an election to join FERS.

Section 846.204(b)(2)(i) delegates to agencies authority to implement deemed elections to join FERS only if—

1. The agency determines that the employee, separated employee, or retiree was erroneously placed under FERS, during the time when a timely FERS election could have been filed;

2. The employee, separated employee, or retiree should have been placed under CSRS, CSRS Offset, or Social Security only, with the right to transfer to FERS; and

3. The employee, separated employee, or retiree does not decline to be deemed to have elected coverage under FERS after receiving written notice of the error.

If the employee declines to be deemed to have elected FERS coverage, the agency must retroactively correct the individual's retirement, Thrift Savings Plan, and, as appropriate, Social Security, records. OPM will issue updated payroll office instructions concerning actions necessary to correct these types of personnel and payroll records, and how to report the retirement corrections to OPM.

Section 831.204(b)(2)(ii) establishes the procedure for declining the deemed election. Paragraph (A) provides a 60-day time limit to decline the deemed election. The 60-day period does not begin until the employee receives written notice about the deemed election, the right to decline the deemed election, and the applicable time limit. The time limit may be extended, as explained below.

Paragraph (B) establishes the rights of survivors if the employee dies during the election period. The person who would be entitled to survivor benefits under the retirement system that would cover the employee if no election is deemed has the right to decline the deemed election. This differs from the way we handle all other FERS-transfer elections, but is necessary in this class of cases. In all other situations, we treat the decision to elect FERS as personal to the employee. If the employee dies, the right to elect terminates and cannot be exercised by anyone else. What makes these deemed elections different is that, by this regulation, we are deeming an outcome that will happen if no action is taken (FERS coverage) that is different from the outcome that is provided by statute if no action is taken (CSRS, CSRS Offset, or Social Security only coverage). By allowing the person entitled under the system that would apply by statute to decline the deemed election, we are merely assuring that the deemed election will not deprive anyone of benefits established by statute, while providing what the employee and survivor would be anticipating (benefits under FERS) unless the survivor chooses otherwise. This unique situation requires that we allow survivors to decline the deemed election.

Paragraph (C) grants agencies broad authority to waive the time limit to decline the deemed election. Agencies may approve the waiver of the time limit if the employee or survivor exercised due diligence in declining the deemed election but was prevented by circumstances beyond his or her control from declining in a timely manner. Agency decisions to grant a waiver are not subject to further administrative review. Agency denials of waiver are subject to review exclusively through the procedures established in paragraph (C), reconsideration by OPM and appeal to the Merit Systems Protection Board.

Under section 552(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. Delaying implementation of these regulations would be contrary to the public interest. Neither the Government's nor the employees' interest would be served by delaying relief to employees who have been denied their "open season" through agency error. Our current experience has shown that requiring OPM review of this limited category of cases is unnecessary.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal employees and agencies and retirement payments to retired Government employees and their survivors.

List of Subjects in 5 CFR Part 846

Administrative practice and procedure, Government employees, Pensions, Retirement.

Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

Accordingly, OPM is amending subpart B of part 846 of title 5, Code of Federal Regulations, as follows:

PART 846—FEDERAL EMPLOYEES RETIREMENT SYSTEM—ELECTING COVERAGE

1. The authority citation for part 846 continues to read as follows:

Authority: 5 U.S.C. 8461(g); § 846.202 also issued under section 301(d)(3) of Public Law 99–335.

Subpart B—Elections

2. In § 846.204, paragraph (b) is redesignated as paragraph (b)(1) and paragraph (b)(2) is added to read as follows:

§ 846.204 Belated elections and correction of administrative errors.

* * * * *

(b) * * *

(2)(i) For an employee, separated employee, or retiree whose employing agency erroneously determined that the individual was covered by FERS during the period under § 846.201 when the individual was eligible to elect FERS, and the employing agency should have

placed the individual in CSRS, CSRS Offset, or Social Security only, under conditions that would have included an opportunity to elect FERS coverage, the employee, separated employee, or retiree is deemed to have elected FERS coverage and the individual will remain covered by FERS, unless the individual declines under paragraph (b)(2)(ii) of this section to be covered by FERS.

(ii)(A) The employing agency must provide written notice to each individual who is deemed to have elected FERS under paragraph (b)(2)(i) of this section that the individual may, within 60 days after receiving the notice, decline to be deemed to have transferred to FERS.

(B) If the individual dies during the election period established by paragraphs (b)(2)(ii) (A) and (C) of this section, the right of election under paragraph (b)(2)(i) of this section may be exercised by any person who would be entitled to receive a current spouse survivor annuity or a former spouse survivor annuity under CSRS (or CSRS Offset), if any, if the error had not occurred (the election by any one such current or former spouse not to have the election of FERS coverage deemed is controlling); otherwise, by the individual or individuals entitled to receive the lump-sum credit under CSRS (or CSRS Offset) if the error had not occurred (the election by any individual entitled to a share of the lump-sum credit not to have the election of FERS coverage deemed is controlling). The time limit for making an election under this paragraph is 60 days after the date of the agency's notice to the individual (survivor) of the election right.

(C) The agency may waive the 60-day time limit under paragraphs (b)(2)(ii) (A) and (B) of this section if the individual (if living, otherwise the appropriate survivor) exercised due diligence in making the election but was prevented by circumstances beyond his or her control from making the election within the time limit. An agency decision not to waive the time limit under this paragraph must include notice to the individual of the individual's right to request OPM to reconsider the denial of the waiver of the time limit. OPM's reconsideration decision on denial of a waiver of the time limit will notify the individual of the right to appeal to the Merit Systems Protection Board under chapter II of this title.

(iii) The employing agency must document the individual's records to reflect his or her decision concerning retirement coverage.

* * * * *

[FR Doc. 93–22224 Filed 9–10–93; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Parts 870, 871, 872, and 873

Federal Employees' Group Life Insurance Program: Premium Rate Reduction and Open Enrollment Period

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations implementing a reduction in the premium rates for Basic coverage and for some age categories for Standard, Additional, and Family Optional insurance. The reductions were effective with the first pay period beginning on or after January 1, 1993. (For retirees, any reductions in premium levels were reflected in their February 1, 1993, annuity payments.) OPM also amended its regulations to permit an open enrollment period from March 29 through April 30, 1993, during which time employees otherwise eligible to participate in the Federal Employees' Group Life Insurance (FEGLI) Program had an opportunity to add to their existing coverage or to enroll in the Program if they had previously waived coverage.

EFFECTIVE DATE: September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Karen Leibach, (202) 606–0191.

SUPPLEMENTARY INFORMATION: On March 2, 1993, OPM issued interim regulations (58 FR 11953) implementing a reduction in the FEGLI premium rates and establishing an open enrollment period for eligible employees who wished to enroll in FEGLI or to add to their FEGLI coverage. The premium rate reduction was effective the first pay period beginning on or after January 1, 1993, and the open enrollment period was conducted from March 29 through April 30, 1993.

OPM received no comments on the interim regulations.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect a small number of Federal employees.

List of Subjects in 5 CFR Parts 870, 871, 872, and 873

Administrative practice and procedure, Government employees, Life insurance, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

Accordingly, under the authority of 5 U.S.C. 8716, OPM is adopting its interim regulations amending 5 CFR parts 870, 871, 872, and 873 as published on March 2, 1993 (58 FR 11953), as final rules without change.

[FR Doc. 93–22225 Filed 9–10–93; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 890

RIN: 3206–AF17

Federal Employees Health Benefits Program; Coverage of Temporary Employees

AGENCY: U.S. Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to clarify the eligibility of temporary employees to continue their Federal Employees Health Benefits (FEHB) coverage when they become compensationers. These regulations are necessary to distinguish between retirement as an employee annuitant and "retirement" as a compensationer. OPM is also issuing regulations to allow temporary employees an opportunity to change health plans if their salary is insufficient to pay the premium withholdings, to show the effective date of such an enrollment change, and to provide for the termination of these employees' enrollment if they do not change health plans.

DATES: Interim regulations are effective September 13, 1993. Comments must be received on or before November 12, 1993.

ADDRESSES: Written comments may be sent to Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, Room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karen Leibach, (202) 607–0191.

SUPPLEMENTARY INFORMATION: Title III of Public Law 100–654, enacted November

14, 1988, added section 8906a to chapter 89 of title 5, U.S.C., providing coverage under the FEHB Program for certain temporary employees. On February 23, 1989, OPM published interim regulations implementing section 8906a; final regulations were published December 28, 1989.

In amending 5 CFR to conform with the provisions of section 8906a, OPM added § 890.109 (Exclusion of certain periods of eligibility when determining continued coverage during retirement.). This was done to be fair to temporary employees, who are precluded from participating in a retirement system and may elect not to enroll in the FEHB Program. If they subsequently receive a permanent appointment covered under a retirement system, enroll in the FEHB Program, and then retire while enrolled for less than 5 years immediately preceding retirement, they will not be penalized for their earlier decision not to enroll as a temporary employee. For purposes of continuing enrollment during retirement, therefore, such employees' first opportunity to enroll would be when they receive the permanent appointment which entitles them to participate in a retirement system and also entitles them to receive the Government contribution toward their health benefits premium payments.

In providing health benefits coverage for temporary employees, title III of Public Law 100–654 states the requirements that temporary employees must have completed 1 year of current continuous employment, excluding any break in service of 5 days or less, to be eligible to participate, and that these employees do not receive a Government contribution toward the cost of their enrollment. There is nothing else in the law to indicate that temporary employees are to be treated any differently from other employees who are eligible to participate in the FEHB Program. Other employees who are injured on the job and receive compensation from the Office of Workers' Compensation Programs (OWCP) are eligible to continue their FEHB coverage if they meet the statutory requirements. Since for the purposes of chapter 89 of title 5 U.S.C., compensationers are considered annuitants, the requirements for continuing FEHB coverage as a compensationer annuitant are the same as the requirements for continuing coverage as a retiree annuitant, i.e., that the annuitant was enrolled as an employee for the 5 years of service immediately before retirement or the full period of service since first becoming eligible to enroll, if less than five years. The decision not to consider eligibility under § 8906a of the FEHB law as temporary employees' first opportunity to enroll may have had the inadvertent consequence of appearing to deny these employees eligibility for continued health benefits while receiving compensation from OWCP. It was not our intent to do so.

We therefore are clarifying the regulations to state that enrollment in the FEHB Program for the five years of service immediately preceding the commencement of monthly compensation or for the full period of service since first becoming eligible to enroll entitles a temporary employee to continue enrollment while receiving compensation and, for the purpose of continuing health benefits as a compensationer, a temporary employee's first opportunity to enroll is when he or she first becomes eligible under 5 U.S.C. 8906a.

We are also addressing the issue of what happens when a temporary employee's pay is insufficient to make withholdings for FEHB coverage. Since temporary employees must pay both the employee's and the Government's shares of the health benefits premium, a change in salary and/or premiums could result in pay that is no longer sufficient to make withholdings. Annuitants in this situation have the option of changing health plans or arranging to make direct payment of their premiums to their retirement system. OPM does not have the statutory authority to permit temporary employees to make direct premium payments. We can, however, grant these employees an opportunity to change to a lower cost health plan. The FEHB regulations are therefore being amended to grant this opportunity to change health plans, to specify the effective date of such a change, and to provide for the termination of enrollment of temporary employees in this situation who do not, or cannot, choose a lower cost health plan.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

Accordingly, OPM is amending its regulations under 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended.

2. Section 890.109 is revised to read as follows:

§ 890.109 Exclusion of certain periods of eligibility when determining continued coverage during retirement.

(a) Except as provided in paragraph (b) of this section, periods during which temporary employees are eligible under 5 U.S.C. 8906a to receive health benefits by enrolling and paying the full subscription charge, but are not eligible to participate in a retirement system, are not considered when determining eligibility for continued coverage during retirement. For the purpose of continuing coverage during retirement, an employee is considered to have enrolled at his or her first opportunity if the employee registered to be enrolled when he or she received a permanent appointment entitling him or her to participate in a retirement system and to receive the Government contribution toward the health benefits premium payments.

(b) A temporary employee eligible under 5 U.S.C. 8906a may continue enrollment as a compensationer if he or she has been enrolled or covered as a family member under another enrollment under this part for:

(1) The 5 years of service immediately preceding the commencement of his or her monthly compensation; or

(2) During all periods of service since his or her first opportunity to enroll, if less than 5 years. For the purpose of this paragraph, an employee is considered to have enrolled at his or her first opportunity if the employee registered to be enrolled when he or she first became eligible under 5 U.S.C. 8906a.

3. In § 890.301, paragraph (ee) is added to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(ee) *Salary of temporary employee insufficient to pay withholdings.* If the salary of a temporary employee eligible under 5 U.S.C. 8906a is not sufficient to pay the withholdings for the plan in which the employee is enrolled, the employing office shall notify the employee of the plans available at a cost not in excess of the employee's salary. The employee may register to be

enrolled in another plan whose cost is no greater than his or her salary within 31 days after receiving such notification from the employing office.

4. In § 890.304(a), paragraphs (1) through (6) are redesignated as (i) through (vi). The introductory text following the word "Employees" is redesignated as paragraph (1) and a new paragraph (2) is added to read as follows:

§ 890.304 Termination of enrollment.

(a) * * *

(2) If the pay of a temporary employee eligible under 5 U.S.C. 8906a is insufficient to pay the withholdings for the plan in which the employee is enrolled, and the employee does not, or cannot, elect a plan under § 890.301(ee) at a cost to him or her not in excess of the pay, the employing office must terminate the employee's enrollment effective as of the end of the last period for which withholding was made. Each temporary employee whose enrollment is so terminated is entitled to a 31-day extension of coverage for conversion.

5. In § 890.306, paragraph (o) is added to read as follows:

§ 890.306 Effective dates.

* * * * *

(o) *Temporary employee required to change enrollment.* The effective date of a temporary employee's change to a lower cost enrollment under § 890.301(ee) is immediately upon termination of his or her prior enrollment.

[FR Doc. 93–22339 Filed 9–10–93; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–34–AD; Amendment 39–8667; AD 93–16–10]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A320 series airplanes, that requires inspections to detect cracks in the upper stringers of the center wing box, and repair, if necessary. This amendment is prompted by a report that, during fatigue testing, the upper stringers of the center wing box sustained damage. The actions specified by this AD are intended to detect fatigue cracking in the upper stringer which may result in loss of structural integrity.

DATES: Effective October 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A320 series airplanes was published in the Federal Register on May 14, 1993 (58 FR 28525). That action proposed to require inspections to detect cracks in the upper stringers of the center wing box, and repair, if necessary.

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

All commenters support the proposed rule.

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

Currently, there are no Airbus Industrie Model A320 series airplanes on the U.S. Register that are affected by this rule. However, should an affected airplane be imported and placed on the U.S. Register in the future, it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $165 per airplane.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–16–10 Airbus Industrie: Amendment 39–8667. Docket 93–NM–34–AD.

Applicability: Model A320 series airplanes having manufacturer's serial numbers (MSN) 002 through 021 inclusive, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect fatigue cracking in the upper stringer which may result in loss of structural integrity, accomplish the following:

(a) Prior to the accumulation of 10,000 total landings after the effective date of this AD, perform a detailed visual inspection to detect cracks in the front and rear faces and at the crown fittings of the upper stringers of the center wing box between frame (FR)36 and FR42, in accordance with Airbus A320

Service Bulletin No. A320–57–1030, dated August 12, 1991.

Note 1: Particular attention should be paid to the strut fittings and reinforcing plate ends when performing this inspection.

(1) If no crack is found, repeat the inspection thereafter at intervals not to exceed 7,500 landings, in accordance with the service bulletin.

(2) If any crack is found, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113. Following accomplishment of this repair, no further action is required by this AD.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(d) The inspection shall be done in accordance with Airbus A320 Service Bulletin No. A320–57–1030, dated August 12, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on October 13, 1993.

Issued in Renton, Washington, on August 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–22250 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 92–NM–248–AD; Amdt. 39–8670; AD 93–16–12]

Airworthiness Directives; Beech Aircraft Corporation Model 400A and 400T Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Beech Aircraft Corporation Model 400A and 400T airplanes, that requires an inspection to verify the installation of all rivets in the area adjacent to the upper edge of the emergency exit door, and installation of any missing rivets. This amendment is prompted by reports that, during manufacturing, rivets may have been inadvertently omitted from the area adjacent to the upper edge of the emergency exit door. The actions specified by this AD are intended to prevent structural failure of the emergency door frame support, which could lead to decompression of the cabin.

DATES: Effective October 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Larry Engler, Aerospace Engineer, Airframe Branch, ACE–120W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Beech Aircraft Corporation Model 400A and 400T airplanes was published in the **Federal Register** as a supplemental notice of proposed rulemaking (NPRM) on June 14, 1993 (58 FR 32877). That action proposed to require a one-time inspection to verify the installation of all rivets in the area adjacent to the upper edge of the emergency exit door, and installation of any missing rivets.

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

There are approximately 59 Beech Aircraft Corporation Model 400A and 400T airplanes of the affected design in the worldwide fleet. The FAA estimates that 41 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,765, or $165 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–16–12 Beech Aircraft Corporation: Amendment 39–8670. Docket 92–NM–248–AD.

Applicability: Model 400A airplanes, serial numbers RK–1 through RK–41 inclusive; and Model 400T airplanes, serial numbers TT–3 through TT–20 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure of the emergency door frame support, which could lead to decompression of the cabin, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, perform an inspection to verify the installation of all rivets in the area adjacent to the upper edge of the emergency exit door, in accordance with Beechcraft Service Bulletin 2482, dated December 1992.

(1) If no rivet is missing, no further action is required by this AD.

(2) If any rivet is missing, prior to further flight, install a rivet in accordance with the service bulletin.

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

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

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

(d) The inspection and installation shall be done in accordance with Beechcraft Service Bulletin 2482, dated December 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on October 13, 1993.

Issued in Renton, Washington, on August 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–22251 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 93–NM–43–AD; Amendment 39–8668; AD 90–12–04 R1]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that currently requires repetitive functional testing and modification of the wing and engine cowl anti-ice control and indication system. When accomplished, the modification terminates the requirement for the repetitive functional tests. This amendment expands the applicability of the rule to add two airplanes. This amendment is prompted by a report that two additional airplanes may be subject to the same unsafe condition. The actions specified by this AD are intended to prevent undetected failure of the anti-ice system which could ultimately result in unacceptable ice build-up on the wings or engine inlets.

DATES: Effective October 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kathi Ishimaru, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2674; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by revising AD 90–12–04, Amendment 39–6621 (55 FR 22328, June 1, 1990), which is applicable to certain Boeing Model 757 series airplanes, was published in the **Federal Register** on May 28, 1993 (58 FR 31003). The action proposed to expand the applicability of the existing rule to add two airplanes.

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

Both commenters support the proposed rule.

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

There are approximately 207 Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 128 airplanes of U.S. registry will be affected by this AD. The requirements of this AD action will not add any new additional economic burden on affected U.S. operators. The costs associated with the currently required tests and modification entail 24 work hours per airplane, at an average labor rate of $55 per work hour. Required parts will cost approximately $691 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $257,408, or $2,011 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6621 (55 FR 22328, June 1, 1990), and by adding a new airworthiness directive (AD), amendment 39–8668, to read as follows:

90–12–04 R1 Boeing: Amendment 39–8668. Docket 93–NM–43–AD. Revises AD 90–12–04, Amendment 39–6621.

Applicability: Model 757 series airplanes, listed in Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent undetected failure of the anti-ice system which could ultimately result in unacceptable ice build-up on the wings or engine inlets, accomplish the following:

(a) For airplanes listed in Boeing Alert Service Bulletin 757–30A0013, Revision 5, dated September 7, 1989: Accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Within the next 300 hours time-in-service after February 4, 1988 (the effective date of AD 88–01–08, Amendment 39–5827), perform a functional test of the wing and engine cowl anti-ice control and indication system, in accordance with Section III, Part I of Boeing Alert Service Bulletin 757–30A0013, Revision 5, dated September 7, 1989. Repeat this functional test thereafter at intervals not to exceed 300 hours time-in-service until the modification required by paragraph (a)(2) of this AD is accomplished.

Note 1: Paragraph (a)(1) of this AD restates the requirements of AD 88–01–08, Amendment 39–5827, paragraph A. As allowed by the phrase, "unless accomplished previously," if the requirements of AD 88–01–08 have been accomplished previously, paragraph (a)(1) of this AD does not require that the initial inspection be repeated.

(2) Within the next 3,000 hours time-in-service after July 9, 1990 (the effective date of AD 90–12–04, Amendment 39–6621), modify and test the wing and engine cowl anti-ice control and indication system in accordance with Section III, Parts II, III, IV, V, VI, and VII, as applicable, of Boeing Alert Service Bulletin 757–30A0013, Revision 5, dated September 7, 1989; or Section III, Parts II, III, IV, V, VI, VII, and VIII, as applicable, of Revision 6, dated March 25, 1993. Accomplishment of this modification constitutes terminating action for the repetitive testing requirement of paragraph (a)(1) of this AD.

Note 2: Paragraph (a)(2) of this AD restates the requirements of AD 90–12–04, Amendment 39–6621, paragraph B. As allowed by the phrase, "unless accomplished previously," if the requirements of AD 90–12–04 have been accomplished previously, paragraph (a)(2) of this AD does not require that the modification be repeated.

(b) For airplanes listed in Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993, that are not subject to paragraph (a) of this AD: Accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD.

(1) Within the next 300 hours time-in-service after the effective date of this AD, perform a functional test of the wing and engine cowl anti-ice control and indication system, in accordance with Section III, Part I, of Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993. Repeat this functional test thereafter at intervals not to exceed 300 hours time-in-service until the modification required by paragraph (b)(2) of this AD is accomplished.

(2) Within the next 3,000 hours time-in-service after the effective date of this AD, modify and test the wing and engine cowl anti-ice control and indication system in accordance with Section III, Parts II, III, IV, V, VI, VII, and VIII, as applicable, of Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993. Accomplishment of this modification constitutes terminating action for the repetitive testing requirement of paragraph (b)(1) of this AD.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

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

(e) The tests and modifications shall be done in accordance with Boeing Alert Service Bulletin 757–30A0013, Revision 5, dated September 7, 1989, or Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on October 13, 1993.

Issued in Renton, Washington, on August 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–22253 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 93–NM–33–AD; Amendment 39–8669; AD 93–16–11]

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes, that requires modification of the warning horns for the forward and rear lavatory smoke detectors. This amendment is prompted by a report that, during a recent flight of a Model BAe 146 series airplane, the smoke warning horn for the forward lavatory smoke detector did not emit a sound loud enough for the cabin crew members to hear from the passenger cabin. The actions specified by this AD are intended to prevent a fire in the lavatory from not being discovered and extinguished promptly.

DATES: Effective October 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, Inc., Avro Division, 22070 Broderick Drive, Sterling, Virginia 20166. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113,

FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes was published in the **Federal Register** on May 12, 1993 (58 FR 27955). That action proposed to require modification of the warning horns for the forward and rear lavatory smoke detectors.

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

Both commenters support the proposed rule.

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

The FAA estimates that 49 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2.5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $105 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $11,882.50, or $242.50 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–16–11 British Aerospace: Amendment 39–8669. Docket 93–NM–33–AD.

Applicability: Model 146–100A, –200A, and –300A series airplanes; equipped with Hosiden Besson Limited "Cybertone" smoke warning horns; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a fire in the lavatory from not being discovered and extinguished promptly, accomplish the following:

(a) Within 5 months after the effective date of this AD, modify the smoke warning horns for the forward and aft lavatory smoke detectors in accordance with British Aerospace Modification Service Bulletin SB.26–32–36128A, dated April 30, 1992.

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

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

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

(d) The modification shall be done in accordance with British Aerospace Modification Service Bulletin SB.26–32–36128A, dated April 30, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Inc., Avro Division, 22070 Broderick Drive, Sterling, Virginia 20166. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on October 13, 1993.

Issued in Renton, Washington, on August 18, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–22252 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 92–AEA–11]

Modification of VOR Federal Airway V–162; WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the description for VOR Federal Airway V–162 by extending the airway from Pennsylvania to Martinsburg, WV. Extending the airway will accommodate flights destined for the Washington-Dulles International Airport. This action will facilitate air traffic operations and reduce the controller workload.

EFFECTIVE DATE: 0901 u.t.c., November 11, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

On April 9, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify VOR Federal Airway V–162 from Pennsylvania to Martinsburg, WV (58 FR 18350).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Domestic

VOR Federal Airways are published in Paragraph 6010(a) of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 as of September 16, 1993 (58 FR 36298; July 6, 1993). The airway listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations modifies the description for Federal Airway V–162 by extending the airway from the intersection of Martinsburg, WV, 058° and Harrisburg, PA 191° radials to the Martinsburg, WV, Very High Frequency Omnidirectional Range/Tactical Air Navigation facility. This action will accommodate flights inbound to Washington-Dulles International Airport. Modifying this rule will facilitate air traffic operations and reduce the controller workload.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 in effect as of September 16, 1993, as follows:

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways

* * * * *

V–162 [Revised]

From Martinsburg, WV; INT Martinsburg 058° and Harrisburg, PA, 191° radials; Harrisburg; INT Harrisburg 092° and East Texas, PA, 251° radials; East Texas; Allentown, PA; to Huguenot, NY.

* * * * *

Issued in Washington, DC, on September 2, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93–22281 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–AEA–1]

Alteration of VOR Federal Airway V–312; NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the description for VOR Federal Airway V–312 by removing an unused segment of that airway at the northern end in New Jersey. This action will reduce chart clutter.

EFFECTIVE DATE: 0901 u.t.c., November 11, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

On May 15, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description for V–312 by removing a segment at the northern end of that airway located in New Jersey (57 FR 20801).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 in effect as of September 16, 1993 (58 FR 36298; July 6, 1993). The Airway listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the description for Federal Airway V–312 located in New Jersey. Altering the airway by removing an unused segment in the northern end will reduce chart clutter.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 in effect as of September 16, 1993, as follows:

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways

* * * * *

V-312 [Revised]

From INT Andrews, MD, 060° and Baltimore, MD, 165° radials, via INT Andrews 060° and Woodstown, NJ, 230° radials; Woodstown; INT Woodstown 065° and Coyle, NJ, 264° radials; Coyle; INT Coyle 090° and Kennedy, NY, 154° radials. The airspace within R-5002D, the airspace below 2,000 feet MSL outside the United States, and the airspace above 8,000 feet MSL between Woodstown and Coyle is excluded.

* * * * *

Issued in Washington, DC, on September 2, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93-22280 Filed 9-10-93; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 47

[T.D. ATF-349]

Importation of Arms, Ammunition and Implements of War [No. 93-01]

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

ACTION: Final rule (Treasury Decision).

SUMMARY: On October 1, 1992, the Department of State recommended that the Bureau of Alcohol, Tobacco and Firearms (ATF) formally remove Estonia, Latvia and Lithuania from the list in 27 CFR 47.52(a), of countries from which the import of defense articles into the United States is proscribed.

EFFECTIVE DATE: September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Pearl E. Baylor, Specialist, Firearms and Explosives Imports Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927-8320.

SUPPLEMENTARY INFORMATION: The Arms Export Control Act of 1976, 22 U.S.C. 2778, gives the President of the United States the authority to control the import and export of defense articles and defense services.

Executive Order 11958 of January 18, 1977, as amended (42 FR 4311 (1977)), delegated authority to control exports of defense articles and defense services to the Secretary of State.

The Executive Order also delegated to the Secretary of the Treasury the authority to control the import of such articles and services. However, as stated in 27 CFR 47.55, ATF is guided by the views of the Departments of State and Defense on matters affecting world peace and the external security and foreign policy of the United States. After consulting these Departments, ATF is revising the provisions of 27 CFR part 47 to conform to the recommendation of the State Department.

On October 1, 1992, the Department of State recommended that ATF formally remove Estonia, Latvia and Lithuania from the list in 27 CFR part 47.52(a) of countries from which the import of defense articles into the United States is proscribed.

Executive Order 12291

Because the amendment to 27 CFR part 47 involves a foreign affairs function, Executive Order 12291 does not apply.

Administrative Procedure Act

Under 27 CFR 47.54, the amendment made to 27 CFR part 47 is excluded from the rulemaking provisions of 5 U.S.C. 553 because this regulation involves a foreign affairs function of the United States. Accordingly, it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation in 5 U.S.C. 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis are not applicable to this final rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no reporting or recordkeeping requirements.

Drafting Information

The principal author of this Treasury decision is Pearl E. Baylor, Specialist, Firearms and Explosives Imports Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 47

Administrative practice and procedure, Arms control, Arms and munitions, Authority delegations, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting requirements, Scientific equipment, Seizures and forfeitures.

Authority and Issuance

27 CFR Part 47—Importation of Arms, Ammunition and Implements of War, is amended as follows:

PART 47—[AMENDED]

Paragraph 1. The authority citation for 27 CFR Part 47 continues to read as follows:

Authority: 22 U.S.C. 2778.

Par. 2. Section 47.52 is amended by revising paragraph (a) to read as follows:

§ 47.52 Import restrictions applicable to certain countries.

(a) It is the policy of the United States to deny licenses and other approvals with respect to defense articles and defense services originating in certain countries or areas. This policy also applies to imports from these countries or areas. This policy applies to Albania, Bulgaria, Cuba, Kampuchea, North Korea, Outer Mongolia, Rumania, Vietnam and the States that comprise the former Soviet Union (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan). This policy applies to countries or areas with respect to which the United States maintains an arms embargo. It also applies when an import would not be in furtherance of world peace and the security and foreign policy of the United States.

* * * * *

Signed: August 3, 1993.

Stephen E. Higgins,

Director.

Approved: August 16, 1993.

Ronald K. Noble,

Assistant Secretary (Enforcement).

[FR Doc. 93-22216 Filed 9-10-93; 8:45 am]

BILLING CODE 4810-31-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-12-16-5759; FRL-4701-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing the approval of revisions to the California State

Implementation Plan (SIP) proposed in the **Federal Register** on September 17, 1992. The revisions concern a rule from the San Diego County Air Pollution Control District (SDCAPCD). This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule provides general definitions pertaining to the storage and handling of organic compounds. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on October 13, 1993.

ADDRESSEES: Copies of the rule revisions and EPA's evaluation report for the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

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

Environmental Protection Agency, John Kurtzweg ANR–443,401 M Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation, 2020 L Street, Sacramento, CA 95814.

San Diego County Air Pollution Control District,County Administration Center, 1600 Pacific Highway,Room 335, San Diego CA 9210.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, 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) 744–1187.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 1992 in 57 FR 42911, EPA proposed to approve the following rule into the California SIP: SDCAPCD Rule 61.0, Definitions Pertaining to the Storage and Handling of Organic Compounds. Rule 61.0 was adopted by SDCAPCD on November 16, 1990 and was submitted by CARB to EPA on April 5, 1991. This rule was submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas to fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for the above rule and nonattainment area is provided in the NPR cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPR cited above. EPA has found that the rule meets the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 57 FR 42911 and in technical support documents (TSDs) available at EPA's Region IX office (Technical Support Document for EPA's Notice of Proposed Rulemaking for the California SIP, SDCAPCD, Rule 61.0 dated July 22, 1992).

Response to Comments

A 30-day public comment period was provided in 57 FR 42911. EPA received no comments on Rule 61.0.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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

Regulatory Process

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 Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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

Dated: August 18, 1993.

John C. Wise,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended to read as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c) (183)(i)(A)(6) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(A) * * *

(*6*) Amended Rule 61.0, adopted on September 16, 1990.

* * * * *

[FR Doc. 93–22219 Filed 9–10–93; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 921185–3021; I.D. 090793A]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Prohibition of fishing; request for comments.

SUMMARY: NMFS is prohibiting directed fishing for groundfish in part of the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent overfishing Pacific ocean perch in the BS.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), September 7, 1993, through 12 midnight, A.l.t., December 31, 1993. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 28, 1993.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management specialist, Fisheries Management Division, Alaska Region, NMFS, 907 586–7228.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel), or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

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

Overfishing is defined at § 602.11(c)(1) to be a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce maximum sustainable yield on a continuing basis. The 1993 overfishing level for Pacific ocean perch in the BS is established by the Scientific and Statistical Committee of the Council as 3,750 metric tons (mt). The directed fishery for Pacific ocean perch in the BS was closed on April 26, 1993 (58 FR 25952, April 29, 1993). Retention of Pacific ocean perch in the BS was prohibited effective June 7, 1993 (58 FR 32615, June 11, 1993). Since that date, 241 mt of Pacific ocean perch has been taken, including 220 mt since August 15, 1993. The total harvest as of September 1, 1993 is estimated as 3,815 mt, which exceeds the established overfishing level.

NMFS has determined, in accordance with § 675.20(e), that an inseason adjustment is necessary to prevent overfishing of Pacific ocean perch, and that closing that closing all directed fisheries for groundfish in part of the BS is the least restrictive measure that will prevent overfishing of Pacific ocean perch. Therefore, NMFS is prohibiting directed fishing for groundfish in that portion of the BS that is bounded by straight lines connecting the following coordinates in the order listed:

Latitude	Longitude
59°25′ N	179°20′ W
58°45′ N	177°35′ W
58°45′ N	174°30′ W
57°00′ N	173°00′ W
56°24′ N	171°00′ W
55°00′ N	171°00′ W
55°00′ N	180°00′ W

then continuing directly north to the boundary of the EEZ and following the boundary of the EEZ to 59°25′ N latitude, 179°20′ W longitude.

This closure is effective from 12 noon, A.l.t., September 7, 1993, through 12 midnight, A.l.t., December 31, 1993.

Classification

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

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this notice is impracticable and contrary to the public interest. Without this prohibition of fishing, Pacific ocean perch in the BS will be overfished, jeopardizing the long-term capacity of that stock. Under § 675.20(b)(2), interested persons are invited to submit written comments on this action to the above address until September 28, 1993.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: September 7, 1993.

David S. Crestin,

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

[FR Doc. 93–22223 Filed 9–7–93; 5:01 p.m.]

BILLING CODE 3510–22–M

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 93–103–1]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to declare Belgium free of rinderpest and foot-and-mouth disease (FMD). There have been no outbreaks of FMD in Belgium since 1976, and we have determined that rinderpest has not existed there since 1920. We are also proposing to add Belgium to a list of countries that, although declared free of rinderpest and FMD, are subject to special restrictions on the importation of their meat and other animal products into the United States. This proposed revision would remove the prohibition on the importation into the United States, from Belgium, of ruminants and fresh, chilled, and frozen meat from ruminants, and would relieve restrictions on the importation, from Belgium, of milk and milk products from ruminants.

Belgium is not declared to be free of hog cholera and swine vesicular disease. Therefore, even if this proposal is adopted, the importation from Belgium of swine and fresh, chilled, and frozen meat from swine would continue to be restricted because of these diseases. We are also proposing to add Belgium to the list of countries from which the importation into the United States of llamas and alpacas is restricted.

DATES: Consideration will be given only to comments received on or before October 13, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–103–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead (202–690–2817) to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Marolo Garcia, Senior Staff Veterinarian, National Center for Import and Export, VS, APHIS, USDA, room 757, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7830.

SUPPLEMENTARY INFORMATION:

Background

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

Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all countries of the world except those listed in § 94.1(a)(2), which are declared to be free of both diseases. We are proposing to add Belgium to that list.

We will consider declaring a country to be free of rinderpest and FMD if there have been no reported cases of the diseases in that country for at least the previous 1-year period and no vaccinations for rinderpest or FMD have been administered to swine or ruminants in that country for at least the previous 1-year period. In the case of Belgium, rinderpest has not occurred since 1920, there have been no outbreaks of FMD since 1976, and vaccinations for FMD were discontinued in 1991.

Belgium has applied to the U.S. Department of Agriculture (USDA) to be recognized as free of rinderpest and FMD. The Animal and Plant Health Inspection Service (APHIS) has reviewed the documentation submitted by the government of Belgium in support of its request. In addition, a team of APHIS officials recently conducted an on-site evaluation of the animal health program in Belgium in regard to the FMD situation in that country. The evaluation consisted of a review of the capability of Belgium's veterinary services, laboratory and diagnostic procedures, vaccination practices, and the administration of laws and regulations to ensure against the introduction of FMD into Belgium through the importation of animals, meat, animal products, and garbage. The APHIS officials conducting the on-site evaluation concluded that Belgium is free of FMD. Details concerning the on-site evaluation are available upon written request from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Based on the information discussed above, we believe that Belgium qualifies for listing in § 94.1(a)(2) of the regulations as a country declared free of rinderpest and FMD. This action would remove the prohibition on the importation, from Belgium, of ruminants and fresh, chilled, and frozen meat from ruminants, and would relieve restrictions on the importation, from Belgium, of milk and milk products from ruminants. Importations, from Belgium, of swine and fresh, chilled, or frozen meat from swine would continue to be restricted under 9 CFR part 94 because Belgium has not been declared free of hog cholera and SVD.

Special Restrictions

We also propose to add Belgium to the list in § 94.11(a) of countries declared to be free of rinderpest and FMD that are subject to special restrictions on the importation of their meat and other animal products into the United States. The countries listed in § 94.11(a) are subject to these special restrictions because they:

1. Supplement their national meat supply by importing fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in § 94.1(a) as infected with rinderpest or FMD;
2. Have a common land border with countries designated as infected with rinderpest or FMD; or
3. Import ruminants or swine from countries designated as infected with

rinderpest or FMD under conditions less restrictive than would be acceptable for importation into the United States.

Belgium supplements its national meat supply by the importation of fresh, chilled, and frozen meat of ruminants and swine from countries designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists. As a result, even though Belgium appears to qualify for designation as a country free of rinderpest and FMD, the meat and other animal products produced in Belgium may be commingled with the fresh, chilled, or frozen meat of animals from a country in which rinderpest and FMD exists, resulting in an undue risk of introducing rinderpest or FMD into the United States. Additionally, Belgium has common land borders with Germany and Luxembourg, which are designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists.

Therefore, we are proposing that meat and other animal products of ruminants and swine, and the ship stores, airplane meals, and baggage containing these meat or animal products imported into the United States from Belgium be subject to the restrictions specified in § 94.11 of the regulations, in addition to other applicable requirements of title 9, chapter III. The special restrictions placed on meat and meat products of ruminants and swine in § 94.11 generally require that the meat be:

1. Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and

2. Accompanied by an additional certificate, issued by an animal health official of the national government of the country declared free of the disease, assuring that the meat and meat products have not been commingled with or exposed to meat or other meat products originating in, imported from, or transported through a country infected with rinderpest or FMD, and are otherwise handled in accordance with the requirements of § 94.11.

We also propose to add Belgium to the list in § 94.1(d)(1) of countries in which rinderpest or FMD has been known to exist and that were declared free of rinderpest and FMD on or after September 28, 1990. All countries in which rinderpest or FMD has been known to exist and that were declared free of rinderpest and FMD on or after September 28, 1990, must be added to this list. Adding Belgium to this list would restrict the importation or entry of llamas and alpacas from Belgium into the United States, unless in accordance with 9 CFR 92.435.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule, if adopted, would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

This proposed rule, if adopted, would add Belgium to the list in part 94 of countries declared to be free of rinderpest and FMD. This action would remove the prohibition on the importation into the United States, from Belgium, of ruminants and fresh, chilled, and frozen meat from ruminants, and would relieve restrictions on the importation, from Belgium, of milk and milk products from ruminants. This action would not relieve restrictions on the importation of live swine and fresh, chilled, and frozen meat of swine from Belgium because Belgium is still considered to be affected with hog cholera and SVD.

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

The value of total U.S. imports of cattle in 1991 was $951.6 million, and the value of total U.S. imports of sheep in 1991 was about $1.6 million. The United States did not import any cattle or sheep from Belgium during 1991. In fact, no cattle or sheep were imported into the United States from any country in Western Europe during 1991 (USDA, Economic Research Service [ERS], "Foreign Agricultural Trade of the United States: Calendar Year 1991 Supplement," 1992). Western Europe is not a source of ruminants for the United States; any increase in the import of ruminants from Belgium as a result of this rule would have a negligible impact on existing trade patterns.

Currently, due to APHIS restrictions, the United States does not import uncooked meat or meat products from Belgium. In 1991, total meat production in the United States (excluding pork) was just under 10.7 million metric tons, while total meat production in Belgium (excluding pork) was 385,000 metric tons, less than four percent of United States production. It is improbable that Belgium would begin to export any significant portion of its meat products to the United States as a result of this rule. Therefore, we estimate that the effect of this rule on domestic meat prices or supplies would be insignificant.

Similarly, we do not anticipate a major increase in exports of milk and milk products from Belgium into the United States as a result of this proposed rule. Importation into the United States of all dairy products, except for casein and other caseinates, is restricted by quotas. Furthermore, while the United States imports more than half of the casein produced in the world and the regulations allow casein and other caseinates to be imported from countries where rinderpest or FMD exists (if the importer has applied for and obtained written permission from the Administrator), Belgium does not currently export casein to the United States. Consequently, we believe that declaring Belgium free of rinderpest and FMD will have no significant effect on the amount of casein imported into the United States.

The effect of declaring Belgium free of rinderpest and FMD on the trade in bovine embryos and semen would also be minimal. The United States is a net exporter of bovine embryos and semen; in 1991, the value of bovine embryo and semen exports totalled to $46.5 million and 10.2 million, respectively, while imports amounted to only $2.7 million and $89,000, respectively. Though similar trade data was not available for Belgium, we believe that due to the relatively small size of the Belgium market, any increase in the export of bovine embryos and semen from Belgium would have a minimal impact on the United States market.

Five United States importers, all of whom are considered small entities by Small Business Administration standards (they have fewer than 100 employees), have expressed interest in importing bovine embryos and semen from Belgium. APHIS expects the value of the anticipated imports to be minimal in comparison to the domestic production of these entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has

determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 94

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

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

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

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

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

§ 94.1 [Amended]

2. Section 94.1, paragraph (a)(2), would be amended by adding "Belgium," immediately after "Barbados,".

3. Section 94.1, paragraph (d)(1), would be amended by adding "Belgium," immediately before "Chile,".

§ 94.11 [Amended]

4. In § 94.11, paragraph (a), the first sentence would be amended by adding "Belgium," immediately after "The Bahamas,".

Done in Washington, DC, this 7th day of September 1993.

Patricia A. Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–22300 Filed 9–10–93; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 620

RIN 3052–AB37

Disclosure to Shareholders

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA), by the Farm Credit Administration Board (Board), proposes to amend the regulation regarding the association annual meeting information statement and the process for nominating candidates for association director positions. The FCA Board is proposing to amend the regulation in order to clarify disclosure requirements for floor nominees, including the procedure to be followed when annual meetings are held in more than one session, or when shareholders vote by mail. The proposed regulation permits nominations from the floor at any session of the annual meeting if mail balloting is utilized. If the director election is to be conducted by mail balloting, the proposed regulation permits persons nominated from the floor to provide the required written disclosures for mailing with the ballot.

DATES: Comments must be submitted on or before October 13, 1993.

ADDRESSES: Comments should be mailed or delivered (in triplicate) to Patricia W. DiMuzio, Division Director, Regulation Development Division, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090. Copies of all comments will be available for examination by interested parties in the Regulation Development Division, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, or

James M. Morris, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: Section 620.21 describes the required contents of the association annual meeting information statement and identifies the information that candidates for the director positions must disclose. Section 620.21(d)(3) requires that the information statement state that nominations from the floor must be made at the first sectional meeting if an association's annual meeting is held in consecutive sectional meetings. Sections 620.21 (d)(5) and (d)(6) require that persons nominated from the floor provide certain written disclosure at the meeting(s) at which the nominations are considered.

The FCA Board is proposing to amend the regulation in order to clarify the process and the disclosure requirements for floor nominees, including the procedure to be followed when annual meetings are held in more than one session or when shareholders vote by mail. The FCA believes that changing the regulation to allow nominations at any session of an association annual meeting when mail balloting is utilized will provide more opportunity for members to nominate candidates from the floor without any significant inconvenience to management or other nominees. The proposed regulation would require that a floor nominee provide, prior to the balloting, the written disclosure that would be required if the nominee were an incumbent director. If shareholders vote by mail ballot, the proposed regulation would permit persons nominated from the floor to provide this written disclosure with the ballot mailing to members. Section 620.21(d)(1) would be revised to eliminate ambiguity and to make it clear that any nominee from the floor must meet the same eligibility criteria as any other nominee.

Comments are sought on § 620.21 (d)(1), (d)(3), (d)(5), and (d)(6).

List of Subjects in 12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, part 620 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 620—DISCLOSURE TO SHAREHOLDERS

1. The authority citation for part 620 continues to read as follows:

Authority: Secs. 5.17, 5.19, 8.11 of the Farm Credit Act; 12 U.S.C. 2252, 2254, 2279aa–11; sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

Subpart D—Association Annual Meeting Information Statement

2. Section 620.21 is amended by revising the heading and paragraphs (d)(1), (d)(3), (d)(5), and (d)(6) to read as follows:

§ 620.21 Contents of the information statement and other information to be furnished in connection with the annual meeting.

(d) * * *

(1) If directors are nominated by region, describe the regions and state the number of voting shareholders entitled to vote in each region. Any nominee from the floor must be an eligible candidate for the director position for which the person has been nominated.

* * * * *

(3) If the annual meeting is to be held in sessions and mail balloting will be conducted upon the conclusion of all sessions, state that nominations from the floor may be made at any session. If shareholders will not vote by mail ballot upon conclusion of all sessions, state that nominations from the floor must be made at the first session.

* * * * *

(5) For each nominee who is not an incumbent director, except a nominee from the floor, provide the information referred to in § 620.5 (j) and (k) and § 620.21(d)(4). If shareholders will vote by mail ballot upon conclusion of all sessions, each floor nominee must provide the information referred to in § 620.5 (j) and (k) and § 620.21(d)(4) in writing to the association within 10 days of the nomination. The association shall ensure that the information is distributed to the voting shareholders with the mailing of the ballots for the election of directors in the same format as the comparable information contained in the association's annual meeting information statement. If shareholders will not vote by mail ballot, each floor nominee must provide the information referred to in § 620.5 (j) and (k) and § 620.21(d)(4) in writing at the first session at which voting is held.

(6) No person may be a nominee for director who does not make the disclosures required by this subpart.

* * * * *

Dated: September 8, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–22333 Filed 9–10–93; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–133–AD]

Airworthiness Directives; Airbus Industrie Model A300, A310, and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A300, A310, and A300–600 series airplanes. This proposal would require inspections to detect missing fasteners, cracked fitting angles, and elongated fastener holes in certain frames, and correction of discrepancies. This proposal is prompted by discrepancies found at the fitting angles on the frame at which a certain electronic rack is attached. The actions specified by the proposed AD are intended to prevent damage propagation that could lead to failure of the rack-to-structure attachment points, which could subsequently result in loss of airplane systems, structural damage, and possible electrical arcing.

DATES: Comments must be received by November 8, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–133–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Pont Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–133–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–133–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Airbus Model A300, A310, and A300–600 series airplanes. The DGAC advises that, during routine maintenance, various discrepancies were found on three airplanes at the fitting angles on frame 16 at the lower attachments of electric rack 101VU. These discrepancies included missing fasteners, elongated fastener holes, and cracks. The cause of these discrepancies is unknown at this time. Discrepancies such as those found in the subject area, if not detected and corrected in a timely manner, could lead to failure of the attachment points to secure the electric rack to the adjacent structure. This condition could result in loss of airplane systems, structural damage, and possible electrical arcing.

Airbus Industrie has issued All Operator Telex (AOT) 53–03, Revision 3, dated December 23, 1992, that

describes procedures for a conducting detailed visual inspections of the right- and left-hand lower attachments of electric rack 101VU, including the crossbeams at frames 15A and 16, to detect any missing fasteners, cracked fitting angles, or elongated fastener holes. This AOT also describes procedures and recommends a schedule for replacing any discrepant parts identified during the inspection. The DGAC classified this AOT (and its previous versions) as mandatory and issued French Airworthiness Directive 92–253–138(B), dated November 25, 1992, in order to assure the continued airworthiness of these airplanes in France.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive detailed visual inspections of the right- and left-hand lower attachments of electric rack 101VU, including the crossbeams at frames 15A and 16, to detect any missing fasteners, cracked fitting angles, or elongated fastener holes. Any discrepancies detected, would be required to be corrected. The actions would be required to be accomplished in accordance with the AOT described previously.

This is considered to be interim action. Airbus Industrie currently is developing a modification that is intended to eliminate the type of damage problems that have occurred in the subject area. When this modification is developed, approved, and available, the FAA may consider further rulemaking.

The FAA estimates that 78 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,290, or $55 per airplane, per inspection cycle. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 93–NM–133–AD.

Applicability: All Model A300, A310, and A300–600 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the rack-to-structure attachment points, which could subsequently result in loss of airplane systems, structural damage, and possible electrical arcing, accomplish the following:

(a) Prior to the accumulation of 8,000 total flight cycles, or within 50 flight cycles after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 850 flight cycles; perform a detailed visual inspection of the right- and left-hand lower attachments of electronic rack 101VU, including the crossbeams at frames 15A and 16, to detect missing fasteners, cracked fitting angles, or elongated fastener holes, in accordance with Airbus Industrie All Operator Telex (AOT) 53–03, Revision 3, dated December 23, 1992.

(b) If any missing fasteners, cracked fitting angles, or elongated fastener holes are found during any inspection required by paragraph (a) of this AD, prior to further flight, correct the discrepancy in accordance with the procedure specified in paragraph A., B., C., or D., as applicable, of Airbus AOT 53–03, Revision 3, dated December 23, 1992. After replacement of any discrepant part, continue to inspect in accordance with paragraph (a) of this AD at intervals not to exceed 850 flight cycles.

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

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

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

Issued in Renton, Washington, on September 7, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–22258 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 93–NM–136–AD]

Airworthiness Directives; Beech Model 400A and 400T Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech Model 400A and 400T airplanes. This proposal would require inspection of the rivets in the escape hatch substructure to verify that the proper rivets are installed, and replacement of the incorrect rivets with new rivets or fasteners. This proposal is prompted by the discovery that, during production, incorrect rivets may have been installed in the escape hatch substructure. The actions specified by the proposed AD are intended to prevent reduced structural capability of the airframe.

DATES: Comments must be received by November 8, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–136–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Larry Engler, Aerospace Engineer, Propulsion Branch, ACE–140W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; fax (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 shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–136–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–136–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The manufacturer has discovered that, during production of certain Beech Model 400A and 400T airplanes, eight incorrect rivets, part number (P/N) MS20470AD5, may have been installed in the escape hatch substructure of these airplanes. Structural analysis of the incorrect rivets indicates that their use may impair the adjacent aircraft structure from sustaining the required ultimate loads. This condition, if not corrected, could result in reduced structural capability of the airframe. Such reduced structural capability may lead to fatigue of the substructure, structural failure of the airframe, and subsequent decompression of the airplane.

The FAA has reviewed and approved Beechcraft Service Bulletin 2509, dated July 1993, that describes procedures for a one-time inspection of the rivets in the escape hatch substructure to verify that the proper rivets are installed, and replacement of the incorrect rivets with new rivets or fasteners.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time inspection of the rivets in the escape hatch substructure to verify that the proper fasteners are installed, and replacement of the incorrect rivets with new rivets or fasteners. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 94 Beech Model 400A and 400T airplanes of the affected design in the worldwide fleet. The FAA estimates that 78 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $400 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $65,520, or $840 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Beech Aircraft Corporation: Docket 93–NM–136–AD.

Applicability: Model 400A airplanes having serial numbers RK–1 through RK–57 inclusive, RK–59, RK–60, and RK–62 through RK–66 inclusive; and Model 400T airplanes having serial numbers TT–02 through TT–30 inclusive, and TT–32; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural capability of the airframe, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, inspect the rivets in the escape hatch substructure to verify that the proper rivets are installed in accordance with Beechcraft Service Bulletin 2509, dated July 1993.

(1) If the rivet has part number (P/N) MS20470E6, no further action is required by this AD.

(2) If the rivet does not have P/N MS20470E6, prior to further flight, replace the rivet with a new Cherry Max rivet or a HI–LOK fastener, in accordance with Beechcraft Service Bulletin 2509, dated July 1993.

(b) As of the effective date of this AD, no person shall install rivet, P/N MS20470AD5, in the location shown in Figure 1 of Beechcraft Service Bulletin 2509, dated July 1993, on any airplane.

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

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

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

Issued in Renton, Washington, on September 7, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–22259 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN12–1–5557; FRL–4728–3]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: On May 29, 1992, the Minnesota Pollution Control Agency (MPCA) submitted proposed revisions to its State Implementation Plan for sulfur dioxide (SO_2). In the proposed revisions, MPCA is attempting to demonstrate attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for SO_2 as required by sections 110 and 172 of the Clean Air Act. The submittal consists of Administrative Orders representing five facilities in Air Quality Control Region 131. This region contains the Minneapolis/St. Paul Metropolitan area. The facilities are FMC Corporation and U.S. Navy; Federal Hoffman, Incorporated; GAF Building Materials Corporation; Minneapolis Energy Center, Incorporated; and Northern States Power Company. In today's action, USEPA is proposing to disapprove the State's submittal based on enforceability and attainment demonstration concerns. Assuming no other substantive, adverse public comments are received, the USEPA will proceed with a final approval of the submittal when the MPCA addresses the concerns detailed in this document and submits the Administrative Orders to USEPA before the end of the 30-day comment period. If the concerns are not adequately addressed before that time, USEPA will finalize the disapproval.

DATES: Comments on this requested revision and on the proposed USEPA action must be received by Ocotber 13, 1993.

ADDRESSES: Copies of the SIP revision request and USEPA's analysis are available for inspection at the following address: (It is recommended that you telephone Randy Robinson at (312) 353–6713, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Randy Robinson, Regulation Development Section, Air Enforcement Branch, U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353–6713.

SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

On May 29, 1992, the Minnesota Pollution Control Agency (MPCA) submitted to the United States Environmental Protection Agency (USEPA) revisions to the State Implementation Plan (SIP) for sulfur dioxide (SO_2) in Air Quality Control Region (AQCR) 131. The seven county metropolitan area (AQCR 131) has been designated, by the USEPA, as nonattainment for SO_2 (40 CFR 81.324). The submittal is intended to demonstrate attainment of the National Ambient Air Quality Standards (NAAQS) for SO_2 in AQCR 131, excluding an area surrounding the SO_2 emission sources at Ashland Petroleum Company, and an area surrounding the SO_2 emission sources at Koch Refining Company, Koch's Sulfuric Acid Unit Plant, Northern States Power Company-Inver Hills, and Continental Nitrogen and Resources Corporation (hereinafter "Ashland and Pine Bend" areas). These areas will be addressed in separate **Federal Register** (FR) notices. The demonstration consists of Administrative Orders, including modeling analyses, for the following facilities: Federal-Hoffman, Incorporated, Minneapolis Energy Center, Inc., Northern States Power Company, FMC Corporation and U.S. Navy, and GAF Building Materials Corporation.

Background

The USEPA published the designation of AQCR 131 as a primary nonattainment area for SO_2 on March 3, 1978 (43 FR 8962). The MPCA submitted a final SO_2 plan on August 4, 1980. USEPA published its final rule approving and promulgating the Minnesota Part D SIP for SO_2 for AQCR 131 on April 8, 1981 (46 FR 20997). The MPCA submitted a request for the redesignation to attainment of AQCR 131, except for the Pine Bend area of Dakota County, on September 2, 1983. The redesignation request was based in part on permits. Following the MPCA's request for redesignation to attainment, the USEPA requested revisions be made to the permits. Also, the Stack Height Rule, promulgated by USEPA on July 8, 1985, required further State analysis of

stack height credit and dispersion techniques.

On September 10, 1987, the MPCA submitted revisions to the operating permits for five sources and requested redesignation to SO_2 attainment for all of AQCR 131 except the Pine Bend and Ashland areas. The revised permits were for GAF Building Materials Corporation, Minneapolis Energy Center, Inc., Northern States Power Co., FMC Corporation and U.S. Navy, and Federal Hoffman, Inc. A notice of final rulemaking was never published regarding the redesignation request.

The current SO_2 SIP revision, although a continuation of the 1987 submittal, is a complete submittal and includes computer modeling and federally enforceable, permanent control measures in the form of rules and Administrative Orders. Instead of the permits submitted previously, the MPCA is now submitting non-expiring Administrative Orders that purport to satisfy all of the Clean Air Act requirements for nonattainment areas.

Attainment Demonstration Review

This section will provide a general description of the State submittal followed by USEPA's review of the attainment demonstration, including modeling specifics of the Administrative Orders for each of the five SO_2 sources noted above.

Description of State Emission Inventory

The emission limits in the submittal are included in the Administrative Orders issued by the State. The orders clearly identify the limits which apply to each source. In four of the orders, specific emission limits and operating capacities apply to each emission unit. However, for the Minneapolis Energy Center, a "total facility emission limit" has been applied to account for various operating scenarios. The individual emission limits are expressed in terms of pounds of sulfur dioxide per million British Thermal Units (lbs of SO_2/mmBTU), while the operating limits are expressed in mmBTU's per hour. The facility wide limit for Minneapolis Energy Center is expressed in pounds of sulfur dioxide per hour.

Most of the sources accounted for in the emission inventory are boilers. Two facilities also included emergency generators, and one facility included fluid heaters. All of the sources in the emission inventory were modeled as point sources. Any sources not explicitly modeled were included in a background concentration which was added to the predicted model concentration.

Description of State General Modeling Methodology

The dispersion modeling conducted for the five Administrative Orders in this submittal was performed using the Industrial Source Complex Short-term (ISCST) model (version 90346). The analysis generally followed USEPA guidelines as noted in the "Guideline on Air Quality Models (Revised)", including Supplement A (1987). The modeling incorporated five years of surface meteorological data from Minneapolis/St. Paul and associated upper air data from St. Cloud, Minnesota. The modeling was performed using the regulatory default option and urban dispersion coefficients. The SO_2 impacts were calculated at receptors with 100 meter resolution at identified hotspots.

The State is relying on the long-term impacts calculated in the original 1987 submittal to demonstrate attainment with the annual SO_2 standard. That demonstration used the Climatologic Dispersion Model (CDM 2.0), which is the preferred model for predicting long-term concentrations in urban, multiple source areas.

The MPCA air dispersion modeling is adequate based on current stack height regulations. Stack height credit for the purpose of establishing an emission limitation is restricted to the lesser of actual or good engineering practice (GEP) formula height (40 CFR 51.100(hh)(2)(v)). In the August 4, 1989, **Federal Register** notice (54 FR 32073), USEPA approved Minnesota's determination that no emission limitations, with the exception of Koch Refining and Ashland Petroleum, needed to be revised at that time. Two sources, Northern States Power-High Bridge and Northern States Power-Black Dog, were not included in the notice because they were affected by the January 22, 1988, U.S. D.C. Court of Appeals stack height regulations remand. This remand resulted from a challenge to the stack height regulations presented in *NRDC* v. *Thomas*, 838 F.2d 1224 (DC Cir. 1988). The remand required USEPA to reconsider three provisions. These are:

1. Grandfathering pre-October 11, 1983, within-formula stack height increases from demonstration requirements.

2. Dispersion credit for sources originally designed and constructed with merged or multiflue stacks; and

3. Grandfathering pre-1979 use of the refined H+1.5L formula.

The sources, NSP-Black Dog and NSP-High Bridge, are not included in the Administrative Orders, but are included in the modeling. If USEPA's response to the remand modifies the July 8, 1985, regulations, the USEPA will notify the State that its rules must be changed to comport with the modified requirements. This may result in the State being required to revise its Administrative Orders to account for revised emission limitations or it may affect future actions taken by the MPCA and source owners or operators.

Section 110(a)(2) of the Clean Air Act requires that the Minnesota SIP prohibit emissions which would prevent attainment or maintenance of the NAAQS in any other State. The Wisconsin border is approximately 40 kilometers (km) to the east of the sources included in this attainment demonstration. For each source which was explicitly modeled in this submittal, attainment in the adjacent state was demonstrated through the use of percent of standard isopleth graphs. These graphs showed either decreasing or steady concentration gradients in the direction of the adjacent State and demonstrated that SO_2 emissions allowed in Minnesota would not prevent attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) in Wisconsin.

Background concentrations were included to account for SO_2 sources not modeled. The MPCA utilized two methods to determine a representative background concentration. The first method involved 1984 Pine Bend monitor data. In this method the MPCA analyzed wind direction and used the monitor with the smallest maximum 1-hour concentration for each degree of wind direction. These maximum 1-hour concentrations were then averaged together, giving a background value of 8 $\mu g/m^3$. The second method used 1984 NSP-Sherco monitor data. The State concluded that the unmodeled sources in AQCR–131 contribute 8 $\mu g/m^3$ to the 24-hour and 3-hour, average concentrations. Growth margins of 30.8 $\mu g/m^3$ and 8.7 $\mu g/m^3$ were also added to the 3-hour and 24-hour average concentrations, respectively.

The State did not use the most recent version of the Industrial Source Complex model, known as ISC2. The MPCA had completed most of the modeling to determine appropriate SIP limits before the ISC2 model was released. Consequently, MPCA's use of the ISCST version 90346 model is acceptable for this particular submittal. Future modeling of the AQCR 131 area will need to be conducted using the ISC2 model.

Source Specifics

This section discusses the emission limits, and compliance methodology applicable to each source. Also, for each source, USEPA has provided comments discussing deficiencies that the MPCA must adequately address before USEPA can proceed with a final approval. A more detailed discussion of each specific Administrative Order and the attainment demonstration is included in the technical support document.

Federal Hoffman, Inc.

At the Federal Hoffman, Inc., (FHI) facility, five units emit SO_2. Two of the units are boilers and three are diesel generators. The Administrative Order limits one of the boilers to combusting only natural gas. The other boiler has #6 residual fuel oil available as backup with a corresponding fuel quality limit of 2.0 lbs of SO_2/mmBTU. In addition, it may not operate at greater than the rated heat input of 33 mmBTU per hour. The three diesel generators are limited to no more than 0.50 lbs of SO_2/mmBtu. Also, residual fuel usage may not exceed 2500 gallons per day.

FHI shall demonstrate compliance with the limits in the Administrative Order by determining fuel oil sulfur content and heating value by sampling and analyzing the residual fuel oil. FHI may demonstrate compliance with the No. 2 diesel fuel sulfur content and heating value by either sampling and analyzing the fuel oil, or by obtaining and maintaining a fuel supplier certification for each shipment of distillate fuel oil delivered to the facility.

The highest, second-highest modeled concentrations, plus background and growth allowances, do not exceed the NAAQS for SO_2.

Comments

1. The Administrative Order does not include a formula to determine compliance with the emission limit based on recorded data including the weight percent of the sulfur in the fuel oil, the heating value of the fuel, and the fuel usage on a daily basis. An approvable formula must be included in the Administrative Order.

2. The Administrative Order limits Emission Points Nos. 82, 83, and 84 to no more than 0.50 lbs of SO_2/mmBTU. It is not clear if the limit applies to each emission point or if it applies to the group. This must be made clear in the Administrative Order.

3. Part of the demonstration of compliance with emission and operating limits involves obtaining and maintaining a fuel supplier certification. The Administrative Order states that the certification must include the method used to determine that sulfur content of the fuel oil. It must be made clear that the method used must be an approved American Society for Testing and Materials (ASTM) method as listed in 40 CFR part 60, appendix A, method 19, section 5.2.2.

FMC Corporation (including US Navy facilities)

The FMC Corporation and US Navy (FMC) facility, which in the modeling encompassed the Naval Industrial Reserve Ordnance Plan adjacent to FMC, has 17 emission units that discharge SO_2 into the atmosphere. The units include 13 boilers capable of burning natural gas, residual oil, distillate oil, liquid propane, waste oil and de minimis waste solvents. All 17 boilers are to be replaced by three boilers, two of which are to burn natural gas or distillate oil, and the third of which is to burn natural gas, residual oil, liquid propane, waste oil, or de minimis waste solvents. These three boilers are to be operational by December 31, 1993.

The existing boilers numbered 1–13 are limited to 2.0 lbs of SO_2/mmBTU. Boilers 14–17 are authorized to burn only natural gas and liquid propane. The three new boilers are limited to no more than 0.5 pounds of SO_2/mmBTU. Boilers 1–13 are limited to fuel oil with a maximum sulfur content of 1.90 percent by weight. The three new boilers are limited to burning distillate oil with a maximum sulfur content of 0.4 percent by weight.

The Administrative Order requires the FMC facility to demonstrate compliance by obtaining and maintaining a fuel supplier certification from the fuel supplier for each shipment delivered to the facility, or by sampling and analyzing fuel in accordance with approved test methods whenever a tank is filled. It must also sample and analyze fuel oil with petroleum derived waste oil and de minimis waste solvents for sulfur content and heating value.

The modeling demonstration analyzed the impact from the existing boilers as well as from the new boilers. The results showed that when the existing and new replacement boilers were operating at full capacity, the predicted concentrations were below the NAAQS for SO_2.

The FMC Corporation and U.S. Navy Administrative Order was amended on March 5, 1993. The amendment made minor changes to the order by adding distillate oil to the list of allowable fuel types for boilers 1–13, by adding the diesel generators to Exhibit 1, and by renumbering the 3 new boilers and carrying the changes through in the text. The USEPA considers these Administrative Order changes to be part of this notice of proposed rulemaking.

Comments

1. A formula must be included in the order to determine compliance with the emission limit using the recorded data. The formula must include percent sulfur, heating value, and fuel oil usage.

2. The Administrative Order also requires the facility to obtain the sulfur content and heating value of fuel containing waste oil and de minimis waste solvent by analyzing the samples monthly. The USEPA requests that these analyses be conducted on a more frequent basis (daily or weekly) in order to demonstrate compliance and provide for protection of the short term NAAQS. In addition, the sampling must be done at the inlet to each boiler.

3. Part of the demonstration of compliance with emission and operating limits involves obtaining and maintaining a fuel supplier certification. The Administrative Order states that the certification must include the method used to determine the sulfur content of the fuel oil. It must be made clear that the method used must be an approved ASTM method as listed in 40 CFR part 60, appendix A, method 19, section 5.2.2.

Northern States Power

At Northern States Power-Riverside (NSP), there are three boilers which emit sulfur dioxide. The company is authorized to burn natural gas, distillate fuel oil, coal, petroleum coke, petroleum derived waste oil and other nonhazardous waste substances in the three boilers. A recent NSP submittal for NSP Riverside involves proposed emission limits with and without a scrubber (spray dryer absorber) on two of the three boilers. The implementation of a scrubber effects stack parameters and downwash.

The order limits emissions of SO_2 from the boilers #6 and #7 to no more than 0.83 lbs of SO_2/mmBTU on a 3-hour average when the spray dryer absorber is in operation, and no more than 713 pounds per hour of SO_2 on a 3-hour average for all three boilers. The order limits emissions of SO_2 from boilers #6 and #7 to no more than 1.08 lbs of SO_2/mmBTU on a 3-hour average while the spray dryer absorber is not in operation, and no more than 855 pounds per hour of SO_2 on a 3-hour average. The maximum heat input with a scrubber for the two boilers is 860 mmBTU; the maximum heat input

without a scrubber for the two boilers is 792 mmBTU.

The modeling used to determine the emission limits for NSP included several sources which were given credit for stack heights above the de minimis GEP level of 65 meters. These sources are:

NSP—Black Dog with a formula stack height of 115.4 meters.
NSP—High Bridge with a formula stack height of 130.1 meters.
NSP—King with an actual stack height of 239.3 meters.
NSP—Riverside, boilers 6 and 7 with an actual stack height of 74.1 meters.
NSP—Riverside, boiler 8 with an actual stack height of 144.6 meters.

It was determined that the three Riverside stacks and the King stack were in existence prior to December 31, 1970, and are eligible to receive credit for their actual stack height. As mentioned earlier, the Black Dog and High Bridge stacks are affected by the current federal circuit court stack height remand. Consequently, the modeling may have to be revisited depending on the results of that remand.

The Administrative Order requires NSP to demonstrate compliance by obtaining the sulfur content and heating value of petroleum derived waste oil and other nonhazardous waste substances by sampling and analyzing each shipment of fuel. It must maintain, calibrate, and operate the existing continuous monitoring systems for measuring sulfur dioxide from boilers #6, #7, and #8, and record the output of the systems.

The modeling utilized source groups to examine various operating scenarios. The scenarios represent different emission limits reflecting operations with and without scrubbing at units #6 and #7. The modeling showed that the NAAQS for SO_2 were not exceeded when any of the various scenarios were analyzed.

Comments

1. There is no formula explicitly mentioned to calculate SO_2 emissions based on the sulfur content and heating value of the fuel. An approvable formula must be included in the Administrative Order.

2. Emissions from emission point #3 are limited to no more than 2.5 lbs of SO_2/mmBTU on an annual average basis. In order to determine compliance, annual limits need to be based on a 365-day average, rolling daily. The Administrative Order must state how compliance is to be determined for this limit.

3. Exhibit 2, E. 1. of the Administrative Order must be entitled "Sources not subject to New Source Performance Standards." Also, in cases where test conditions are to be specified, they may be specified by the MPCA and/or the USEPA. This must be reflected in the administrative order.

4. Section III, B. of the Administrative Order, must read "shall obtain a permit amendment if required by state or federal regulation."

5. In Exhibit 2, E.1.a.1 and 2 of the Administrative Order, the operating capacities are to be specified by the MPCA. The operating capacities may also be specified by the USEPA. This must be reflected in the Administrative Order.

GAF Corporation

The GAF Building Material Corporation (GAF) has three emission units at the facility: two boilers, an afterburner which controls emissions from a blow still, and two fluid heaters. The primary fuel for all the emission units is natural gas, with #6 fuel oil (with or without knockout oil) as backup. The Administrative Order states that the sulfur content of the #6 fuel oil, asphalt and knockout oil shall not exceed 1.5 percent by weight. The limit on emissions of sulfur dioxide from these five emission points is no more than 1.5 lbs of SO_2/mmBTU per emission point. The emission units may operate at full rated heat input, but not greater than the full rated heat input.

The Administrative Order states that the company shall demonstrate compliance by obtaining and maintaining a #6 fuel oil supplier certification and an asphalt supplier certification from the fuel oil and asphalt suppliers for each shipment of fuel oil and asphalt delivered to the facility. Also, the company shall measure the total gallons of knockout oil and #6 fuel oil burned at each emission unit, as well as sample and analyze the knockout oil for sulfur content and heating value.

The modeling demonstration showed that the final concentrations did not exceed the NAAQS. These final concentrations reflect GAF sources, all regional sources, background, and future growth.

Comments

1. A formula is not included to calculate emissions from percent sulfur and heating value data. An approvable formula must be included in the order.

2. The order requires that the method used to determine the sulfur content of asphalt be included in the certification. The asphalt sulfur method must be identified in the Administrative Order.

3. An additional enforcement concern regards the testing of the knockout oil on a monthly basis. Daily or weekly testing of the mixture of fuel oil and knockout oil must be conducted at the inlet of the boiler, to provide for continuous compliance and for protection of the short-term NAAQS.

4. Part of the demonstration of compliance with emission and operating limits involves obtaining and maintaining a fuel supplier certification. The Administrative Order states that the certification must include the method used to determine the sulfur content of the fuel oil. It must be made clear that the method used must be an approved ASTM method as listed in CFR part 60, appendix A, method 19, section 5.2.2.

Minneapolis Energy Center, Incorporated

The Minneapolis Energy Center (MEC) contains three facilities which emit sulfur dioxide into the atmosphere. Those facilities are: (1) The Minneapolis Energy Center Main Plant which contains four boilers and one emergency diesel generator; (2) the Baker Boiler Plant which contains three boilers; and (3) the Soo Line Boiler Plant which contains three boilers. The MEC Main Plant boilers can operate on natural gas, distillate oil, or residual oil. The emergency generator operates on distillate fuel oil. The Baker and Soo Boiler Plants can operate on natural gas, or distillate oil. Unlike the other Administrative Orders submitted with this revision, the MEC order incorporates "total facility emission limits" in addition to specific source limits. The total facility emission limits are as follows:

	Main plant boilers				Baker plant boilers			Soo line boilers	3-hour	24-hour	Annual
	1	2	3	4	1	5	6	1–3			
A	X	X	X	X	....	....	....	.....	510	404	N/A
B	X	X	X	X	....	....	X	X	466	393	N/A
C	X	X	X	X	X	....	X	X	460	359	N/A
D	X	X	X	X	X	X	X	.....	447	298	N/A
E	X	X	X	X	X	X	X	X	447	278	142

A=applies when any one or more of the four boilers at the Main Plant are operating on oil and none of the six boilers at the Baker Boiler Plant and Soo Line Boiler Plant are operating on oil.

B=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler No. 6 at the Baker Boiler Plant; and (3) one or more of the three boilers at the Soo Line Boiler Plant.

C=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler Nos. 1 and 6 at the Baker Boiler Plant; and (3) any one or more of the three boilers at the Soo Line Boiler Plant.

D=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler Nos. 1, 5, and 6 at the Baker Boiler Plant; and none of the three boilers at the Soo Line Boiler Plant.

E=applies when the following are operating on oil: (1) Any one or more of the four boilers at the Main Plant; (2) Boiler Nos. 1, 5, and 6 at the Baker Boiler Plant; and (3) any one or more of the three boilers at the Soo Line Boiler Plant.

In addition to the above total facility emission limits, the Company shall impose the following limits on individual sources at the three facilities; At MEC, emission points nos. 1 & 3 (boilers 1, 2, and 3) are limited to 1.6 lbs of SO_2/mmBTU when burning residual oil and 0.6 lbs of SO_2/mmBTU when burning distillate oil. Emission point no. 2 (boiler 4) is limited to 0.16 lbs of SO_2/mmBTU when burning residual oil and 0.6 lbs of SO_2/mmBTU when burning distillate oil. The emergency generator is limited to 0.5 lbs of SO_2/mmBTU. Emission points 1 and 2 (boilers 1, 5, and 6) at the Baker Boiler Plant are limited to 0.6 lbs of SO_2/mmBTU. At the Soo Line Boiler Plant, emission plant no. 1 (boilers 1, 2, and 3) is limited to 0.6 lbs of SO_2/mmBTU. The Company may not operate the boilers above the rated heat input listed in the Administrative Order at the Baker Boiler Plant, the Soo Line Boiler Plant, and the emergency generator at the MEC Main Plant.

Compliance for boilers 1, 2, and 3 at the Main Plant facility is determined through the use of stack tests, and daily sampling and analysis of residual oil, and vendor certification of each delivery of distillate oil. In addition, a continuous fuel monitoring system capable of providing lbs of SO_2 per hour information is employed. Compliance at boiler #4 will be determined through the use of a continuous emission monitoring system. The emergency generator will utilize distillate fuel analysis to determine compliance. At the Baker Plant, compliance for boilers #5 and #6 are to be determined through an initial stack test, and then by obtaining vendor certification of the sulfur content of each delivery of distillate fuel. At the Soo Line Plant, compliance at boilers 1 through 3 will be determined by an initial stack test and then by obtaining vendor certification of the sulfur content of each delivery of distillate fuel.

The dispersion modeling conducted for MEC reflected the multiple operating scenarios which are possible at the three facilities. Source groups were utilized to investigate the impact of the various scenarios. The final modeling run, reflecting SO_2 emission limits when all boilers are operating, resulted in predicted modeled concentrations, plus background and growth, of 1282.9 $\mu g/m^3$ and 363.9 $\mu g/m^3$ for the 3 and 24 hour averages, respectively. These values are below the NAAQS for SO_2.

Comments

1. There are some possible operating scenarios not specified in the Total Facility Emission Limit such as: some of the Baker Boilers are operating and none of the Soo Boilers, or Baker Boiler 1 and/or Boiler 5 are operating and not Boiler 6. In these cases, the individual limits apply as stated in section I.B.3. as stated in the Administrative Order. It has not been shown that this scenario provides for attainment of the NAAQS. Either the cases specified in the Administrative Order must be rewritten to include all possible operating scenarios, or it must be shown that the "unmodeled" scenarios provide for attainment.

2. The Total Facility Emission Limit involves lbs of SO_2/hr limits for 3-hour, 24-hour, and annual averaging periods. The Administrative Order does not indicate what limit would apply if the scenario changes in the middle of an averaging period. It must be stated in the Administrative Order what limit applies when operating scenarios only span partial averaging periods.

3. In the event of a breakdown of control equipment, the company must switch to natural gas. If natural gas supplies are interrupted, the company may burn distillate oil. There are no provisions for keeping records on whether natural gas service has been interrupted. These provisions must be included in the Administrative Order.

4. Again, a formula must be added to convert percent sulfur and heating value data to pounds of SO_2 per million BTU so a comparison can be made with the emission limits.

5. In Exhibit 1 of the Administrative Order, the three emission units for emission point No. 1 at the Soo Line boiler plant are all referred to as Boiler No. 1. The emission units must be identified as Boiler No. 1, Boiler No. 2, and Boiler No. 3.

General Comment

A general comment applies to each of the above Administrative Orders. All five Administrative Orders contain emission limits written as lbs of SO_2/mmBTU. None of the limits have an averaging time associated with them. This leads to the assumption that the limits exist on an instantaneous basis. If this is the case, the Administrative Orders must state this. Otherwise, other appropriate averaging times must be applied to the emission limits to insure protection of the short-term standards.

Section 172 Requirements

Air Quality Control Region 131 is classified as a nonattainment area for the primary NAAQS for sulfur dioxide. As a result, sulfur dioxide nonattainment area plans must meet the requirements of subpart 1 of part D of Title I of the Clean Air Act, particularly section 172(c).

Section 172(c)(1) states that these plans must require reasonably available control measures. The submittal includes modeling data designed to show that the area will achieve attainment of the SO_2 NAAQS with the control measures fully implemented. Because the measures are sufficient to demonstrate attainment, the control measures satisfy the SO_2 RACT requirements.

Section 172(c)(2) states that plans shall require reasonable further progress. The term "reasonable further progress" is defined in section 171(B)(1) as "such annual incremental reductions in emission of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date." The Administrative Orders included in the submittal generally provide for immediate compliance.

Section 172(c)(3) requires a suitable emission inventory. An emission inventory accompanied the submittal. The emission inventory followed the guidance in the "Guideline on Air Quality Models (Revised)", including Supplement A (1987), in regards to the use of allowable versus actual emissions.

Section 172(c)(4) mandates that any stationary source growth margin included in the SIP must be expressly identified and quantified. The attainment demonstration identifies 8.7 $\mu g/m^3$ and 30.8 $\mu g/m^3$ as future growth margins for 24-hour and 3-hour averages, respectively. This is adequate.

Section 172(c)(5) mandates a suitable permit program for new and modified major stationary sources. A new source permitting program for nonattainment areas has been submitted to USEPA by MPCA and is currently undergoing review. It will be addressed in a separate rulemaking. Prevention of Significant Deterioration (PSD) is delegated and a general permitting rule has been SIP approved.

Section 172(c)(6) requires enforceable limitations sufficient to provide for attainment. The comments included in this notice pertain primarily to the enforceability of the limits in the Administrative Orders. If these comments are adequately addressed, the limitations will be sufficient to provide for attainment.

Section 172(c)(7) mandates satisfaction of section 110(a)(2). Principle among the requirements of section 110(a)(2) are requirements that the State adopt its limitations following a suitable opportunity for public comment. The MPCA Commissioner has certified that the public hearing was noticed on April 27, 1992, and was held on May 27, 1992.

Paragraph 172(c)(8) states that the Administrator, in some circumstances, may allow the use of equivalent modeling emission inventory, and planning procedures. MPCA did not utilize this authorization.

Paragraph 172(c)(9) requires the plan to provide for implementation of specific measures to be undertaken if the area fails to make reasonable further progress (*i.e.*, contingency measures), or to attain the primary NAAQS by the attainment date applicable under this part. The May 31, 1991, memorandum from John Calcagni, Director, Air Quality Management Division to, among others, Director, Air and Radiation Division, Region V, provided guidance on SIP requirements for SO_2 nonattainment areas. The memorandum discusses contingency measures for SO_2 and states that it is unlikely for an area to implement SO_2 controls and fail to attain the NAAQS. Therefore, EPA interprets "contingency measures" for SO_2 to include the ability to rely on comprehensive State programs to identify violations and to provide for compliance and enforcement. Minnesota Stat. § 115.071 provides that the provisions issued by the MPCA may be enforced by various means. The orders also contain reporting requirements necessary to determine compliance. Given this information, it has been determined that the submittal contains appropriate contingency measures.

II. Proposed Rulemaking Action

The USEPA is proposing disapproval of the Minnesota SIP revision for SO_2 for AQCR 131. However, if the above comments, detailed in this notice, are adequately addressed in revisions to this plan, and those revisions are submitted to USEPA by the end of the 30-day comment period, then, assuming no other substantive, adverse public comments are received, USEPA will proceed with a final rulemaking approving the SIP revision as a whole including the supplemental submittal. If at the end of the 30-day comment period, the issues are still unresolved, final rulemaking disapproving the SIP revision will be promulgated.

Public comments are solicited on the requested SIP revision and on USEPA's proposal to disapprove. Public comments received by October 13, 1993, will be considered in the development of USEPA's final rulemaking action.

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

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 a period of 2 years. USEPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA 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.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by reference, Reporting and recordkeeping requirements, Sulfur oxides.

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

Authority: 42 U.S.C. 7401–7671q.

Dated: May 21, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93–22299 Filed 9–10–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 122, 123, 131, and 132

[FRL 4729–3]

RIN 2040–AC08

Proposed Water Quality Guidance for the Great Lakes System

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule; availability of report; extension of comment period.

SUMMARY: The purpose of this document is to announce the availability of a report that EPA is considering as it

develops the final Water Quality Guidance for the Great Lakes System; to request public comment on the possible application of the recommendations set forth in this report in the final Guidance; and to extend the comment period solely for the purpose of receiving comments on the two reports announced in the August 9, 1993, **Federal Register** (58 FR 42266) that EPA is also considering as it develops the final Guidance. The proposed Guidance was published in the April 16, 1993, **Federal Register** (58 FR 20802), with corrections published at 58 FR 21046 and 58 FR 42266.

The report being made available is: "Review of the Methodology for Developing Ambient Water Quality Criteria for the Protection of Human Health." EPA wants to ensure that the public has an opportunity to comment on whether any of the recommendations in this report should be adopted in the final Great Lakes Water Quality Guidance methodologies for development of human health criteria and values. EPA is also extending the comment period solely for the purpose of receiving comments on two reports entitled: "Revision of Methodology for Deriving National Ambient Water Quality Criteria for the Protection of Human Health: Report of Workshop and EPA's Preliminary Recommendations," and "Interim Report on Data and Methods for Assessment of 2,3,7,8-Tetrachlorodibenzo-p-dioxin Risks to Aquatic Life and Associated Wildlife."

DATES: Written comments should be submitted on or before October 13, 1993. Comments postmarked after this date may not be considered.

ADDRESSES: Send written comments to Wendy Schumacher, Water Quality Branch (WQS–16J), U.S. EPA, Region V, 77 West Jackson Blvd., Chicago, Illinois, 60604 (telephone: 312–886–0142). Commenters are requested to submit one original and 4 copies of their written comments. In addition, EPA encourages commenters to provide one copy of their comments in electronic format, preferably 5.25" or 3.5" diskettes compatible with WordPerfect for DOS. A copy of the reports identified in this document are available for inspection and copying at the U.S. EPA Region V Records Center, 77 W. Jackson Blvd., Chicago, Illinois, by appointment only. Appointments may be made by calling Wendy Schumacher (telephone: 312–886–0142). A reasonable fee will be charged for photocopies. The three reports are also available by mail upon request for a fee (see Document Availability section below for more information).

FOR FURTHER INFORMATION CONTACT: Kenneth A. Fenner, Water Quality Branch Chief, (WQS–16J), U.S. EPA Region V, 77 W. Jackson Blvd., Chicago, Illinois, 60604 (telephone: 312–353–2079).

SUPPLEMENTARY INFORMATION:

I. Availability of Document and Request for Comments

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life and recreation. Section 118(c)(2) of the Clean Water Act requires EPA to publish water quality guidance for the Great Lakes System which includes guidance on numerical limits on pollutants in ambient Great Lakes waters to protect human health, aquatic life and wildlife.

The proposed Water Quality Guidance for the Great Lakes System was published on April 16, 1993, in the **Federal Register** (58 FR 20802). Corrections to the proposed preamble and proposed rule text were published in the **Federal Register** on the same date (58 FR 21046) and in a subsequent notice published in the August 9, 1993, **Federal Register** (58 FR 42266). This Guidance, once finalized, will establish minimum water quality standards, antidegradation policies, and implementation procedures for waters within the Great Lakes System in the States of New York, Pennsylvania, Ohio, Indiana, Illinois, Minnesota, Wisconsin, and Michigan, including the waters within the jurisdiction of Indian Tribes.

As discussed in the April 16, 1993, and August 9, 1993, **Federal Register** notices, the proposed Great Lakes Human Health Methodology differs from current National Guidelines for the development of protective criteria for contaminants that may adversely affect human health in ambient water. The National Guidelines can be found at 45 FR 79347, dated November 28, 1980. For details on the proposed Great Lakes Human Health Methodology, including similarities and differences with the 1980 National Guidelines, readers are referred to the preamble discussion contained in the April 16, 1993, notice (58 FR 20863–20877).

The April 16, 1993, proposed Guidance indicated that EPA is currently in the process of reviewing and revising its 1980 National Guidelines. EPA believes that the National Guidelines should be evaluated from time to time to determine whether significant advances have occurred in the science which should be reflected in the National methodology guidelines. As part of the guidelines revision process, EPA requested a Science Advisory Board (SAB) review of changes EPA is considering in its revision of the 1980 National Guidelines. The SAB discussed EPA's preliminary recommendations for revisions during its February 9–10, 1993, meeting. The areas discussed at the meeting included the following technical subjects: (1) Cancer risk, (2) non-cancer risk, (3) bioaccumulation, (4) exposure, (5) microbiology, and (6) minimum data requirements. The August 9, 1993, **Federal Register** notice stated that the SAB's report of its review was expected this year.

The SAB transmitted its final report to Carol M. Browner, Administrator of EPA, on August 12, 1993. The report is entitled, "Review of the Methodology for Developing Ambient Water Quality Criteria For the Protection of Human Health," prepared by the Drinking Water Committee of the Science Advisory Board, August 12, 1993 (EPA Report Number: EPA–SAB–DWC–93–016). The report is being placed in the administrative record for the proposed Great Lakes Water Quality Guidance, and is available to the public as described in section III of this notice. EPA invites comments on whether any of the findings or recommendations in this report should be adopted in the final Great Lakes Water Quality Guidance methodologies for the development of human health criteria and values. EPA will consider the SAB report and any public comments submitted in response to this notice in the preparation of the final Great Lakes Guidance. EPA encourages the public to send one original and 4 copies of their written comments to Ms. Wendy Schumacher at the address specified at the beginning of this notice.

EPA is providing this notice of availability and placing the SAB report in the administrative record for the proposed Great Lakes Water Quality Guidance because EPA intends to consider all the recommendations concerning issues associated with the National Guidelines revision, and discussed in the SAB report, in the development of final Water Quality Guidance for the Great Lakes System.

II. Extension of Comment Period for Two Reports

EPA announced the availability of two reports in the August 9, 1993, **Federal Register** (58 FR 42266). The first report, entitled, "Revision of Methodology for Deriving National

Ambient Water Quality Criteria for the Protection of Human Health: Report of Workshop and EPA's Preliminary Recommendations for Revision," prepared by the Human Risk Assessment Branch, U.S. EPA Office of Water, January 8, 1993, was provided to the SAB for their review prior to their February 9–10, 1993, meeting on the proposed revisions to the 1980 National Guidelines. The second report is entitled, "Interim Report on Data and Methods for the Assessment of 2,3,7,8-Tetrachlorodibenzo-p-dioxin Risks to Aquatic Organisms and Associated Wildlife," prepared by the Office of Research and Development, U.S. EPA, March 1993 (EPA Report Number: EPA/600/R–93/055). EPA placed the two reports in the administrative record for the Great Lakes Guidance because EPA will consider information in these documents as it finalizes the Great Lakes Guidance. A summary of the information provided in these two reports and the issues relevant to the Great Lakes Guidance are discussed in the August 9, 1993, notice. Readers are referred to that notice for additional details.

In this notice, EPA is extending the public comment period for the two reports to October 13, 1993, to provide additional time for public review and comment. EPA believes that extension of the comment period for this limited purpose is necessary because several reviewers expressed difficulty in preparing comments simultaneously on both the April 16, 1993, proposed Guidance and the issues raised in the two reports announced on August 9, 1993, and because the SAB report being announced in this notice addresses the same issues as those in the first report announced on August 9, 1993.

III. Document Availability

The three reports that are referenced in this document are available for inspection and photocopying in the administrative record for this rulemaking at the address listed at the beginning of this preamble. A reasonable fee will be charged for photocopies.

The reports, "Revision of Methodology for Deriving National Ambient Water Quality Criteria for the Protection of Human Health: report of Workshop and EPA's Preliminary Recommendations for Revision" ("Preliminary Recommendations"), and "Review of the Methodology for Developing Ambient Water Quality Criteria for the Protection of Human Health" ("SAB Report"), are also available for a fee upon written request or telephone call to the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. The toll free number is 800–553–6847 and the local number is 703–487–6847. Alternatively, copies may be obtained for a fee upon written request or telephone call to the Educational Resources Information Center/Clearinghouse for Science, Mathematics and Environmental Education (ERIC/CSMEE), Chambers Road, Room 310, Columbus, Ohio 43212 (phone number: 614–292–6717). When ordering, please include the NTIS accession number (PB 93–213494 for the "Preliminary Recommendations" report and PB 93–227007 for the SAB report), or the ERIC/CSMEE accession number (687–D for the "Preliminary Recommendations" report and 696–D for the SAB report).

The report, "Interim Report on Data and Methods for Assessment of 2,3,7,8-Tetrachlorodibenzo-p-dioxin Risks to Aquatic Life and Associated Wildlife," is also available upon written request or telephone call to the Center for Environmental Research Information, EPA Office of Research and Development, 26 West Martin Luther-King Drive, Cincinnati, Ohio 45268 (phone number: 513–569–7562).

Dated: September 9, 1993.

Tudor T. Davies,

Acting Deputy Assistant Administrator.

[FR Doc. 93–22466 Filed 9–10–93; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 5460, 5510, 9230, and 9260

[WO–230–6310–02–24 1A]

RIN 1004–AB97

Free Use of Timber; General: Trespass: Law Enforcement; Criminal

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend provisions of the existing regulations on timber trespass. The rule would edit the existing regulations to make them more orderly and easier to read, and add a list of prohibited acts to provide guidance concerning the administration of forest product contracts and free use permits and law enforcement.

The rule is a continuation of the effort to provide more effective control of trespass of timber and other vegetative resources on public lands. It would provide further guidance to supplement the final rule published on March 11, 1991 (56 FR 10173).

DATES: Comments should be submitted by November 12, 1993. Comments received or postmarked after the above date may not be considered in the decisionmaking process on the final rule.

ADDRESSES: Comments should be sent to: Director (140), Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street, NW., Washington, DC 20240. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ed Shepard, (202) 653–8864.

SUPPLEMENTARY INFORMATION: This rule proposes to make some editorial changes to the existing regulations to make them easier to use and also proposes to add some additional language to provide guidance on actions that are prohibited with regard to forest product sales and free use permits.

In order to provide further guidance on actions that are not permitted on public lands and proper conduct of operations under contracts and permits for cutting and removal of forest products, a list of prohibited acts is being included in this proposed rule. The following acts would be prohibited:

1. Cutting, removing, or otherwise damaging any timber, tree, or other vegetative resource, except as authorized by a forest product sale contract, permit, or Federal law or regulation.

2. Cutting any standing tree, under a permit or timber sale contract, before a BLM employee has marked it or has otherwise designated it for cutting.

3. Removing any timber or other vegetative resource cut under a permit or timber sale contract, except to a place designated for scaling or measurement, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a BLM employee.

4. Stamping, marking with paint, tagging, or otherwise identifying any tree or other vegetative resources in a manner similar to that employed by BLM employees to mark or designate a tree or other vegetative resources for cutting, removal, or transportation.

5. Loading, removing, or hauling timber or other vegetative resources without a valid permit or forest product sale contract that authorizes such actions and pertains to the material in question.

6. Violating any of the terms and conditions of a permit or forest product sale contract.

7. Failing to have in possession and/or produce for inspection upon demand of a BLM employee or official of a cooperating law enforcement agency any required permit or forest product sale contract.

8. Violating any State or local ordinances relating to local permits, tagging, and transportation of forest products.

9. Violating any of the provisions regulating export and substitution contained in subpart 5403.

10. Obtaining any forest product sale contract or permit by fraud.

11. Negligent or intentional destruction of or injury to any timber or other vegetative resource during operations under a forest product sale contract or permit.

Proposed Amendment to 43 CFR Part 5460

Part 5460 contains guidance for the administration of contracts for the sale of forest products. The final rule published on March 11, 1991 (56 FR 10173), added a section listing minimum requirements to ensure contract compliance. However, it did not provide a list of prohibited acts and clearly indicate that commission of such acts is a violation of law. This proposed rule will add a section listing prohibited acts and making it clear that commission of any of these acts is a violation of these regulations and therefore would render any person responsible for such violation liable for civil damages for trespass and subject to criminal penalties under Federal law.

The final rule published on March 11, 1991 (56 FR 10173) included a provision in 43 CFR 9239.1–1(c) for cancellation of a contract or permit for failure to comply with the terms and conditions of such contract or permit. This proposed rule would remove this paragraph from section 9239.1–1 and put it in § 5462.1, so that all the regulations on contract compliance would be in one subpart.

Proposed Amendment to 43 CFR Subpart 5511

43 CFR 5511.1–1(f)(3) states that, where permits are secured by fraud or where timber is not taken or used in accordance with regulations or law, the Government may enforce the same civil and criminal liabilities as in other cases of timber trespass. This provision is repeated in part 9260 of these regulations (§ 9265.5(a)). This proposed rule would remove this provision from section 5511.1, and a new prohibited acts section would be added to the subpart. Civil liabilities would be listed in § 9239.1 and criminal penalties would be listed in § 9265.6.

Paragraph 5511.1–4(e) has the same provisions as paragraph 5511.1–1(f)(3), except that it applies specifically to lands under oil and gas leases. This proposed rule would combine prohibitions against fraudulent applications and misuse of timber from free use permits on oil and gas leases with other types of fraudulent applications and misuse of timber. These prohibitions would be put in the new prohibited acts section.

The proposed rule would remove § 5511.1–4(f), and incorporate the prohibition against sale, speculation, or use of timber by persons other than the permittee into the prohibited acts section of the proposed rule.

Section 5511.2–1 has two incorrect references. Reference is made to § 5511.2–4 when the correct reference is to § 5511.1–4. There is also a reference to a nonexistent section in the last sentence of this paragraph. The proposed rule would revise this paragraph to correct the first reference and remove the second.

The proposed rule would amend § 5511.2–4 by changing "5511.2–6" to "5511.2–5".

43 CFR 5511.2–5 states the liability of persons cutting timber from the public lands in Alaska, other than in accordance with sections 5511.2–1 to 5511.2–6. The proposed rule removes this paragraph from this part and puts it in part 9230—Trespass.

43 CFR 5511.2–7 has an incorrect reference at the end of the section. "§ 5511.2–4" should read "§ 5511.1–4". This correction is made in the proposed rule.

Amendment of Part 9230

Section 9239.1 is being revised to include all the regulations on timber and other vegetative resource trespass in this one section. This will make it much easier to find the regulations pertaining to timber and other vegetative resource trespass.

A paragraph stating the measure of damages for purchasing material from a willful trespasser was mistakenly omitted when this provision was rewritten in the final rule published on March 11, 1991 (56 FR 10173). This proposed rule would add that provision.

Amendment of Part 9260

Subpart 9265 would be revised to include only the regulations pertaining to criminal penalties for violations of the provisions in subparts 5462 and 5510. The proposed rule would make any violations of the prohibited acts listed in subparts 5462 and 5510 subject to these penalties and the title would be changed to "Timber and Other Vegetative Resource Management". The proposed rule would also include penalties provided for in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733).

The principal author of this proposed rule is Richard Bird, Division of Forestry, assisted by the staff of the Division of Legislation and Regulatory Management.

It is hereby determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The BLM has determined that this proposed rule is categorically excluded from further environmental review pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, and that the proposal would not significantly affect the 10 criteria for exceptions listed in 516 DM 2, Appendix 2. Pursuant to the Council on Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule. A major rule is any regulation that is likely to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The total value of BLM vegetative materials lost annually through trespass and other violations specified in the rule does not approach $100 million. Therefore, the annual effect on the economy will not remotely approach the threshold specified in the Executive Order. There would be no cost increases imposed on the lumber

industry other than those caused by violations of law, and there would thus be no substantial increases in consumer costs or prices resulting from the rule, and no substantial effects on government agencies or competition. Further, for the same reasons, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that it will not have a significant economic impact on a substantial number of small entities. The rule does not distinguish between business entities based on their size.

The Department certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. There will be no private property rights impaired as a result of this rule. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects

43 CFR Part 5460

Forest and forest products, Government contracts, Public lands.

43 CFR Part 5510

Forest and forest products, Public lands, Surety bonds.

43 CFR Part 9230

Penalties, Public lands.

43 CFR Part 9260

Penalties, Public lands.

For the reasons stated in the preamble, and under the authorities cited below, parts 5460 of Group 5000, 5510 of Group 5500, Subchapter E, and parts 9230, and 9260 of Group 9200, Subchapter I, Chapter II of Title 43 of the Code of Federal Regulations are proposed to be amended as set forth below:

PART 5460—SALES ADMINISTRATION

1. The authority citation for part 5460 continues to read as follows:

Authority: 30 U.S.C. 601 et seq.; 43 U.S.C. 1181e.

2. Subpart 5462 is amended by adding new paragraph (c) to section 5462.1 and new section 5462.2 to read as follows:

§ 5462.1 Contract and permit compliance.

* * * * *

(c)(1) The authorized officer may cancel a contract or permit upon determining that the holder has failed to comply with a law or regulation. The authorized officer may also cancel a contract or permit upon determining that the holder has failed to comply with a stipulation or requirement contained in the contract or permit and the noncompliance is detrimental to the public interest. Individual contracts or permits may contain specific language defining the remedies or penalties associated with noncompliance.

(2) Cancellation shall be mandatory in cases of intentional falsification of information used to obtain the permit or contract.

§ 5462.2 Prohibited acts.

(a) The acts or omissions listed in paragraph (b) of this section will render the person(s) responsible liable to the United States in a civil action for trespass, and such person(s) may be prosecuted criminally. If the authorized officer determines such acts to be detrimental to the public interest, the contract or permit may be canceled. See § 9239.1 of this title for trespass and subpart 9265 of this title for criminal prosecution.

(b) The following activities are prohibited:

(1) Cutting, removing, or otherwise damaging any timber, tree, or other vegetative resource, except as authorized by a forest product sale contract, permit, or Federal law or regulation.

(2) Cutting any standing tree, under a permit or timber sale contract, before a BLM employee has marked it or has otherwise designated it for cutting.

(3) Removing any timber or other vegetative resource cut under a permit or timber sale contract, except to a place designated for scaling or measurement, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a BLM employee.

(4) Stamping, marking with paint, tagging, or otherwise identifying any tree or other vegetative resources in a manner similar to that employed by BLM employees to mark or designate a tree or other vegetative resources for cutting, removal, or transportation.

(5) Loading, removing, or hauling timber or other vegetative resources without a valid permit or forest product sale contract that authorizes such actions and pertains to the material in question.

(6) Violating any of the terms and conditions of a permit or forest product sale contract.

(7) Failing to have in possession and/or produce for inspection upon demand of a BLM employee or official of a cooperating law enforcement agency a valid permit or forest product sale contract while engaging in any activity connected with the harvest or removal of forest products.

(8) Violating any State or local ordinances relating to local permits, tagging, and transportation of forest products.

(9) Violating any of the provisions regulating export and substitution contained in subparts 5400, 5403, and 5420 of this title.

(10) Obtaining any forest product sale contract or permit by fraud.

(11) Negligent or intentional destruction of or injury to any timber or other vegetative resource during operations under a forest product sale contract or permit.

PART 5510—FREE USE OF TIMBER

3. The authority citation for part 5510 continues to read as follows:

Authority: 61 Stat. 681, as amended; 69 Stat. 367; 48 Stat. 1269, sec. 11, 30 Stat. 414, as amended, R.S. 2478, sec. 323, 41 Stat. 450; 30 U.S.C. 601 *et seq.*, 43 U.S.C. 315, 48 U.S.C. 423, 43 U.S.C. 1201, 30 U.S.C. 189.

Subpart 5511—Free Use Regulations

§ 5511.1–1 [Amended]

4. Section 5511.1–1 is amended by removing paragraph (f)(3).

§ 5511.1–4 [Amended]

5. Section 5511.1–4 is amended by removing paragraphs (e) and (f).

6. Section 5511.2–1 is amended by revising paragraph (a) to read as follows:

§ 5511.2–1 Free use privilege; cutting by agent.

(a) Except as provided in § 5511.1–4 the only timber which may be cut under §§ 5511.2–1 through 5511.2–5 for free use in Alaska is timber on vacant public lands in the State not reserved for national forest or other purposes. The timber so cut may not be sold or bartered. The free use privilege does not extend to associations or corporations, except churches, hospitals, and charitable institutions. Any applicant entitled to the free use of timber may procure it by agent, if desired, but no part of the timber may be used in payment for services in obtaining it or in manufacturing it into lumber. Timber may not be cut by an applicant under this section after the land has been included in a valid homestead settlement or entry or other claim, except that any applicant for the free use of timber who has been granted a permit to cut as hereinafter provided, will have a right to cut the timber while the permit remains in force as against a

subsequent applicant who may wish to obtain the same timber by purchase.

* * * * *

§ 5511.2–4 [Amended]

7. Section 5511.2–4 is amended by revising the reference "5511.2–6" to read "5511.2–5".

§ 5511.2–5 [Removed]

8. Section 5511.2–5 is removed.

§ 5511.2–7 [Redesignated and Amended]

9. Section 5511.2–7 is redesignated as section 5511.2–5 and the reference "§ 5511.2–4" at the end of the section is revised to read "§ 5511.1–4".

10. Section 5511.4 is added to read as follows:

§ 5511.4 Prohibited acts.

(a) In addition to the prohibited acts listed in § 5462.2, the acts or omissions listed in paragraph (b) of this section will render the person(s) responsible liable to the United States in a civil action for trespass and such persons may be prosecuted criminally. See § 9239.1 of this title for trespass and subpart 9265 of this title for criminal prosecution.

(b) The following acts are prohibited:

(1) Obtaining any free use permit by fraud.

(2) Using timber secured under a free use permit for any purpose other than provided for in §§ 5511.1–1(d), 5511.1–2, 5511.1–4, 5511.2–2, 5511.3–6, or 5511.3–8.

(3) Violating any of the terms and conditions of a free use permit.

(4) Exporting timber cut under a free use permit from the State in which it was cut, except as provided in § 5511.1–1(e).

(5) The cutting of timber under a free use permit for sale, barter, speculation, or use by others than the permittee.

PART 9230—TRESPASS

11. The authority citation for 43 CFR part 9230 continues to read as follows:

Authority: R.S. 2478; 43 U.S.C. 1201; 43 U.S.C. 1701, et seq.; 18 U.S.C. 1851–1858.

Subpart 9239—Kinds of Trespass

12. Section 9239.1–1 is amended by removing paragraph (c) and (d), and revising the heading and paragraph (b) to read as follows:

§ 9239.1–1 Unauthorized cutting, removal, or injury.

* * * * *

(b) Commission of any of the acts listed in §§ 5462.2 and 5511.4 of this title constitutes a trespass.

13. Section 9239.1–2 is amended by revising paragraph (a) to read as follows:

§ 9239.1–2 Penalty for trespass.

(a) In accordance with §§ 9239.0–7, 9239.0–8, and 9239.1–1 of this subpart, anyone responsible for a trespass act is liable to the United States in a civil action for damages and may be prosecuted under criminal law as provided in § 9265.6 of this title.

* * * * *

14. Section 9239.1–3 is amended by adding paragraph (a)(4) to read as follows:

§ 9239.1–3 Measure of damages.

(a) * * *

(4) In the case of a purchase from a willful trespasser without knowledge of the trespass, the value at the time of purchase.

* * * * *

PART 9260—LAW ENFORCEMENT—CRIMINAL

15. The authority citation for 43 CFR part 9260 is revised to read as follows:

Authority: 16 U.S.C. 433; 16 U.S.C. 460*l*–6a; 16 U.S.C. 670j; 16 U.S.C. 1246(i); 16 U.S.C. 1338; 18 U.S.C. 1851–1861; 18 U.S.C. 3551 *et seq.*; 43 U.S.C. 315(a); 43 U.S.C. 1061, 1063; 43 U.S.C. 1733.

Subpart 9265—Timber Management

16. The title of subpart 9265 is revised to read as follows:

Subpart 9265—Timber and Other Vegetative Resources Management

§ 9265.0–3 [Amended]

17. Section 9265.0–3 is amended by inserting after "title 18 U.S.C.," the phrase "and section 1733 of title 43 U.S.C.,".

18. Section 9265.4 is amended by adding text as follows:

§ 9265.4 Sales of forest products, general.

Commission of any of the acts listed in § 5462.2 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 of the United States Code.

19. Section 9265.5 is revised to read as follows:

§ 9265.5 Non-sale disposals, general.

Commission of any of the acts listed in § 5511.4 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 U.S.C.

20. Section 9265.6 is added to read as follows:

§ 9265.6 Penalties.

(a) *Timber removed or transported.* The following persons are subject to penalty under this part, and shall be fined not more than $100,000 or imprisoned not more than one year, or both, in accordance with the Sentencing Reform Act of 1984 (18 U.S.C. 3551 *et seq.*).

(1) Whoever cuts, or wantonly destroys, any timber growing on the public lands of the United States; or

(2) Whoever removes any timber from said public lands, with intent to export or dispose of the same; or

(3) Whoever, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle, or aircraft or the owner, director, or agent of any railroad, knowingly transports any timber cut or removed from said lands, or lumber manufactured therefrom.

(b) *Exceptions for mining and agriculture.* This section shall not prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands.

(c) *Trees injured or cut.* Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than $100,000 or imprisoned not more than one year, or both, in accordance with the Sentencing Reform Act of 1984 (18 U.S.C. 3551 *et seq.*).

Dated: July 28, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93–21830 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–84–P

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 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 public hearing.

SUMMARY: The Service gives notice that a public hearing will be held on the proposed determination of endangered status and designation of critical habitat for the Alabama sturgeon, *Scaphirhynchus suttkusi*.

DATES: The public hearing will be held from 6 p.m. to 10 p.m., on Monday, October 4, 1993, in Mobile, Alabama. The comment period remains open until October 13, 1993.

ADDRESSES: The public hearing will be held in the William K. Weaver Hall Auditorium on the campus of Mobile College, Mobile, Alabama. Written comments and materials should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, suite A, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James H. Stewart, at the above address (601/965–4900).

SUPPLEMENTARY INFORMATION:

Background

The Service proposed to determine the Alabama sturgeon, *Scaphirhynchus suttkusi*, to be an endangered species and to designate its critical habitat on June 15, 1993 (58 FR 33148). This small sturgeon is endemic to the Mobile River system, Alabama and Mississippi. Its current range is restricted to the lower Alabama River and the Cahaba River in Alabama. Both of these areas and the free flowing portion of the lower Tombigbee River are proposed as critical habitat. Factors in the sturgeon's decline include dams, and possible adverse effects from altered water flows, channel maintenance and gravel dredging.

A public hearing, which was to be held on August 31, 1993, was announced in the **Federal Register** of July 27, 1993 (58 FR 40109), but the hearing was subsequently postponed by a notice published on August 24, 1993 (58 FR 44643). The hearing has been rescheduled as indicated in the current notice.

The Service intends that any final action resulting from the proposed rule will be as accurate and as effective as possible. Therefore, comments from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule are hereby solicited. Comments may be presented verbally at the public hearing or in writing. Verbal statements may be limited in length if the number of parties present necessitates such a limitation. There are, however, no limits to the length of written comments presented at the hearing or mailed to the Service office in the **ADDRESSES** section. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Endangered Species Act;

(3) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities in the subject area and their possible impacts on this species; and,

(5) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat.

Those parties wishing to make a verbal statement for the record are encouraged to provide a copy of their statement to the Service at the start of the hearing.

Author

The primary author of this notice is James H. Stewart (see **ADDRESSES** section).

Authority

The authority for this section is the Endangered Species Act (16 U.S.C. 1531–1544).

Dated: September 3, 1993.

James W. Pulliam, Jr.,

Regional Director.

[FR Doc. 93–22295 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 58, No. 175
Monday, September 13, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 90–006–3]

Farm Animal Issues Under the Animal Welfare Act; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service (APHIS) is hosting an open forum to discuss the care and use of farm animals for nonagricultural activities regulated by the Animal Welfare Act. Recommendations and proposed guidelines from this forum will be used by APHIS in further evaluation and review of regulatory issues concerning the care and use of farm animals for nonagricultural activities.

PLACE, DATES, AND TIMES OF MEETING: The meeting will be held at the Hilton Inn Northwest, 2945 N.W. Expressway, Oklahoma City, OK 73112. The meeting will be held from 1 p.m. until 5 p.m. on Tuesday, September 28, 1993, and will continue from 8 a.m. until noon on Wednesday, September 29, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Crawford, Assistant Deputy Administrator for Animal Care, REAC, APHIS, USDA, room 554, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–4981.

SUPPLEMENTARY INFORMATION: Under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), APHIS is responsible for regulating the care and use of farm animals for nonagricultural activities. The purpose of this public meeting is to canvass the concerned public for recommendations and opinions on the housing, care, handling, and unique practices applied to the nonagricultural uses of farm animals.

The meeting will focus only on farm animal issues that are subject to the Animal Welfare Act. At the meeting, facilitators and group participation will be used to develop recommendations and propose guidelines within specific topic areas. The topics to be addressed include: (1) Agricultural exemptions; (2) agricultural versus nonagricultural environments; (3) well-being of farm animals; and (4) special considerations for major operative procedures.

Recommendations and proposed guidelines developed at the meeting will be used by APHIS in further evaluation and review of regulatory issues concerning the care and use of farm animals for nonagricultural activities subject to the Animal Welfare Act.

Done in Washington, DC, this 9th day of September 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–22301 Filed 9–10–93; 8:45 am]

BILLING CODE 3410–34–P

Federal Grain Inspection Service

Designation of the Southern Illinois and Champaign Agencies to Provide Official Services in the Former Southern Illinois Geographic Area

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: FGIS announces the designation of Southern Illinois Grain Inspection Service, Inc. (Southern Illinois), for a 12-month interim period, and Champaign-Danville Grain Inspection Departments, Inc. (Champaign), to provide official inspection services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATE: October 1, 1993.

ADDRESSES: Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the March 31, 1993, **Federal Register** (58 FR 16810), FGIS announced that the designation of Southern Illinois ends on September 30, 1993, and asked persons interested in providing official services within the specified geographic area to submit an application for designation. Applications were due by April 30, 1993.

There were four applicants: Southern Illinois applied for designation in the entire area currently assigned to it; Missouri Department of Agriculture (Missouri) applied for all or a portion of the area, contingent upon Southern Illinois being deemed unqualified for redesignation; Champaign applied for a portion of the area, contingent upon Southern Illinois being deemed unqualified for redesignation; and James L. Goodge, Jr. (Goodge), applied for all or a portion of the area. FGIS announced the applicant names and requested comments on the applicants in the June 3, 1993, **Federal Register** (58 FR 31491). Comments were due by July 1, 1993. FGIS received sixty-one comments from grain firms, Congressmen, businessmen, and two of Southern Illinois' employees. One grain firm expressed conditional support of Southern Illinois agency, all others supported Southern Illinois. Two commenters also expressed their opinion that States should not be allowed to perform official services outside of their own State.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act. Southern Illinois was deemed unqualified to perform official services in the Terre Haute portion of the geographic area as specified below, and in accordance with section 7(f)(1)(B), Champaign is better able than any other applicant to provide official services in the Terre Haute geographic area. Southern Illinois was not determined to be unqualified to provide official services in the O'Fallon geographic area as specified below, and in accordance with section 7(f)(1)(B), Southern Illinois is better able than Goodge to provide official services in the O'Fallon geographic area.

The geographic area (Terre Haute) for which Champaign will be designated to

serve, in addition to the area currently assigned, is as follows:

Bounded on the North by U.S. Route 36; U.S. Route 36 east across the Illinois-Indiana State line to the western Parke County line; the northern Parke and Putnam County lines;

Bounded on the East in Indiana by the eastern Putnam, Owen, and Greene County lines;

Bounded on the South by the southern Greene County line; the southern Sullivan County line west to U.S. Route 41(150); U.S. Route 41(150) south to U.S. Route 50; U.S. Route 50 west to the eastern Lawrence County line; in Illinois, the eastern Lawrence County line north to the southern Crawford County line; the southern Crawford County line; and

Bounded on the West by the western Crawford and Clark County lines; the western Edgar County line north to U.S. Route 36.

In addition, Champaign will be designated to service the following locations previously serviced by Southern Illinois as part of its Terre Haute geographic area, and which are in Champaign's current geographic area: Tabor Grain Co., Newman, Douglas County, Illinois; Tabor Grain Co., Oakland, Coles County, Illinois; and Cargill, Inc., Dana, Vermillion County, Indiana.

The geographic area (O'Fallon) for which Southern Illinois will be designated to serve is as follows:

Bounded on the East by the eastern Cumberland and Jasper County lines, the northern Lawrence County line east to the Illinois-Indiana State line, the Illinois-Indiana State line south to the southern Gallatin County line;

Bounded on the South by the southern Gallatin, Saline, and Williamson County lines; the southern Jackson County line west to U.S. Route 51; U.S. Route 51 north to State Route 13; State Route 13 northwest to State Route 149; State Route 149 west to State Route 3; State Route 3 northwest to State Route 51; State Route 51 south to the Mississippi River;

Bounded on the West by the Mississippi River north to Interstate 270; Interstate 270 east to Interstate 70; Interstate 70 east to State Route 4; State Route 4 north to Macoupin County; the southern Macoupin County line; the eastern Macoupin County line north to a point on this line which intersects with a straight line, from the junction of State Route 111 and the northern Macoupin County line to the junction of Interstate 55 and State Route 16 (in Montgomery County); and

Bounded on the North from this point southeast along the straight line to the junction of Interstate 55 and State Route 16; State Route 16 east-northeast to a point approximately 1 mile northeast of Irving; a straight line from this point to the northern Fayette County line; the northern Fayette, Effingham, and Cumberland County lines.

An investigation of the Terre Haute specified service point (SSP) of Southern Illinois found severe problems that detracted from the integrity of the official grain inspection system. Because the investigation concentrated on that SSP and not the remaining area served by the other three SSPs, the same types of problems have not been documented to date in the management and operations of those SSPs. Therefore, we are granting Southern Illinois a designation for a 12-month interim period to allow FGIS additional time to ascertain the adequacy of performance in their remaining geographic area.

Effective October 1, 1993, and ending September 30, 1994, Southern Illinois is designated to provide official inspection services in the geographic area specified above. Effective October 1, 1993, and ending May 31, 1995, (the end of their present designation) Champaign is designated to provide official inspection services in the geographic area specified above in addition to the area they are already designated to serve.

Interested persons may obtain official services by contacting Southern Illinois at (618) 632–1921 and Champaign at (217) 398–0723.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: September 7, 1993.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 93–22249 Filed 9–10–93; 8:45 am]

BILLING CODE 3410–EN–F

Food and Nutrition Service

National School Lunch Program and School Breakfast Program: Notice of "Nutrition Objectives for School Meals"; Public Hearings

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of public hearings.

SUMMARY: This notice announces the U.S. Department of Agriculture's intention to hold four public hearings concerning the National School Lunch Program and the School Breakfast Program. The hearings, entitled "Nutrition Objectives for School Meals," will provide an opportunity for public dialogue on issues concerning meeting current nutrition objectives in school meal programs. The National School Lunch Program makes an important nutritional contribution to nearly 25 million school-age children. Over 5 million children get breakfast at school. The hearings will provide public comment on issues concerning how school meal programs can meet current nutritional goals.

DATES: FNS is requesting that participation forms be submitted no later than seven calendar days prior to the applicable hearing date. Written submissions in lieu of oral presentations must be submitted or postmarked no later than December 15, 1993. Hearings will be held on the following dates from 8:30 a.m. to 5 p.m.:

1. Atlanta, Georgia: Wednesday, October 13, 1993.
2. Los Angeles, California: Wednesday, October 27, 1993.
3. Flint, Michigan: Friday, November 12, 1993.
4. Washington, DC: Tuesday, December 7, 1993.

ADDRESSES: Written submissions should be clearly marked with the words "Nutrition Objectives" and submitted to Mr. Stanley C. Garnett, Director, Child Nutrition Division, FNS, USDA, 3101 Park Center Drive, room 1007, Alexandria, Virginia 22302 (Phone: (703) 305–2590).

Completed participation forms should be submitted to the appropriate Regional Office, as follows:

1. Atlanta, Georgia Hearing: Ms. Nena P. Bratianu, Regional Director, SERO, USDA, FNS, SNP, 77 Forsyth Street, SW, suite 112, Atlanta, GA 30303 (Phone: (404) 730–2612).
2. Los Angeles, California Hearing: Mr. Bob Kragh, Regional Director, WRO, USDA, FNS, SNP, 550 Kearny Street, room 400, San Francisco, CA 94108–2518 (Phone: (415) 705–2229).
3. Flint, Michigan Hearing: Ms. Theresa E. Bowman, Regional Director, MWRO, USDA, FNS, SNP, 77 West Jackson Boulevard, 20th Floor, Chicago, IL 60604–3507 (Phone: (312) 353–6673).
4. Washington, DC Hearing: Mr. Robert Freiler, Regional Director, MARO, USDA, FNS, SNP, Mercer Corporate Park, 300 Corporate Boulevard, Robbinsville, NJ 08691–1598 (Phone: (609) 259–5050).

FOR FURTHER INFORMATION CONTACT: Mr. Garnett or the appropriate Regional Director, at the numbers listed above.

SUPPLEMENTARY INFORMATION: This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), no new recordkeeping or reporting requirements

have been included that are subject to approval from the Office of Management and Budget.

These program are listed in the Catalog of Federal Domestic Assistance under No. 10.553 and No. 10.555 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29112, June 24, 1983.)

Background

Over the past decade there has been a growing scientific consensus that diets high in fat, saturated fat, and cholesterol and low in fiber increase the risk of heart disease and certain cancers.

In 1988, the U.S. Surgeon General issued a comprehensive report showing that diets low in fat, saturated fat, cholesterol and sodium and high in fiber promote life-long health and reduce the risk of heart disease and certain cancers. The following year the National Academy of Sciences issued a report in agreement with the Surgeon General's findings.

In addition, there is increasing evidence that childhood diets high in fat, saturated fat and cholesterol have lasting adverse health consequences. A National Cholesterol Education Program report on cholesterol levels in children and adolescents cited studies showing that atherosclerosis begins in childhood. Children in the U.S. exhibit higher dietary intakes of fat and cholesterol than children in populations with lower rates of heart disease.

Based on the scientific evidence, the Departments of Agriculture and Health and Human Services issued the 1990 U.S. Dietary Guidelines that recommend that Americans 2 years and older limit fat to 30 percent of calories. Public health organizations such as the American Heart Association, the American Cancer Society and the National Academy of Sciences have also updated their recommendations based on current scientific knowledge.

The purpose of the Dietary Guidelines for Americans is to provide the best advice based on current scientific evidence for a diet that will help Americans live healthy lives. The guidelines are used as the basis for all federal government programs in nutrition.

The Dietary Guidelines for Americans are:

- Eat a variety of foods.
- Maintain healthy weight.
- Choose a diet low in fat, saturated fat and cholesterol.
- Choose a diet with plenty of vegetables, fruits, and grain products.
- Use sugars only in moderation.
- Use salt and sodium only in moderation.
- If you drink alcoholic beverages, do so in moderation.

Currently, five out of six school-age children (aged 6–19) have diets above the recommended levels of 30 percent calories from fat, according to the 1989/90 Continuing Survey of Food Intakes of Individuals done by the USDA's Human Nutrition Information Service. The survey also found that 35 percent of elementary school children ate no fruit on the day of the survey. The Food Guide Pyramid—which visually translates the Dietary Guidelines—recommends from two to four servings per day from the fruit group. The pyramid also recommends between three and five servings of vegetables each day. The USDA survey showed that approximately 25 percent of school-age children ate no vegetables on the day of the survey.

The National School Lunch Program operates in more than 90 percent of the nation's schools and makes lunches available to nearly 25 million school children on a regular basis. Half of those lunches are served free or at reduced price to needy students. Of the approximately 5 million school breakfasts served in the School Breakfast Program, 4.3 million are served free or at a reduced price to needy students.

Currently, school meals are effective in delivering vitamins and minerals but are too high in fat, cholesterol and sodium. Ten years ago, USDA's research, the National Evaluation of School Nutrition Programs, April 1983, indicated that school lunches provided 38–40 percent of calories from fat. More current USDA data, Child Nutrition Program Operations Study, Second Year Report, June, 1992, although not nationally representative, on 20 school food authorities in the program indicated that the meals served had 38 percent of calories from fat in school year 1989–1990.

"Healthy People 2000," a report issued by the Department of Health and Human Services in September, 1990, recommended that steps be taken to assure that at least 90 percent of National School Lunch Program menus adhere to the nutrition principles determined in the U.S. Dietary Guidelines.

Given the prevailing research linking diet and health, it is clear that the Department needs to expand its efforts to ensure that school meals are consistent with current nutritional recommendations. As a first step, the Department believes that the "Nutrition Objectives for School Meals" hearings will provide an opportunity for public dialogue prior to proposing changes in the National School Lunch Program and, if appropriate, the School Breakfast Program.

The "Nutrition Objectives for School Meals" Public Hearings

The Department is requesting representatives of the public to offer comments and suggestions about nutritional objectives of school meals and is particularly interested in gathering information concerning the issues listed below. Interested individuals are encouraged to address any other areas of concern regarding the implementation of current nutrition recommendations in the National School Lunch Program and, if appropriate, the School Breakfast Program.

I. What are the health consequences of children's current dietary patterns?

II. How can the Dietary Guidelines for Americans be used to bring about measurable nutritional improvements in school meals and in children's diets?

III. What are the opportunities and obstacles in meeting current nutrition recommendations in school meal programs?

IV. What actions can the USDA, parents, school food service, food industry and other public and private organizations take to encourage the implementation of current nutrition recommendations in local schools?

If you want to speak at a public hearing, complete the participation form attached to this Notice, with a concise description of the topic to be addressed, and return it to the appropriate Regional Office. To assist in the scheduling process, we are requesting that you submit your participation form no later than seven calendar days prior to the applicable hearing date.

Given the time constraints, individuals will be selected for oral presentations upon receipt of the participation form on a first-come, first-served basis. Individuals who have not submitted a participation form and who wish to make an oral presentation will have an opportunity to make oral presentations following the scheduled presentations, as time permits.

Oral presentations will be limited to no more than 5 minutes; however, the chairperson may, at his or her discretion, ask for additional clarification of issues and questions raised. Written submissions from those who want to present additional information will be accepted. Persons

unable to attend the hearings may also submit written comments.

Written submissions must be submitted or postmarked no later than December 15, 1993, to Mr. Stanley C. Garnett at the address listed below. All submissions should be clearly marked with the words "Nutrition Objectives."

This material will be considered in the development of any action that may result from the hearings process. Written submissions and hearing transcripts may be reviewed by the public at the 3101 Park Center Drive, Alexandria, Virginia address from 8:30 a.m. to 5 p.m., Monday through Friday.

Dated: September 9, 1993.

Ellen Haas,

Assistant Secretary for Food and Consumer Services.

BILLING CODE 3410-30-M

PLEASE SEND THIS FORM TO THE APPROPRIATE REGIONAL OFFICE:

Atlanta Hearing: Ms. Nena P. Bratianu, Regional Director, SERO, USDA, FNS, SNP, 77 Forsyth Street, SW, Suite 112, Atlanta, GA 30303

Los Angeles Hearing: Mr. Bob Kragh, Regional Director, WRO, USDA, FNS, SNP, 550 Kearny Street, Room 400, San Francisco, CA 94108-2518

Flint Hearing: Ms. Theresa E. Bowman, Regional Director, MWRO, USDA, FNS, SNP, 77 West Jackson Boulevard, 20th Floor, Chicago, IL 60604-3507

Washington, DC Hearing: Mr. Robert Freiler, Regional Director, MARO, USDA, FNS, SNP, Mercer Corporate Park, 300 Corporate Boulevard, Robbinsville, NJ 08691-1598

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"NUTRITION OBJECTIVES FOR SCHOOL MEALS" PUBLIC HEARINGS PARTICIPATION FORM

I. Please enter participation of: _____
Name (please print)

_____ (___) _____
Address Phone Number

II. I am representing (if other than self) _____

_____

III. I would like to make an oral presentation at the

_____hearing. I request ____minutes (5 min. max.).
Name of City

IV. I would like to address one of the following areas (circle one):

QUESTION I; QUESTION II; QUESTION III; QUESTION IV; OTHER

V. My specific focus will be: _____

_____

_____ _____
SIGNATURE DATE

** *Please submit your participation form no later than seven calendar days prior to the applicable hearing. If you are unable to attend, you may send written comments to Mr. Stanley C. Garnett, Director, Child Nutrition Division, FNS, USDA, 3101 Park Center Drive, Room 1007, Alexandria, Virginia 22302.***

[FR Doc. 93-22457 Filed 9-10-93; 8:45 am]
BILLING CODE 3410-30-C

Forest Service

Exemption of Moores Creek Road Salvage Timber Sale From Appeal

AGENCY: Forest Service, USDA.

ACTION: Notification that a salvage timber sale project designed to recover down, dead and dying timber is exempted from appeals under provisions of 36 CFR part 217.

SUMMARY: Insects and disease, along with scattered windthrown trees, drought conditions and the maturity of timber stands in the Moores Creek Drainage on the Priest Lake Ranger District, Idaho Panhandle National Forests, has caused significant tree mortality. The Priest Lake District Ranger has proposed rehabilitation activities designed to salvage dead, down and dying timber and contribute towards watershed recovery in the Moores Creek Drainage. The District Ranger has determined, through an interdisciplinary process documented in the Moores Creek Road Salvage Timber Sale Decision Memo and project file, that there is good cause to expedite these actions to recover damage resources and rehabilitate National Forest System lands. Salvage of this type of timber must be accomplished quickly to avoid further losses of the resource and to contribute to the rehabilitation of the watershed and fishery resources.

EFFECTIVE DATE: Effective on September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Kent Dunstan, Priest Lake District Ranger; Idaho Panhandle National Forests, HCR 5, Box 207; Priest River, ID 83856. Telephone: 208–443–2512.

SUPPLEMENTARY INFORMATION: Root disease, bark beetles, white pine blister rust and stem decays, in association with the scattered windthrown trees, drought conditions and the maturity of the stands, have caused significant tree mortality in the upper portion of the Moores Creek drainage. The project area is located within Management Area 1 and designated by the Idaho Panhandle National Forests Plan as suitable timberland. This District Ranger has proposed the salvage harvest of the dead and damaged timber. This proposal is designed to meet the following needs: (1) Salvage dead and dying timber while it still has maximum commercial value, (2) expedite watershed rehabilitation, (3) improve the current health and vigor of the timber stands, and (4) decrease wildfire hazard by reducing fuel loading.

In January of 1993, an interdisciplinary team was convened, and scoping began. It was determined that the activities had no extraordinary circumstances and could be categorically excluded from documentation in an environmental impact statement or environmental assessment, [FSH 1909.15.31.2(4)]. The proposed action will salvage approximately 250 MBF of merchantable timber. Harvesting will be done from existing roads, no new road will be constructed or reconstructed.

The sale and accompanying work is designed to accomplish the objectives as quickly as possible to recover merchantable sawtimber before it deteriorates and removal becomes 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 the recovery of Forest Resources from natural disasters or other natural phenomena * * * when the Regional Forester * * * determines and gives notice in the Federal Register that good causes exist to exempt such decisions from review under this part."

Based on the information presented in the District Ranger's project file and Decision Memo for this project, I have determined that good cause exist to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: September 7, 1993.

Christopher D. Risbrudt,

Deputy Regional Forester; Northern Region.

[FR Doc. 93–22254 Filed 9–10–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Sensors Technical Advisory Committee; Notice of Closed Meeting

A meeting of the Sensors Technical Advisory Committee will be held October 1, 1993, 9 a.m., in the Herbert C. Hoover Building, room 1617M(2), 14th Street & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis will respect to technical questions that affect the level of export controls applicable to sensors and related equipment and technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6020, U.S. Department of Commerce, Washington, DC 20230. For further information, contact Lee Ann Carpenter on (202) 482–2583.

Dated: September 7, 1993.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 93–22322 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DT–M

Subcommittee on Export Administration of the President's Export Council; Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration will be held September 29, 1993, 9 a.m., at the U.S. Department of Commerce, Herbert Hoover Building, room 1617(M2), 14th & Constitution Avenue, NW., Washington, DC. The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

Executive Session: 9–10:30.

1. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

General Session: 10:30–12.

2. Opening remarks by the Chairman.
3. Trade Promotion Coordination Council.
4. Vietnam Sanctions.

5. PEC Recommendation on Improving Export Controls.
6. Review of National Association of Manufacturers Proposal on Export Controls.

A notice of Determination to close meetings, or portions of meetings, of the Subcommittee to the public on the basis of 5 U.S.C. 522(c)(1) was approved Sept. 27, 1991, in accordance with the Federal Advisory Committee Act. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC.

For further information, contact Ms. Betty A. Ferrell (202) 482–2583.

Dated: September 7, 1993.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 93–22319 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DT–P

Foreign-Trade Zones Board

[Docket 48–93]

Foreign-Trade Zone 40—Cleveland, OH; Application for Subzone, Mr. Coffee, Inc., Facilities (Appliances/ Coffeemakers) Bedford Heights, OH

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Cleveland Regional Port Authority, grantee of FTZ 40, requesting special-purpose subzone status for the appliance/coffeemaker manufacturing facilities of Mr. Coffee, Inc., in Bedford Heights, Ohio. 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 30, 1993.

The Mr. Coffee facilities involve a main manufacturing plant (35 acres) located at 24700 Mills Road, Bedford Heights, Ohio, and a distribution center (6 acres) at 26840 Fargo Avenue, Bedford Heights, Ohio. The facilities (600 employees) are used to manufacture and distribute coffeemakers and teamakers and other small countertop kitchen appliances such as food dehydrators, juicers, mug warmers, and coffee mills. Certain components are sourced abroad (some 12–20% of value), including heating elements, switches, timing modules, thermometers, cords, plastic parts, rubber tubing, and packaging.

Zone procedures would exempt Mr. Coffee 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 finished appliances (3.4% to 5.3%). The duty rates on foreign-sourced items range from 2.8 percent to 5.3 percent. Foreign merchandise and finished products held for export would be eligible for exemption from certain state and local ad valorem taxes. The application indicates that zone savings would help improve the international competitiveness of Mr. Coffee's Ohio facilities.

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 November 12, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 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, 600 Superior Avenue East, room 700, Cleveland, OH 44114.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: September 2, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–22318 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 49–93]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Application for Subzone, Merck Plant, (Pharmaceutical and Agricultural Chemical Products) Barceloneta, PR

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Commercial and Farm Credit and Development Corporation of Puerto Rico, grantee of FTZ 61, requesting special-purpose subzone status for the pharmaceutical and agricultural chemical product manufacturing facility of Merck, Sharp & Dohme Química de Puerto Rico, Inc. (MSD), a wholly-owned subsidiary of Merck & Co., Inc. (Merck), in Barceloneta, Puerto Rico, adjacent to the San Juan Customs port of entry area. 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 30, 1993.

Merck is one of the world's largest pharmaceutical manufacturers with nearly $9 billion in total sales in 1991. Its primary product lines include: Patented prescription and over-the-counter pharmaceutical products, veterinary pharmaceuticals and agricultural and specialty chemicals. This proposal is part of an overall company cost reduction effort. (Applications for subzone status are also being submitted for seven other Merck facilities.)

MSD's Barceloneta plant (221 acres, 440,616 sq. ft., 76 bldgs.) is located at RD 2, Km. 57, 30 miles west of San Juan, in the municipality of Barceloneta, Puerto Rico. The facility (850 employees) is used to produce pharmaceutical bulk chemicals and intermediates used in Merck's human and animal health products, and finished animal health and agricultural chemical products for its AgVet (agricultural/veterinary) Division. Bulk pharmaceutical and intermediate products currently include amiloride HCl, enalapril maleate, lisinopril and methyldopa, used in the treatment of high blood pressure; cyclobenzaprine, a muscle relaxant; ivermectin bulk, a livestock anti-parasitic; and timolol free base and timolol maleate, for the treatment of glaucoma. These active ingredients are sent to Merck's other facilities for processing into final products. Finished animal health/ agricultural chemical products currently include "Avid", an antiparasitic for crop protection, "Curatrim", treatment for liver flake in cattle, "Heartgard Plus", for prevention of canine heartworm disease, and "L–AAN", used in the treatment of hypertension. Finished products are then shipped to Merck's West Point, Pennsylvania, facility (application pending FTZ Board approval, FTZ Doc. 29–93, 58 FR 38749, 7/20/93) for U.S. distribution.

Currently, foreign-sourced materials account for, on average, 40 percent of the value of the products that leave the Barceloneta plant including the following specific chemicals: amiloride HCl crude, avermectin B_1, trienone, clorsulon, keto ester, ala-pro, pyrantel, DMSO, vanillin, TFA LYS PRO free base, formamide, S-glycolamine, and DCT. The company also may purchase products from abroad in the following general product categories: Gums,

starches, waxes, vegetable extracts, mineral oils, phosphoric acid, hydroxides, hydrazine and hydroxylamine, chlorides, phosphates, carbonates, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids, phosphoric esters, amine-, carboxymide, nitrile- and oxygen-function compounds, heterocyclic compounds, sulfonamides, vitamins, hormones, sugars, antibiotics, gelatins, enzymes, color lakes, soaps and detergents, medicaments, and pharmaceutical products. The company may also source abroad insecticides, rodenticides, fungicides and herbicides for use in its AgVet production.

Zone procedures would exempt MSD from Customs duty payments on foreign materials used in production for export. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (duty-free to 23.5%, most falling in the 3.7%–13.5% range). The duty rates on foreign-sourced items range from duty-free to 23.5 percent, with most falling in 3.7%–13.5% range. The application indicates that the savings from zone procedures will help improve the firm's international competitiveness.

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 November 12, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 29, 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, room G–55, Federal Building, Chardon Avenue, San Juan, Puerto Rico 00918.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: September 2, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–22317 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 653]

Expansion of Subzone Status (Personal Computers) Subzone 77A; Sharp Manufacturing Company of America Plant Memphis, TN

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the City of Memphis, Tennessee, grantee of Foreign-Trade Zone Subzone No. 77A, at the Sharp Manufacturing Company of America plant, requesting authority to expand the subzone area and the scope of manufacturing authority under zone procedures to include portable personal computers (televisions and microwave ovens are currently authorized), was filed by the Foreign-Trade Zones (FTZ) Board on April 15, 1992 (Docket 10–92, 57 FR 18467, 4/30/92) (Amendment: 57 FR 28828, 6/29/92);

Whereas, notice inviting public comment was given in the **Federal Register** and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board has found that the requirements of the Act and the regulations are satisfied, and that approval is in the public interest;

Now, therefore, the Board hereby orders:

The grantee is authorized to expand Subzone 77A and the scope of manufacturing authority as requested in the application, as amended, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 1st day of September, 1993.

Joseph A. Spetrini,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

[FR Doc. 93–22316 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–570–814]

Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China; Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order

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

ACTION: Notice of initiation of anti-circumvention inquiry.

SUMMARY: On the basis of a petition filed with the Department of Commerce, we are initiating an anti-circumvention inquiry to determine whether producers of carbon steel butt-weld pipe fittings from the People's Republic of China are circumventing the antidumping duty order on carbon steel butt-weld pipe fittings.

EFFECTIVE DATE: September 13, 1993.

FOR FURTHER INFORMATION CONTACT: David Genovese, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

On July 21, 1993, the Department of Commerce (the Department) received a petition filed by the U.S. Fittings Group, which is an *ad hoc* trade association of domestic producers of carbon steel butt-weld pipe fittings whose members currently consist of Hackney, Inc., Ladish Co., Inc., L.A. Boiler Works, Inc., Mills Iron Works, Inc., Steel Forgings, Inc., and Tube Forgings of America, Inc. (the petitioners), requesting that the Department conduct an anti-circumvention inquiry on the antidumping duty order on certain carbon steel butt-weld pipe fittings (CSPFs) from the People's Republic of China (PRC) (57 FR 21058, May 18, 1992). The petitioners allege that producers of CSPFs from the PRC are circumventing, within the meaning of section 781(b) of the Tariff Act of 1930, as amended (the Act), the antidumping duty order on CSPFs by exporting unfinished CSPFs to Awaji Sangyo Co. (Thailand), in Thailand, which then completes the finishing operations and exports the merchandise to the United States free of any antidumping duties.

Initiation of Anti-circumvention Proceeding

Section 781(b) of the Act allows the Department to include merchandise within the scope of an existing antidumping duty order if: (1) The merchandise imported into the United States is of the same class or kind as merchandise produced in a foreign country that is the subject of an antidumping duty order; (2) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise imported from the country which is subject to the antidumping duty order, and the difference between the value of the completed merchandise exported to the United States and the value of the merchandise imported to the third

country prior to completion or assembly for export to the United States is small.

Based on the Department's analysis of petitioners' submission (see Decision Memorandum from Holly A. Kuga to Joseph A. Spetrini, dated 08/23/93), we are initiating an anti-circumvention inquiry on carbon steel butt-weld pipe fittings from the People's Republic of China, case number A–570–814.

The Department will not suspend liquidation at this time. However, the Department will instruct the U.S. Customs Service to suspend liquidation in the event of an affirmative preliminary determination of circumvention.

This notice is published in accordance with section 781(b) of the Act (19 U.S.C. 1677j(b)) and 19 CFR 353.29.

Dated: September 2, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–22315 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–810]

Mechanical Transfer Presses From Japan; Preliminary Results and Termination in Part of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results and termination in part of antidumping duty administrative review.

SUMMARY: In response to requests by the petitioners and three manufacturers/exporters, the Department of Commerce is conducting an administrative review of the antidumping duty order on mechanical transfer presses from Japan. The review covers three manufacturer/exporters of the subject merchandise to the United States during the period February 1, 1991, through January 31, 1992. The review indicates the existence of dumping margins during the period.

As a result of this review, we have preliminarily determined to assess antidumping duties equal to the differences between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Edward Haley or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On January 31, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 3740) a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order on mechanical transfer presses (MTPs) from Japan. On February 27, 1992, the petitioners, the Verson Division of Allied Products Corp., the United Autoworkers of America, and the United Steelworkers of America (AFL–CIO/CLC), requested a review of Ishikawajima-Harima Heavy Industries Co., Ltd. (IHI), and Hitachi Zosen Corp. (Hitachi); on February 28, 1992, Komatsu Ltd. (Komatsu), Aida Engineering, Ltd. (Aida), and Hitachi requested to be reviewed; all requests were in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Tariff Act), and § 353.22(a) of the Department's regulations. We published the notice of initiation of the antidumping duty administrative review on March 16, 1992 (57 FR 9104), covering the period February 1, 1991, through January 31, 1992.

The initiation notice names four companies. Of these four companies, we are terminating the review of one company (see "Termination of Review in Part" section of this notice). Of the three remaining companies, IHI had no shipments for the period of review. We analyzed the responses of Aida and Hitachi to the Department's antidumping questionnaire. The Department has now conducted the review in accordance with section 751 of the Tariff Act.

Termination of Review in Part

On May 7, 1992, Komatsu withdrew its request for review. The petitioners had not requested a review of this company. Therefore, in accordance with 19 CFR 353.22(a)(5), the Department is terminating the review with respect to Komatsu.

Scope of the Review

Imports covered by this review include MTPs currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8462.99.0035 and 8466.94.5040. The HTS numbers are provided for convenience and for U.S. Customs purposes. The written description remains dispositive.

For purposes of this review, the term "mechanical transfer presses" refers to automatic metal-forming machine tools with multiple die stations in which the workpiece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be imported assembled or unassembled.

This review covers sales by Aida and Hitachi of MTPs from Japan entered into the United States during the period February 1, 1991, through January 31, 1992. This review does not cover spare and replacement parts and accessories. The review also does not cover Aida's FMX series cold forging press, with optional transfer feed unit, which is the subject of a pending scope ruling. If the Department determines that the FMX press is within the scope of the antidumping duty order, we will include sales of FMX presses by Aida in the final results of this administrative review.

United States Price

The Department used purchase price (PP), as defined in section 772 of the Tariff Act, in calculating United States price (U.S. price) for Aida and Hitachi because all sales were made directly to unrelated parties prior to importation into the United States. U.S. price was based on packed, f.o.b. Japanese or U.S. port prices, as appropriate. We made deductions, where applicable, for foreign inland freight and insurance, ocean freight, export insurance expenses, brokerage and handling, stevedoring charges, marine insurance, air freight, and U.S. Customs duties and fees. No other adjustments were claimed or allowed.

Foreign Market Value

We have preliminarily determined that models of MTPs sold in the home market are not comparable to the U.S. models sold during the period of review. Accordingly, the Department has used constructed value (CV), as defined in section 773(e) of the Tariff Act, to calculate foreign market value (FMV). We note that Aida and Hitachi have argued that home market models are not similar to models sold to the United States, and that we have received no comments from petitioners on the issue.

We calculated CV as the cost of materials and fabrication of the merchandise exported to the United States, plus general expenses, profit and packing. We used the respondents' CV data, except in the following instances where the costs were not appropriately quantified or valued:

For Aida:

(1) We revised the submitted general and administrative expense calculation to include certain non-operating income and expense items; and (2) we recalculated interest expense by disallowing the reported interest income offset because Aida did not break out interest income into short-term and long-term interest income.

For Hitachi:

(1) We adjusted the submitted general and administrative expense calculation using Hitachi's audited unconsolidated financial statements for the fiscal year ending March 31, 1992; (2) we reduced net interest expense, rather than gross interest expense, by the ratio of trade accounts receivable and inventory to total assets; and (3) we disallowed the negative imputed credit on prepaid sales because the benefit from the prepayment is already accounted for in the interest expense calculation.

We made circumstance-of-sale adjustments to CV for credit, technical services, and warranty expenses to reflect the differences between the home market and U.S. costs. We denied a circumstance-of-sale adjustment claimed by Hitachi for export insurance expenses because we consider these expenses to be movement expenses, and treated them as such in our U.S. price calculation. No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our review, the Department preliminarily determines that the following margins exist for the period February 1, 1991, through January 31, 1992:

Manufacturer/exporter	Margin (percent)
Aida Engineering, Ltd.	0.84
Hitachi Zosen Corp.	0.00
Ishikawajima-Harima	[1]0.00

[1] No shipments during the period. Rate is from the last final results of review for this company.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of MTPs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) the cash deposit rates for the reviewed companies will be those established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all others" rate established in the final notice of the LTFV investigation of this case, in accordance with the Court of International Trade's decisions in *Floral Trade Council* v. *United States*, Slip Op. 93–79, and *Federal Mogul Corporation and the Torrington Company* v. *United States*, Slip Op. 93–83. The all others rate is 14.51 percent. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: September 3, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–22308 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–437–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the Republic of Hungary; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty review.

SUMMARY: On August 12, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the Republic of Hungary. The period of review is June 1, 1990 through May 31, 1991.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have changed the results from those in our preliminary results of review.

EFFECTIVE DATE: September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Breck Richardson, Elisabeth Urfer, or Maureen Flannery of the Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–4733.

Background

On August 12, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 36069) the preliminary results of this administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, (TRBs) from Hungary (52 FR 23319, June 19, 1987). The respondent, Magyar Gordulocsapagy Muvek (MGM), requested that we conduct an administrative review in accordance with 19 CFR 353.22(a). We published a notice of initiation of this antidumping duty administrative review on August 14, 1991 (56 FR 40305).

We sent MGM a questionnaire on December 31, 1991, and received a response on February 14, 1992. We

issued a supplemental questionnaire on May 14, 1992. On May 29, 1992, MGM requested an additional 14 days to respond to the supplemental questionnaire. We granted an extension until June 12, 1992. On June 11, 1992, MGM requested that it be allowed to submit its supplemental questionnaire response by June 16, 1992. We granted an extension for the public version until June 15, 1992, the proprietary version remaining due June 12, 1992. We received both the proprietary and the public versions after the June 15, 1992 deadline had expired (the deadline for submission of the public version of the supplemental response was 5 p.m., close of business, on June 15). In accordance with § 353.31(b)(2) of the Department's regulations, we rejected as untimely both the proprietary and the public versions of the supplemental response.

MGM and Petitioner, the Timken Company, submitted case and rebuttal briefs. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of TRBs and parts thereof, finished and unfinished, from Hungary. This merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 8482.20.00, 8482.91.00.60, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30 and 8483.90.80. Although the HTS item numbers are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

This review covers the period June 1, 1990, through May 31, 1991. MGM accounts for all Hungarian exports to the United States of the subject merchandise.

United States Price

We based the United States price (USP) on purchase price (PP), in accordance with section 772(b) of the Act, as the subject merchandise was sold to unrelated purchasers in the United States prior to importation into the United States. PP was based on either FOB Hamburg port price to unrelated purchasers or the ex-factory price to unrelated purchasers. With respect to FOB Hamburg sales, we made deductions for brokerage and handling and foreign inland freight charges. The brokerage and handling charges were paid in convertible currency. We valued foreign inland freight deductions using surrogate data based on Mexican freight costs. We selected Mexico as the surrogate country for the reasons explained in the "Foreign Market Value" section of this notice.

Foreign Market Value

In the most recent review of this order, the Department treated Hungary as a non-market economy country. See Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the Republic of Hungary, 56 FR 41819 (August 23, 1991). Because none of the parties to this proceeding has contested such treatment in this review, we have calculated foreign market value in accordance with section 773(c) of the Act and § 353.52 of the Department's regulations. Section 773(c) of the Act requires us to base foreign market value on a valuation of the factors of production in a market economy country that is at a level of development comparable to the non-market economy country and is a significant producer of comparable merchandise.

It is the Department's practice to value factor of production inputs from publicly available sources in a market economy. When there are no publicly available sources, we obtain other information for valuing factors of production, such as actual acquisition prices in a market economy.

We determined that South Africa, Uruguay, Algeria, Malaysia and Mexico are the most appropriate surrogates for Hungary. We researched publicly available documents relating to these countries and sent cables to the American embassies in each possible surrogate country requesting documentation relating to the values for the factors of production. We chose Mexico as the surrogate for valuing the factors of production because we were able to obtain more complete publicly available data pertaining to Mexico than for the other potential surrogate countries with comparable economies which produced TRBs.

We valued the factors of production as follows:

- The material cost for each component was determined by multiplying the gross weight (in kilograms) of steel by the cost per kilogram of the raw material input, and then deducting an amount to account for the sale of scrap.
- Certain raw material costs were valued based on MGM's imports of steel products from market economies that were paid for in freely convertible currency.
- In the absence of market economy prices paid by MGM, we valued other raw material inputs using National Trade Data Bank information for 1990–1991. We used United States FAS export data for sales to Mexico to value hot-rolled steel rods, steel strips and steel alloy scrap. See our response to comment 7 below.
- We valued both inland freight for the finished TRBs and inland freight on the steel inputs using publicly available Mexican freight rates. This information was taken from data obtained from the Mexican Freight Transportation Industry Chamber.
- We valued direct labor using a 1990 Mexican labor rate (the equivalent of 2.31 U.S. dollars per hour) for industrial-commercial machinery obtained from the Bureau of Labor Statistics (BLS). The BLS rate includes basic salaries, bonuses and other premiums paid to the industrial-commercial manufacturing industry in Mexico. We used the wage index published by the Bank of Mexico to adjust this figure to account for the 1991 portion of the period of review (POR). The specific portion of the wage index used reflects metal products, machinery and equipment industries in Mexico. Therefore, this rate is representative of actual labor rates in Mexico for all categories of employees within the metal products industry. The labor cost for each component was calculated by multiplying the total labor minutes by the surrogate labor rate (.385 U.S. dollars per minute).
- We were able to obtain a range of factory overhead and indirect labor rates of a number of roller bearing and steel producers in Mexico as reported by the Bearing Distributors Association in Mexico. We used a simple average of the range obtained from actual producers of the subject merchandise in Mexico as the most reasonable rate, given that there was no public information available on this subject.
- We used the statutory minimum of ten percent of the sum of material and fabrication costs for general expenses.
- We used the statutory minimum of eight percent of material and fabrication costs plus general expenses for profit.
- Consistent with our valuation of packing in the Final Determination of Sales at Less than Fair Value: Tapered Roller Bearings from the Hungarian People's Republic, 52 FR 17428 (May 8, 1989), the Final Determination of Sales at Less than Fair Value: Tapered Roller Bearings from the Socialist Republic of Romania, 52 FR 17433 (May 8, 1989), the Final Determination of Sales at Less than Fair Value: Tapered Roller Bearings from the People's Republic of China, 52 FR 19748 (May 27, 1987), Final Results of Antidumping Duty Administrative Review: Tapered Roller

Bearings from the Republic of Hungary, 55 FR 48146 (November 19, 1990) and Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the Republic of Hungary, 56 FR 41819 (August 23, 1991), the value of packing was based on publicly available data contained in the public file of the investigation of Tapered Roller Bearings from Italy, 52 FR 24198 (June 29, 1987).

Currency Conversion

We made currency conversions in accordance with 19 CFR 353.60(a). Currency conversions were made at the rates certified by the Federal Reserve Bank or at rates published by the International Monetary Fund in International Financial Statistics.

Analysis of the Comments Received

We invited interested parties to comment on the preliminary results. We received case and rebuttal briefs from MGM and Timken.

Comment 1: Timken argues that the absence of a response to the Department's supplemental questionnaire requires use of adverse best information available (BIA). Timken contends that the Department calculated the margin for the preliminary results as if deficiencies had never been identified and the supplemental questionnaire never sent, and cites 19 U.S.C. 1677e(b) of the statute, which states:

> In making their determinations under this subtitle, the administering authority and the Commission shall, whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, use the best information otherwise available.

Timken further cites § 353.37(a) of the regulations, which states:

> (a) Use of best information available. The Secretary will use the best information available whenever the Secretary:
> (1) Does not receive a complete, accurate and timely response to the Secretary's request for factual information; or
> (2) Is unable to verify, within the time specified, the accuracy and completeness of the factual information submitted.

Timken asserts that the highest rate in the past is the most appropriate rate to use as BIA. The highest rate is from the investigation in which the Department calculated a margin of 7.42 percent. Timken argues that alternatively the duties could be assessed at the rate at which duties were deposited, 5.38 percent. Timken contends that, as it was the respondent who requested this review in order to change the deposit rates, and the respondent who failed to respond in a timely manner to the Department's request for information, the application of rates which would have applied had MGM not requested the review would be a reasonable and fair solution.

MGM disagrees with Timken's assertion that the Department relied upon deficient data in the preliminary results, and argues that a timely response to the supplemental questionnaire would not have directly affected the data ultimately used in the margin calculation. MGM argues that it did submit a detailed and essentially complete and accurate 184-page response to the Department's original questionnaire, and that the BIA consequences, suggested by Timken, for its late supplemental questionnaire response are unwarranted. MGM argues that the Department's goal is not to punish parties that do not meet deadlines for submitting information. MGM points out that, in *Rhone-Poulenc* v. *United States*, 899 F.2d. 1185 (Fed. Cir. 1990), the Court of Appeals for the Federal Circuit (CAFC) ruled that the aims of the Department are controlled by the goal of calculating the most accurate dumping margin possible. MGM further notes that, in *Olympic Adhesives, Inc.* v. *United States*, 899 F.2d 1565 (Fed. Cir. 1990), the CAFC found that the Department improperly used BIA where respondent's answers to the Department's questionnaire were complete and not deficient even though answers did not definitely resolve the overall issue presented.

Department's Position: While MGM failed to submit its response to the supplemental questionnaire in a timely manner, the circumstances of this case do not warrant the use of BIA. Methodological decisions made subsequent to the issuance of the supplemental questionnaire, and the nature of the available surrogate information, rendered much of the information requested in that questionnaire moot. For example, we selected Mexico as our surrogate country, and the Mexican overhead information we were able to find had only broad applications, thus making it impossible to match this information to detailed data such as that requested in the supplemental questionnaire. Therefore, the information requested in the supplemental questionnaire was essentially academic and unnecessary for the purposes of our antidumping calculations. Although we could not have known the outcome at the time we made the supplemental request, if we had found that the requested information could have been matched to our surrogate country information, we would have resorted to BIA because the missing supplemental data would have precluded us from making appropriate comparisons with surrogate country data. We therefore disagree with Timken's contention that BIA is appropriate, and we are addressing the issues raised by Timken regarding the specific questions asked in the supplemental questionnaire. See our responses to Comments 2–5 below.

Comment 2: Timken argues that the first four questions of the supplemental questionnaire relate to information that does not enter the margin calculation, but is nevertheless important to an understanding of the operations of MGM, and the absence of this information calls into question the accuracy of the data submitted.

MGM contends that while its response to the supplemental questionnaire would have formally clarified its submission, the errors were so obviously typographical that the Department could have corrected the discrepancies on its own. MGM further contends that, with regard to questions 1–3, which asked MGM to clear up minor discrepancies in the narrative response and the appendices, the issue is rendered moot because the Department does not have to rely at all on this information to calculate the final margin.

Department's Position: We do not agree with Timken that MGM's failure to supply the requested information called into question the accuracy of the data reported. Questions 1–3 asked MGM to clarify discrepancies between the narrative description and the appendices, with respect to the period covered by the data given in the appendices. This information was not essential to the margin calculation, but would have helped to tie the information used in those calculations to source documents, had we chosen to verify MGM's response. Question 4 asked MGM to report all costs in the currencies in which they were incurred. Because this is a non-market-economy case, values are based on information reflecting actual market-oriented costs; where costs were incurred in non-market-economy currencies, surrogate values were used for our analysis. Therefore, those costs incurred in the native currency of Hungary are irrelevant to the analysis performed for this case. For those inputs that were purchased by MGM in market-oriented currencies from companies in market economy countries, we were able to use the costs as reported by MGM because, as noted in MGM's rebuttal brief, in the response to the original questionnaire,

MGM reported those costs in the actual market-oriented currencies in which they were incurred.

Comment 3: Timken maintains that a response to the Department's supplemental questionnaire would have given the Department an understanding of the specific activities included in overhead, direct labor, indirect labor, and general expenses. Timken argues that, because MGM did not submit in a timely manner its response to the supplemental questionnaire, the Department should use, as BIA, the highest overhead rate reported by the Bearing Distributors Association in Mexico. Also, as BIA for general expenses, Timken asks that the Department contact that association to request the general expenses percentage for the same producer from which the overhead rate was reported.

MGM argues that the Department's question in the supplemental questionnaire regarding overhead related to details that would not change the Department's margin calculation. MGM notes that the information requested was in regard to factory overhead data for Hungary, but that in the preliminary results, Mexican overhead data were used.

Regarding the Department's unanswered request for information about the allocation of social security benefits in Hungary, MGM claims that this was a question that was not pursued in light of the Department's decision to use BLS data for wage rates, which include all fringe benefits. Regarding the Department's request that MGM explain why safety guards, auxiliary workers, and technical employees are accounted for under "general expenses," MGM argues that this question was not pursued by the Department for the preliminary results; instead, the Department relied on the statutory minimum for general expenses, as it had done in prior reviews. Concerning the Department's unanswered request that MGM explain whether the benefits of "working and protecting clothes" and "donation to travel to work" apply to all workers and, if so, to indicate how they are allocated, MGM claims that, like the question regarding social security payments, this also was a question that was not pursued by the Department, as demonstrated by the Department's decision to use BLS data for wage rates, which include all fringe benefits.

Department's Position: In the supplemental questionnaire, we requested a detailed description of MGM's methodology for calculating factory overhead, including worksheets and explanations of differences in allocation methods. However, in the preliminary results, we used a Mexican overhead rate, based on a simple average of a range of factory overhead and indirect labor rates for a number of actual roller bearing and steel producers in Mexico. Thus, the information requested in the supplemental questionnaire regarding factory overhead was rendered moot by our decision regarding the best way to value factory overhead. The information on overhead we requested in our questionnaire would have allowed us to confirm that MGM made proper allocations of overhead to TRBs. Had we been able to obtain a surrogate overhead rate that could be broken down into individual elements, it might have been necessary to make adjustments to that rate based on details of MGM's overhead allocation methodology. Since the overhead rate we were able to obtain did not specify the elements of which it was comprised, no adjustments could be made to that rate even if we did have detailed information on MGM's TRB allocation methodology. Therefore, regardless of whether MGM had supplied the requested overhead information, we would still have resorted to the same Mexican overhead rate. As a result, we have continued to use the same factory overhead rate that was used for the preliminary results.

On the point concerning the Department's request that MGM explain why certain items are accounted for under "general expenses," we again agree with MGM. We used the statutory minimum rate for general expenses. By our so doing, the need to know specific information concerning the individual components of this expense was eliminated. We have, therefore, continued to use the statutory minimum general expense amount.

We agree with MGM that the wage rate used as best available information for the preliminary results included all fringe benefits, and this would have encompassed social security. At the time we sent our supplemental questionnaire, we had not determined a labor rate to use for our calculations, or the individual costs that should be included in that rate. The rate we ultimately chose was fully loaded and, therefore, inclusive of the labor costs described in the supplemental questionnaire. The only effect on the labor rate that a response to the supplemental questionnaire might have had would have been a downward adjustment to the labor rate in the event that fully-loaded labor costs did not apply to MGM during the POR, an adjustment which would have actually benefitted MGM.

Comment 4: Timken contends that, without the data requested in the supplemental questionnaire regarding the Debrecen plant, the factors of production information for that plant remain unknown. Timken further argues that there is no rational basis for using data pertaining to the Diosd plant rather than data for the Debrecen plant. Noting that there may not be an easy method to account for the lack of data pertaining to the Debrecen plant (and possibly other facilities), Timken advises the Department to keep this absence of information in mind when deciding on BIA for the other factors of production.

Regarding the failure to report the same factors of production for the Debrecen plant, MGM indicates that the percentage of the products exported to the United States that were produced at the Debrecen plant is insignificant.

Department's Position: We agree with Timken that MGM should have provided the same data for the Debrecen facility as it provided for the Diosd facility. However, MGM did provide limited data for the Debrecen facility. Because the margins calculated for the TRB models manufactured at the facility in Debrecen are higher than the BIA rate suggested by Timken, we have concluded that the data associated with manufacturing at the Debrecen facility are the best information available for factors of production at that facility. Therefore, we are using these data for our margin calculations.

Comment 5: Petitioner indicates that MGM's failure to respond to the Department's request to confirm that all imports for the steel used to manufacture TRBs during the period had been reported and, if they had not, to resubmit the data to complete the record, should result in BIA. Timken asserts that, if steel data are to be used at all, the Department should use, as BIA, the highest cost for any type of steel reported. With respect to steel scrap, Timken claims that a downward adjustment of the gross steel values based on scrap should not be made unless scrap produced revenues. Without the data regarding scrap sales, Timken argues, the only rational BIA would be to disregard the scrap adjustment entirely and to base the steel value entirely upon the gross weight of steel which enters into the production process.

MGM argues that the Department only requested confirmation that all imports for steel used to manufacture TRBs during the POR had been reported, and maintains that they had indeed been reported. MGM contends that prior verified scrap usage ratios were used,

and scrap values were computed from surrogate country sources.

Department's Position: These questions were of the type intended to lay the groundwork for a possible verification. Since we chose not to verify MGM's response, we are accepting the information in the original response.

Comment 6: MGM asserts that the Department made a number of clerical errors. The clerical errors included errors in inputting the net weight for product KL68149/11, the net weight for product KHM218248, the net sales price for product KHM218210, the foreign market value for product KLM67048/10 and a zero margin for products KHM212049 and KHM218248, when the correct calculation yields a margin.

Timken argues that, although the clerical errors cited by MGM are in fact errors, correction of the errors will be unnecessary if information other than MGM's deficient response is used as BIA.

Department's Position: We agree with MGM that we made clerical errors in the preliminary results, and should correct those errors. Accordingly, we have corrected the errors noted by MGM, as well as additional clerical errors we found, and the results are reflected in the final results margin. See the August 23, 1993 analysis memorandum of final results.

Comment 7: MGM argues that the Department should have utilized Mexican import data, rather than data of United States steel exports to Mexico, to value hot-rolled steel rods. MGM notes that, pursuant to 19 U.S.C. 1677b(c), the Department is required to value each of the factors based on "the best available information regarding the value of such factors" in the surrogate country. MGM argues that Mexican import data from the official statistics of the Ministry of Commerce and Industry of Mexico is readily available and is the best available public source indicating the value of hot-rolled steel rods in Mexico. MGM argues that the value of hot-rolled steel rods which Mexican producers import from countries throughout the world reflects more accurately the cost of production in Mexico than do the United States export data upon which the Department has relied.

Timken argues that MGM submitted alternative data for Mexican steel values too late to be considered. Citing Tapered Roller Bearings from Romania, 56 FR 41518 (August 21, 1991), Timken argues that the Department does not consider factor values placed on the record after the preliminary results.

Department's Position: We agree with Timken that the Mexican import data should not be used to value hot-rolled steel rods. The data submitted for the record was untimely and was returned, in accordance with 19 CFR 353.31 (a)(3), to counsel for MGM by letter dated September 28, 1992.

Final Results of the Review

As a result of our comparison of the United States price to foreign market value, we preliminarily determine that the following dumping margin exists:

Manufacturer/ Exporter	Time period	Margin (percent)
Magyar Gordulocs-apagy Muvek	6/1/90–5/31/91	6.66 percent.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, in accordance with section 751(a)(1) of the Act, we will instruct the Customs Service to collect cash deposits for MGM and all other exporters of Hungarian TRBs, at the rate indicated above. This deposit requirement will be effective upon publication of this notice for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date. This deposit requirement, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d) or 355.34(d). Timely written notification of return/ destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Department's regulations.

Dated: September 7, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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[C–791–801]

Preliminary Negative Countervailing Duty Determinations: Certain Steel Products From South Africa

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

EFFECTIVE DATE: September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Graham or Kristin M. Heim, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4105 or 482–3798, respectively.

PRELIMINARY DETERMINATION:

Case History

Since the publication of the notice of initiation in the **Federal Register** (58 FR 32515, June 10, 1993), the following events have occurred.

On June 14, 1993, we issued a questionnaire to the Government of South Africa ("GOSA") in Washington, DC, concerning petitioners' allegations.

On July 14, 1993, we received responses from the GOSA, South African Iron and Steel Industrial Corporation, Ltd. ("ISCOR"), its wholly-owned subsidiary, Vantin (Pty) Ltd. ("Vantin"), and Highveld and Steel and Vanadium Corporation Ltd. ("Highveld").

On July 26, 1993, we postponed the preliminary determinations to September 3, 1993 (58 FR 39790). On July 30, 1993, we presented the GOSA, ISCOR, Vantin, and Highveld with supplemental questionnaires and received responses from these parties on August 16, 1993.

Scope of Investigations

The products covered by these investigations, certain steel products, constitute the following four separate "classes or kinds" of merchandise: (1) Certain hot-rolled carbon steel flat products, (2) certain cold-rolled carbon steel flat products, (3) certain cut-to-length carbon steel plate, and (4) certain corrosion-resistant carbon steel flat products. See Appendix A to this notice for a complete description of the merchandise.

Injury Test

South Africa is not a "country under the Agreement" within the meaning of section 701(b) of the Tariff Act of 1930, as amended, ("the Act") and the products covered by these investigations are dutiable. Therefore, the U.S. International Trade Commission is not required to determine whether imports of these products from South Africa materially injure, or threaten material injury to, a U.S. industry.

Petitioners

Petitioners for each class or kind of merchandise subject to investigation are Armco Steel Company, L.P.; Bethlehem Steel Corporation; Geneva Steel; Gulf States Steel Inc. of Alabama; Inland Steel Industries, Inc.; Laclede Steel Company; LTV Steel Company, Inc.; Lukens Steel Company; National Steel Corporation; Sharon Steel Corporation; U.S. Steel Group (a unit of USX Corporation); and WCI Steel, Inc.

Respondents

The GOSA, Iscor and its wholly-owned subsidiary, Vantin, are respondents for all four classes or kinds of merchandise. Highveld is a respondent for cut-to-length carbon steel plate.

Analysis of Programs

For purposes of these preliminary determinations, the period for which we are measuring bounties or grants, the period of investigation ("the POI"), is calendar year 1992.

In determining the benefits received under the program described below, we used the following calculation methodology. We first calculated a country-wide rate for the program. This rate is comprised of the *ad valorem* benefit received by each firm weighted by each firm's share of exports, separately for each class or kind of merchandise, to the United States. Because Vantin is a wholly-owned subsidiary of Iscor, the benefits received by Iscor and Vantin were combined and weighted by their combined share of exports to the United States.

Consistent with our practice in preliminary determinations, when a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determinations. All such responses, however, are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a bounty or grant in the final determinations.

Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Program Preliminarily Determined To Be Countervailable

The following program is preliminarily determined to be countervailable.

Export Marketing Allowance Program

The Export Marketing Allowance ("EMA") program was established in 1962 to encourage export trade. The allowance may result in an additional deduction from taxable income of 75 to 100 percent of the marketing expenditure incurred. Exporters are allowed to deduct the additional 100 percent of their export marketing expenditures if their exports have increased by 10 percent over a specific time period. The program was terminated effective April 1, 1992. However, any unused portion of the allowance may be carried forward.

Iscor, Vantin and Highveld all applied for and received deductions under this program. All three companies were able to claim a 100 percent allowance. Vantin stated that all of its EMA claims were applicable to markets other than the U.S. Iscor and Highveld provided a breakdown of expenditures which were applicable to the U.S. market. Furthermore, while Iscor was able to claim an allowance under this program, the company was in a tax loss situation and, therefore, did not pay income tax for the tax return filed in the POI. Because Iscor's tax liability was not affected by the use of this program in the POI, we determine that this program was not used by Iscor (see, *e.g.*, Final Negative Countervailing Duty Determination: Low-Fuming Brazing Copper Rod and Wire from South Africa, (50 FR 31642, 31643, August 5, 1985)). Accordingly, we determine that this program was used only by Highveld based only on eligible U.S. expenditures.

Because this program is limited to exporters, we determine that it confers an export bounty or grant. To calculate the benefit for the POI, we divided the tax savings related to the U.S. market under the program by the total value of export sales to the U.S. of all products. On this basis, we determine the net bounties or grants from this program to be 0.00 percent *ad valorem* for hot-rolled carbon steel products; 0.00 percent *ad valorem* for cold-rolled carbon steel products; 0.00 percent *ad valorem* for corrosion-resistant carbon steel flat products; and 0.05 percent *ad valorem* for cut-to-length carbon steel plate.

Because this is the only countervailable program and the rates are zero or *de minimis*, pursuant to 19 CFR 355.7, we preliminarily determine that no benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters of certain steel products in South Africa.

II. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that producers or exporters in South Africa of the subject merchandise did not receive benefits during the POI for exports of the subject merchandise to the United States under the following programs:

A. General Export Incentive Scheme
B. Export Marketing Assistance Schemes
C. Beneficiation Allowance
D. Industrial Development Corporation Financing
   1. Industrial Financing
   2. Low Interest-Rate Scheme for Export Promotion
   3. Export Finance Scheme
   4. Export Capacity Scheme
   5. Export Credit Scheme Interest-Rate Subsidy
   6. Multi Shift Scheme
E. Regional Industrial Development Incentives
   1. Incentives Provided Under the 1982 Regional Industrial Development Policy
      a. Rebates of Transportation Expense
      b. Electricity Rebates
      c. Housing Subsidies for Key Personnel
      d. Special Tender Preferences
      e. Short-term Financing Incentives
      f. Labor Incentives
      g. Long-Term Interest and Rent Incentives
      h. Cash Training Allowances

2. Incentives Provided Under the 1991 Regional Industrial Development Policy
   a. Annual Establishment Grant
   b. Profit Based Incentive
   c. Relocation Incentive
F. Tax Benefits Given to Manufacturers in Economic Development Areas Relating to the Cost of Power, Water and Transport

Verification

In accordance with section 776(b) of the Act, we will verify the information used in making our final determinations.

Public Comment

In accordance with 19 CFR 355.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on these preliminary determinations on Friday, November 5, 1993, at 10 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to request a hearing must submit such a request within ten days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of the business proprietary version and five copies of the nonproprietary version of the case briefs must be submitted to the Assistant Secretary no later than October 29, 1993. Ten copies of the business proprietary version and five copies of the nonproprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than November 3, 1993. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with section 355.38 of the Commerce Department's regulations and will be considered if received within the time limits specified above.

These determinations are published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Dated: September 3, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix A

Scope of the Investigations

The products covered by these investigations, certain flat-rolled steel products, constitute the following four separate "classes or kinds" of merchandise, as outlined below. Although the Harmonized Tariff Schedule of the United States (HTS) subheadings are provided for convenience and customs purposes, our written descriptions and the scope of this proceeding are dispositive.

Certain Hot-Rolled Carbon Steel Flat-Rolled Products

These products include hot-rolled carbon steel flat products, of a width of 0.5 inch or greater, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers), or in straight lengths which are less than 4.75 millimeters in thickness and of a width measuring at least 10 times the thickness, as currently classifiable in the HTS under item numbers 7208.11.0000, 7208.12.0000, 7208.13.1000, 7208.13.5000, 7208.14.1000, 7208.14.5000, 7208.21.1000, 7208.21.5000, 7208.22.1000, 7208.22.5000, 7208.23.1000, 7208.23.5030, 7208.23.5090, 7208.24.1000, 7208.24.5030, 7208.24.5090, 7208.34.1000, 7208.34.5000, 7208.35.1000, 7208.35.5000, 7208.44.0000, 7208.45.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.12.0000, 7211.19.1000, 7211.19.5000, 7211.22.0090, 7211.29.1000, 7211.29.3000, 7211.29.5000, 7211.29.7030, 7211.29.7060, 7211.29.7090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.30.0000, 7214.40.0010, 7214.50.0010, 7214.60.0010, and 7215.90.5000. Excluded from this investigation are certain seat belt retractor spring steel and certain carbon band saw steel, which are defined respectively by the following specifications:

Certain Seat Belt Retractor Spring Steel

Chemical Composition:
  Carbon—0.78%–0.83%
  Manganese 0.35%–0.50%
  Phosphorus 0.020% maximum
  Sulphur 0.008% maximum
  Silicon 0.10%–0.20%
  Aluminum 0.020%–0.060%
  Chromium 0.05%–0.15%
  Copper 0.12% maximum
Non-Metallic Inclusion Rating:
  (1) IPSI 10,000 maximum
  (2) ASTM E45
  A: 2 maximum
  B and C: 1 maximum
  D: 1 maximum
  (3) DIN 50602
  SS: maximum 3
  OA: maximum 1
  OS: maximum 1
  OG: maximum 2
Banding:
  #1 maximum
Decarburization:
  Complete=0.0005 inch maximum
  Total=0.002 inch maximum
Width:
  14 inches maximum
Thickness:
  0.07 to 0.125 inches

Certain Carbon Band Saw Steel

Chemical Composition:
  Carbon—1.21%–1.35%
  Manganese—0.15%–0.35%
  Phosphorus 0.025% maximum
  Sulphur—0.010% maximum
  Silicon—0.10%–0.25%
  Aluminum—0.015% maximum
  Chromium—0.10%–0.30%
  Copper—0.15% maximum
Microstructure:
  Must be fully sorbitic with carbide size #1 absolute maximum.

Certain Cold-Rolled Carbon Steel Flat-Rolled Products

These products include cold-rolled (cold-reduced) carbon steel flat products, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7209.11.0000, 7209.12.0030, 7209.12.0090, 7209.13.0030, 7209.13.0090, 7209.14.0030, 7209.14.0090, 7209.21.0000, 7209.22.0000, 7209.23.0000, 7209.24.1000, 7209.24.5000, 7209.31.0000, 7209.32.0000, 7209.33.0000, 7209.34.0000, 7209.41.0000, 7209.42.0000, 7209.43.0000, 7209.44.0000,

7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.30.1030, 7211.30.1090, 7211.30.3000, 7211.30.5000, 7211.41.1000, 7211.41.3030, 7211.41.3090, 7211.41.5000, 7211.41.7030, 7211.41.7060, 7211.41.7090, 7211.49.1030, 7211.49.1090, 7211.49.3000, 7211.49.5030, 7211.49.5060, 7211.49.5090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7217.11.1000, 7217.11.2000, 7217.11.3000, 7217.19.1000, 7217.19.5000, 7217.21.1000, 7217.29.1000, 7217.29.5000, 7217.31.1000, 7217.39.1000, and 7217.39.5000. Excluded from this investigation is certain shadow mask steel, *i.e.*, aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface.

Certain Corrosion-Resistant Carbon Steel Flat-Rolled Products

These products include flat-rolled carbon steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7210.31.0000, 7210.39.0000, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, and 7217.39.5000.

Excluded from this investigation are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead ("terne plate"), or both chromium and chromium oxides ("tin-free steel"), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this investigation are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in thickness that consist of a carbon steel flat-rolled product clad on both sides with cold-rolled processed stainless steel flat-rolled products in a 20%–60%–20% ratio.

Certain Cut-to-Length Flat-Rolled Carbon Steel Plate

These products include hot-rolled carbon steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat products in straight lengths, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7208.31.0000, 7208.32.0000, 7208.33.1000, 7208.33.5000, 7208.41.0000, 7208.42.0000, 7208.43.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.11.0000, 7211.12.0000, 7211.21.0000, 7211.22.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Excluded from this investigation is grade X–70 plate.

[FR Doc. 93–22311 Filed 9–10–93; 8:45 am]
BILLING CODE 3510–DS–P

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of an amended Export Trade Certificate of Review, Application No. 88–2A012.

SUMMARY: The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to the National Tooling & Machining Association ("NTMA") on October 18, 1988. Notice of issuance of the Certificate was published in the Federal Register on October 25, 1988 (53 FR 43140).

FOR FURTHER INFORMATION CONTACT: Jude Kearney, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (1991) (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Export Trade Certificate of Review No. 88–00012, was issued to the National Tooling & Machining Association ("NTMA") on October 18, 1988 (53 FR 43140, October 25, 1988) and previously amended on December 4, 1989 (54 FR 51914, December 19, 1989).

NTMA's Export Trade Certificate of Review has been amended to:

1. Add each of the companies listed in Appendix A as a "Member" of the Certificate. See Appendix A.

2. Delete each of the companies listed in Appendix B as a "Member" of the Certificate. See Appendix B.

A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: September 2, 1993.

Jude Kearney,

Acting Director, Office of Export Trading Company Affairs.

Appendix A

A & A Machine Company, Inc	Hatboro, PA.
A & A Tool & Die Co., Inc	Lynn, MA.
A & E Machine Shop, Inc	Lone Star, TX.
A & G Machine	Kent, WA.
A & M Engineering Inc	Burbank, CA.
A & R Manufacturing, Inc	Indianapolis, IN.
A & R Precision	Tucson, AZ.
A C Machine & Manufacturing	Meadville, PA.
A & S Precision Sheet Metal	Tucson, AZ.
A L Machining & Manufacturing	Chatsworth, CA.
A Landau Company	Warminster, PA.
A M Design	Canton, OH.
A & S, Inc	Van Nuys, CA.
A M T Applied Mfg. Technologies	Desoto, TX.
A S P Industries	Rochester, NY.
A Z Manufacturing & Sales	Independence, MO.
A–Cube Precision	Woodland Park, CO.
A–TP Precision Deburring	Phoenix, AZ.
A–1 Machining Company	New Britain, CT.
A–1 Valve Repair, Inc	Oklahoma City, OK.
Abco Tool and Die, Inc	Hyannis, MA.
Able Wire EDM, Inc	Orange, CA.
Accu Rounds, Inc	Avon, MA.
Accu-Met Laser, Inc	Cranston, RI.
Accurate Steel Treating, Inc	South Gate, CA.
Accurate Welding II, Inc	Warren, MI.
Ace Machine	Boise, ID.
Ackley Machine Corporation	Moorestown, NJ.
Acro-Fab Ltd	Hannibal, NY.
Adept Precision Machining	Milpitas, CA.
Adler Manufacturing	Burbank, CA.
Advanced Ceramic Technology	Orange, CA.
Advanced Grinding, Inc	Oakland, CA.
Advanced Machine & Eng. Co	Rockford, IL.
Advanced Machine Technology, Inc	Indianapolis, IN.
Advanced Tooling Systems, Inc	Comstock Park, MI.
Aero Engineering & Mfg. Company	Valenica, CA.
Aerospace Products, Inc	Wichita, KS.
Aerospace, Inc	Chandler, AZ.
Aerotek Mfg., Inc	Barton, VT.
Afam Manufacturing, Inc	Albuquerque, NM.
Agape Precision Machining, Inc	Rochester, NY.
Air Capital Tool Services, Inc	Wichita, KS.
Aircraft Hinge	Valencia, CA.
Airmetal Corporation	Jackson, MI.
Alan Ramsay, Inc	Webster, NY.
Alard Machine Products	Gardena, CA.
All Metals Fabricating, Inc	Richardson, TX.
All Tools Texas, Inc	Houston, TX.
All-Tech Machining, Inc	Oakland Park, FL.
Allen Randall Enterprises, Inc	Wadsworth, OH.
Allfab Engineering Company, Inc	Phoenix, AZ.
Alliance Metal Stamping	Rochester, NY.
Alliance Precision Plastics	Rochester, NY.
Alpha Mold Inc	Dayton, OH.
Alpha Mold West Inc	Broomfield, CO.
Alpha Tooling, Inc	Santa Fe Springs, CA.
Alpine Precision, Inc	Chelmsford, MA.
Alro Machine Co., Inc	Lindenhurst, NY.
Alt's Tool & Machine, Inc	Santee, CA.
Ambel Precision Mfg. Corp	Bethel, CT.
American Mfg. & Machining, Inc	Racine, WI.
American Tool & Die Welding	Roseville, MI.
Amerimold, Inc	Mogadore, OH.
Ameritec Tool & Die, Inc	Bay City, MI.
Ames Engineering Corporation	Wilmington, DE.
Andon Electronic Corporation	Lincoln, RI.
Angone Tool & Die, Inc	Vernon, CA.
Anoroc Company	Gardena, CA.
Arc Drilling—Dynamic Balancing	Garfield Heights, OH.
Arrow Diversified Tooling, Inc	Ellington, CT.
Artisan Tool & Die, Inc	Muncie, IN.
Artron Precision Inc	Sunnyvale, CA.
Associated Spring/Raymond	Maumee, OH.
Assured Quality Machining, Inc	St. Petersburg, FL.

Appendix A—Continued

Astro Automation, Inc	Trafford, PA.
Astrotronics' Inc	Mesa, AZ.
Atch-Mont Gear, Inc	Ivyland, PA.
Atlantic Tool & Die Company	Hampstead, NC.
August Machine, Inc	Phoenix, AZ.
Aurelius Mfg. Co, Inc	Braham, MN.
Austin Machine Company	St. Charles, MO.
Automated System Integrators	Evansville, IN.
Avtech Systems, Inc	Provo, UT.
Axis CNC Machining	S. El Monte, CA.
ABBEC Tool & Die	Rochester, NY.
AT Engineering & Mfg., Inc	Chatsworth, CA.
B & E Electroform Co. of S.C	Simpsonville, SC.
B & L Engravers, Inc	Clearwater, FL.
B & W Manufacturing Company	Bristol, CT.
B C Machine Shop	Rochester, NY.
B M Company	Cranston, RI.
Bahnson's Machine Shop	Palm Springs, CA.
Barberie Mold	Gardena, CA.
Barnes Machine, Inc	Shelton, WA.
Bartley Machine & Manufacturing	Amesbury, MA.
Bay Tech Industries, Inc	Tampa, FL.
Beacon Metrology, Inc	Chardon, OH.
Beaver Fab Inc	Cedar Hill, TX.
Beck Tool Company	Cambridge Springs, PA
Bedard Machine, Inc	Brea, CA.
Bedford Precision	Kirkland, WA.
Bennett Machine & Welding, Inc	Caldwell, ID.
Benning Inc	Blaine, MN.
Bent River Machine	Cottonwood, AZ.
Best Way Stamping Inc	La Habra, CA.
Beta Tool & Mold/Dyna-Tech	Independance, OH.
Bimco, Inc	Salt Lake City, UT.
Birdsall Tool & Gage	Farmington Hills, MI.
Blackburn Melton Mfg. Company	Houston, TX.
Blackhawk Engineering Co., Inc	Cedar Falls, IA.
Blackwood Grinding Inc	Hurst, TX.
Blankinship Industries, Ltd	Kent, WA.
Blue Chip Tool Company	Titusville, PA.
Boehm Pressed Steel Company	Cleveland, OH.
Bonneville Machine, Inc	Salt Lake City, UT.
Booz Tooling	Willow Grove, PA.
Boyce Machine	Tallmadge, OH.
Bradford Machine Company Inc	Brattleboro, VT.
Brady Mold and Machine Co., Inc	Kent, OH.
Brasco Machine	Anaheim, CA.
Breeze Industrial Products	Saltsburg, PA.
Breeze's Precision Boring Compan	Pinellas Park, FL.
Brent Grinding & Machine, Inc	Houston, TX.
Broaching Specialties, Inc	Madison Heights, MI.
Broadway Carolina, Inc	Anderson, SC.
Brookfield Machine, Inc	West Brookfield, MA.
Brown Corporation of Waverly	Waverly, OH.
Browning Technology, Inc	Dayton, OH.
BroTron Mfg. Inc	Kent, WA.
Burr N Bench, Inc	Westfield, MA.
Buss Precision Mold Inc	Milwaukie, OR.
C & A Precision, Inc	Phoenix, AZ.
C & M Precision Spindle, Inc	Carlton, OR.
C A S Industries Inc	Paramount, CA.
C D S Leopold	San Carlos, CA.
C E C Tool Co., Inc	Fountain Inn, SC.
C E I Automation	Aurora, CO.
C F A Company, Inc	Milford, CT.
C J Machine Products	Hayward, CA.
C K D Engineering & Mfg	La Habra, CA.
C M Industries, Inc	Old Saybrook, CT.
C P M, Inc	Billings, MT.
C Q Machining, Inc	Phoenix, AZ.
C R Metal Products, Inc	St. Louis, MO.
C A J Welding	Westfield, MA.
C C Industries	Brea, CA.
Cal & Rogers	Meridian, ID.

Appendix A—Continued

Calder Machine Co. (C M C)	Florence, SC.
California Tool Grinding	Rancho Cordova, CA.
Cameron Machine Shop, Inc	Richardson, TX.
CamTech Systems	Carson, CA.
Cannon Industries, Inc	Rochester, NY.
Carbide Probes, Inc	Dayton, OH.
Carlton Precision Machine Inc	Norwich, CT.
Cascade Plastics Company, Inc	Tacoma, WA.
Cast Industries, Corp	Costa Mesa, CA.
Castle Hone & Lap	Santa Clara, CA.
Catalina Precision Engineering	Irvine, CA.
Cedarbrook Engineering Corp	Minneapolis, MN.
Center Machine Company	Webster, PA.
Centerpoint Mfg. Co., Inc	Burbank, CA.
Central Massachusetts Machine	Holyoke, MA.
Central Tools, Inc	Cranston, RI.
Centurion Manufacturing	Simi Valley, CA.
Century Tool & Engr., Inc	Indianapolis, IN.
Challenge Machining Co	Piedmont, SC.
Chance Tool & Die Co., Inc	Cincinnati, OH.
Chandler Tool Company	Rockford, IL.
Charles P. Schilling & Sons, Inc	Bohemia, NY.
Chatham Precision, Inc	Hinesburg, VT.
Chicago Grinding & Machine Compa	Melrose Park, IL.
Chip-Makers Tooling Supply	Whittier, CA.
Chip's Machine Shop Service	Phoenix, AZ.
Cimco	Costa Mesa, CA.
Cinex Inc	Cincinnati, OH.
City Industrial Tool & Die	Harbor City, CA.
Clark & Clark Enterprises, Inc	Tucson, AZ.
Clark & Wheeler Engineering, Inc	Cerritos, CA.
Clarke Engineering, Inc	North Hollywood, CA.
Class Machine & Welding, Inc	Arkron, OH.
Classic Tool	Saegertown, PA.
Classic Tool & Mold, Inc	Alvin, TX.
Cleveland Electric Laboratories	Twinsburg, OH.
Coastal Machine Company	Branford, CT.
Cogswell Mfg. Co., Inc	Agawam, MA.
Colbrit Manufacturing Co., Inc	Chatsworth, CA.
Collins Machine Works, Inc	Wellford, SC.
Collins Manufacturing, Inc	Essex, MA.
Colonial Machine Co., Inc	Pleasantville, PA.
Columbia Products, Inc	Dallastown, PA.
Comac Manufacturing Corporation	Santa Clara, CA.
Commercial Aircraft Products, Inc	Wichita, KS.
Compact Air Products, Inc	Westminster, SC.
Compdraw Inc	Attleboro, MA.
Competitive Engineering Inc	Tucson, AZ.
Computech Manufacturing Co., Inc	North Kansas City, MO.
Concept Group	Berlin, NJ.
Condor Engineering, Inc	Colorado Springs, CO.
Connecticut Tool & Cutter Co	Cheshire, CT.
Conroy & Knowlton, Inc	Lake Forest, CA.
Contine Corporation	Erie, PA.
Continental Precision Machining	Santa Clara, CA.
Contour Metrological & Mfg., Inc.	Troy, MI.
Cook Specialty Company	Green Lane, PA.
Coventry Carbide Tool	Coventry, RI.
Cramer Engineering Company	Santa Fe Springs, CA.
Creative Manufacturing, Inc	Tempe, AZ.
Creative Precision, Inc	Folsom, PA
Creb Engineering	Pascoag, RI.
Crowe Industries	Dayton, OH.
Custom Die & Insert, Inc	Lafayette, LA.
Custom Precision Grinding Inc	Ft. Lauderdale, FL.
Custom Ultrasonics, Inc	Buckingham, PA.
Cutting Tool Technologies, Inc	Wilton, NH.
CAL-SWISS Manufacturing Company	Pasadena, CA.
CAM Fran Tool Co., Inc	Bensenville, IL.
D & D Tool, Inc	Westfield, MA.
D & K Industries	Chatsworth, CA.
D & S Tool, Inc	Dallas, TX.
D & F O'Brien & Associates	Santa Fe Springs, CA.

Appendix A—Continued

D K Tool & Die, Inc	Grand Rapids, MI.
D M Machine & Tool	Kennerdell, PA.
D O Fabrication, Inc	Sacramento, CA.
D–J Engineering	Augusta, KS.
Dakota Machine Tool Company	West Fargo, ND.
Dan McEachern	Alameda, CA.
Danson Tool and Die Inc	Bay City, MI.
Darco Manufacturing, Inc	Syracuse, NY.
Day-Tec Tool & Mfg., Inc	Dayton, OH.
DaCo Precision Manufacturers	Sandy, UT.
DaKa Enterprises	Tucson, AZ.
Delaware Valley Manufacturing	Cherry Hill, NJ.
Delta Fabrication & Machine	Daingerfield, TX.
Delta Machine & Tool Company	Valley View, OH.
Delta Tech, Inc	Mentor, OH.
Desert Tool	Tucson, AZ.
Dial Machine Company	Andalusia, PA.
Diamond Door	Dunkirk, OH.
Die Dimensions	Grand Rapids, MI.
Die Tech Industries, Ltd	Providence, RI.
Die Technology, Inc	Santa Ana, CA.
Die-Namic Tool & Mfg., Inc	Rockford, IL.
Digital Tool & Die, Inc	Grand Rapids, MI.
Dimension Mold & Design	Tempe, AZ.
Direct Machine, Inc	Tucson, AZ.
Diversified Manufacturing, Inc	Lockport, NY.
Diversified Tool, Inc	Mukwonago, WI.
Dot Tool Company, Inc	Binghamton, NY.
Dresco Machining Servicenter	Bay City, MI.
Drewco Corporation	Franksville, WI.
Drill-Masters Inc	Hamden, CT.
Dun-Rite Deburring	Denver, CO.
Dyna-Tech Molding, Inc	Independence, OH.
Dynamic Fabrication, Inc	Santa Ana, CA.
Dynamic Technology Corporation	Fountain Inn, SC.
E & S Equipment, Inc	Norman, OK.
E & W Services	Mentor, OH.
E K G Precision Machining	Mt. View, CA.
E K L Machine Company, Inc	Andalusia, PA.
E-Fab, Inc	Santa Clara, CA.
Eagle Mold Company, Inc	Carlisle, OH.
Eagle Precision Tooling	Erie, PA.
East Side Machine, Inc	Webster, NY.
Eckert Machining, Inc	San Jose, CA.
Eckhart & Associates, Inc	Lansing, MI.
Edwards Enterprises	Newark, CA.
Egbert Precision, Inc	Colorado Springs, CO.
Electro Products Company	Waltham, MA.
Electronic Dev. Labs, Inc	Danville, VA.
Ellison Machine Company	Laurens, SC.
Emptool Co., Inc	New Kingstown, PA.
Engineering Technology, Inc	Salt Lake City, UT.
Erie Shore Machine Co., Inc	Cleveland, OH.
Erie Specialty Products, Inc	Erie, PA.
Euro Swiss, Inc	San Diego, CA.
Eurotech, Inc	Greenville, SC.
Evans Machine	Evanston, IL.
Evans Production Engineering Co	St. Louis, MO.
Everett Mfg. Technologies	Santa Ana, CA.
Exar Industries, Inc	Sinking Spring, PA.
Excalibur Precision Tool	Hampstead, NH.
Excel Manufacturing, Inc	Valencia, CA.
Expedient Tool & Manufacturing	Rockford, IL.
EBCO Tools, Inc	St. Louis, MO.
F & F Machining Co., Inc	East Northport, NY.
F F I F F Industries Inc	Grandview, MO.
F R B Machine	Emlenton, PA.
F S G, Inc	Mishawaka, IN.
F T T Manufacturing	Lakeville, NY.
F W Gartner Thermal Spraying Co	Houston, TX.
Fantasy Manufacturing	Windsor, CA.
Fenwick Machine & Tool	Piedmont, SC.
Fischer Engineering, Inc	Duarte, CA.

Appendix A—Continued

Fleximation Tool Corporation	Riverside, CA.
Florida Wire EDM Systems	Largo, FL.
Flower City Fasteners, Inc	Rochester, NY.
Fluitron, Inc	Ivyland, PA.
Foriska Machine Shop	Saegertown, PA.
Forrest Manufacturing Company	Houston, TX.
Forte Company	Kansas City, MO.
Fortner Precision	Santa Fe Springs, CA.
Foundry & Steel, Inc	Anderson, SC.
Fox Hone & Lap, Inc	Chatsworth, CA.
Frasal Tool Company	Newington, CT.
Frazier Aviation, Inc	North Hollywood, CA.
Freeport Welding & Fabricating	Freeport, TX.
Future Machine	Kent, OH.
Future Tool, Inc	Rockford, IL.
G & K Machine Company	Denver, CO.
G & L Enterprises	Tucson, AZ.
G & L Precision Products	Deer Park, NY.
G & N Gear, Inc	Santa Ana, CA.
G E B Industries, Inc	Torrance, CA.
G F S, Inc	Cleveland, OH.
G F T Manufacturing Corporation	Vandergrift, PA.
G M S Metal Works	Auburn, WA.
G N F Computer Services	Redlands, CA.
G–S Industries, Inc	Fraser, MI.
Gain Industries, Inc	West Allis, WI.
Galvin Precision Machining Inc	Santa Rosa, CA.
Gar Manufacturing Company	Taylor, MI.
Gardner Industries	Independence, MO.
Garland Laboratory	Silver Spring, MD.
Garvey & Associates	Centerville, VA.
Garvey Precision Machine, Inc	Cranston, RI.
Gebhardt Machine Works, Inc	Portland, OR.
Geiger Manufacturing, Inc	Stockton, CA.
Gene's Gundrilling	Los Angeles, CA.
General Die Casters, Inc./Engrav	Peninsula, OH.
General Weldments Inc	Irwin, PA.
Geometric Engineering	Tucson, AZ.
Geometric Tool & Machine Co., Inc	Piedmont, SC.
Gidden's Industries, Inc	Everett, WA.
Giessen Tool & Lathe	Anaheim, CA.
Gillespie Machine & Tool Company	Erie, PA.
Global Tool & Mfg. Company, Inc	Dayton, OH.
Golden State Engineering, Inc	Paramount, CA.
Golis Machine, Inc	Montrose, PA.
Great Western Grinding & Eng., Inc	Huntington Beach, CA.
Green Machine & Tool Inc	Houston, TX.
Greene International West, Inc	Oceanside, CA.
Grinding Service & Mfg. Co	Forrestville, CT.
Grinding Specialties	Eastlake, OH.
Groveland Engineering Inc	Groveland, MA.
Grover's Machine Shop	Taylors, SC.
Gurney Precision Machining	Pinellas Park, FL.
Gust Swenson & Sons, Inc	Crookston, MN.
H & M Metal Processing Company	Cuyahoga Falls, OH.
Hager Machine & Tool, Inc	Houston, TX.
Haig Precision Mfg. Corp	Campbell, CA.
Hamblen Gage Corporation	Indianapolis, IN.
Hamilton Metalcraft, Inc	Pasadena, CA.
Harris & Bruno Machine Company	San Leandro, CA.
Harris Manufacturing Co., Inc	Grand Prairie, TX.
Harter Industries, Inc	Tempe, AZ.
Heinhold Engineering & Machine Co	Salt Lake City, UT
Hendricks & Richardson, Inc	Piedmont, SC.
Hexatron Engineering Co., Inc	Salt Lake City, UT.
Heyden Mold & Bench Company	Tallmadge, OH.
Hi-Tech Machine & Tool, Inc	Byron Center, MI.
Hickman Industries, Inc	LaPorte, TX.
Hickory Machine Company, Inc	Newark, NY.
Highland Mfg. Inc	Manchester, CT.
Hill Tool & Die Company	Danville, KY.
Hillcrest Tool & Die	Titusville, PA.
Honemasters, Inc	Huntington Beach, CA.

Appendix A—Continued

Horizon Industries	Lancaster, PA.
Horizon Machining, Inc	San Jose, CA.
Hornet Bay, Ltd	Philadelphia, PA.
Hughes Industries	Riverton, NJ.
Humble Machine Works, Inc	Humble, TX.
Hunt Enterprises	Santa Ana, CA.
Huntington Beach Machining	Huntington Beach, CA.
Hurco Companies, Inc	Indianapolis, IN.
Huron Machine Products, Inc	Burbank, CA.
Huwelco, Inc	Pasadena, TX.
Hy-Tech Mold, Inc	Rochester, NY.
Hydromat, Inc	St. Louis, MO.
HGG Laser Fare, Inc	Smithfield, RI.
Image Casting Inc	Oxnard, CA.
Imaginetics, Inc	Kent, WA.
Imperial Machining Co	Denver, CO.
Imperial Mfg	Santa Fe Springs, CA.
Impex Machine	Newington, CT.
Industrial Brake and Clutch	Buffalo, NY.
Industrial Machining	Santa Clara, CA.
Industrial Mold, Inc	Twinsburg, OH.
Industrial Research	Litchfield, MN.
Ingalls Machine	Bakersfield, CA.
Inject Tool & Die, Inc	Oak Harbor, WA.
Inline Inc	Phoenix, AZ.
Innovative E D M, Inc	Warren, MI.
International Stamping Inc	Warwick, RI.
Interscope Manufacturing Inc	Middletown, OH.
Intrex Corporation	Broomfield, CO.
Intri-Cut, Inc	Amherst, NY.
Iowa Laser Technology, Inc	Cedar Falls, IA.
Isylon Machining Co., Inc	Bohemia, NY.
Iverson Industries, Inc	Wyandotte, MI.
J & A Honing Service	La Verne, CA.
J & G Tool Co	Saginaw, MI.
J & M Unlimited	Ashland City, TN.
J B M Precision Honing, Inc	Bohemia, NY.
J B M, Inc	Kalispell, MT.
J D C Manufacturing	Redwood City, CA.
J F Machine, Inc	W. Babylon, NY.
J K B Tool Company, Inc	Milford, CT.
J K Engineering Company	Corona, CA.
J M Mold South	Easley, SC.
J M P Industries, Inc	Parma, OH.
J O Tool & Manuf. Company, Inc	Kenilworth, NJ.
J R F Sharpening Service	Berlin, CT.
J R Tool & Die	Wooster, OH.
J R's Tool Crib	Mogadore, OH.
Jackson's Precision Machine Co	Nashville, TN.
Jaco Tool Company, Inc	Birmingham, AL.
Jaques Diamond Tool	Indianapolis, IN.
Jason Tool & Engineering, Inc	Garden Grove, CA.
Jatco Machine & Tool Company, Inc	Pittsburgh, PA.
Jayco Engineering	Costa Mesa, CA.
Jena Tool Company	Dayton, OH.
Jepson Precision Tool, Inc	Cranesville, PA.
Jeropa Swiss Precision, Inc	Escondido, CA.
Jerry Roberts & Company	San Carlos, CA.
Jerry Roberts Machine	St. Paul, MN.
Jesel, Inc	Wall, NJ.
Jesse Industries, Inc	Phoenix, AZ.
John L Lutz Welding & Fabricating	Frenchtown, NJ.
John List Corporation/Chatsworth	Chatsworth, CA.
John Ramming Machine Company	St. Louis, MO.
Jorgenson Fabrication & Welding	Santa Fe Springs, CA.
JST Custom Fabrication	Boise, ID.
K & H Precision Products, Inc	Honeoye Falls, NY.
K & K Laser Marking	Stanton, CA.
K & K Machine Shop	Attleboro, MA.
K & W Machine Products, Inc	Galax, VA.
K L H Industries, Inc	Germantown, WI.
K–B Machine Shop	Olathe, KS.
Kalman Manufacturing	San Jose, CA.

Appendix A—Continued

Karlson Machine Works, Inc	Phoenix, AZ.
Kaskaskia Tool & Machine, Inc	New Athens, IL.
Kell-Strom Tool Company, Inc	Wethersfield, CT.
Kellar's Honing & Lapping	Van Nuys, CA.
Kenmore Gear & Machine Co	Akron, OH.
Keystone Electric Co., Inc	Baltimore, MD.
Kickhaefer Manufacturing Company	Port Washington, WI.
King Machine & Engineering Co	Indianapolis, IN.
King-Tek Wire EDM, Inc	Fullerton, CA.
Kitco Machine Shop	Springville, UT.
Kiwanda Machine Works, Inc	Clackamas, OR.
Kolenda Tool & Die, Inc	Wyoming, MI.
Koval Tool & Die, Inc	Somerset, PA.
Krug Precision Industries	Port Washington, NY.
Krukemeier Machine & Tool Co., Inc	Beech Grove, IN.
Kuhn Tool & Die Co	Meadville, PA.
Kurt J. Lesker Company	Pittsburgh, PA.
Kurt Manufacturing Company	Minneapolis, MN.
L & L Industries	Jackson, MI.
L & T Machining	Temecula, CA.
L & W Machine Co	Phoenix, AZ.
L A Wilper Mfg. Co	Hazelwood, MO.
L B M Manufacturing	Belmont, CA.
L D C Inc	North Providence, RI.
L J R Grinding Corporation	Gardena, CA.
Lake Manufacturing Co., Inc	Wakefield, MA.
Lapco Industries, Inc	Haledon, NJ.
Laser Automation, Inc	Chagrin Falls, OH.
Laser Mark-It	Glendale, CA.
Laser Marking Services, Inc	Esmond, RI.
Laser Specialists, Inc	Fraser, MI.
Laser Workshop	Anaheim, CA.
Laser-Tech Engineering	Irvine, CA.
Lasercut Machining, Inc	Dallas, TX.
Layke Incorporated	Phoenix, AZ.
LaCour Engineering	Culver City, CA.
LaFarge & Egge, Inc	Lynnwood, WA.
Lee's Grinding, Inc	Cleveland, OH.
Leefson Tool & Die Company	Fernwood, PA.
Light & Medium Fabricating, Inc	Willoughby, OH.
Lorraine Machine, Inc	Greenville, SC.
Lu-den Machine Tool Co., Inc	Plainville, CT.
M & S Holes Corporation	Berkeley Heights, NJ.
M C I Tool & Die, Inc	Saginaw, MI.
M Earl Adams Company	Johnston, RI.
M J C Machine, Inc	Tewksbury, MA.
M J M Interests	Kensington, CT.
MPE Machine Tool	Corry, PA.
MR Mold & Engineering Corp	Brea, CA.
MSP Tool Company, Inc	E. Kingston, NH.
MTI Manufacturing Technologies	Woburn, MA.
M-Ron Corporation	Phoenix, AZ.
Mac Lean Precision	Madison, NH.
Mac-Erie Inc	Erie, PA.
Mac-Mold Base, Inc	Romeo, MI.
Machine Kinetics Corporation	Knoxville, TN.
Machine Shop Services	Duncan, SC.
Machine Tool Technologies, Inc	Mt. Clemens, MI.
Machinery Maintenance	Greenville, SC.
Machinist Cooperative	Gilroy, CA.
MacKay Manufacturing	Spokane, WA.
Magnum Manufacturing Corporation	Colorado Springs, CO.
Main Tool & Mfg. Co., Inc	Minneapolis, MN.
Majestic EDM, Inc	Bensenville, IL.
Manor Research, Inc	Hayward, CA.
Mantel & Mantel Stamping Corp	Ronkonkoma, NY.
Manufacturing Designs	Buffalo Creek, CO.
Manufacturing Service Corp	Hartford, CT.
Mara Products, Inc	Everett, MA.
Mardeco Mold Tooling, Inc	Wichita, KS.
Mark Williams Enterprises, Inc	Lousiville, CO.
Martin Production Tooling Inc	Corona, CA.
Martinek Manufacturing	Fremont, CA.

Appendix A—Continued

Master Research & Manufacturing	San Fernando, CA.
Master Swaging	Jackson Center, OH.
Master Tool & Die Company	Warren, MI.
Masterman's Machine Shop	Kent, WA.
Matrix Manufacturing, Inc	Pearland, TX.
McDanniels Machinery Company	Erie, PA.
McIntyre Machine Co., Inc	Charlotte, NC.
MechTech, Inc	Cranston, RI.
Metadyne Technologies, Inc	Boise, ID.
Metal Specialists	Fremont, CA.
Metalcraft	Akron, OH.
Metric Machining	Monrovia, CA.
Metric Precision	Spartanburg, SC.
Micro Dimensions, Inc	Vancouver, WA.
Micro Precision Corporation	Mountville, PA.
Micro-Tronics, Inc	Tempe, AZ.
Microfinish Precision Lapping	San Jose, CA.
Microform Corp	Auburn, WA.
Microphoto, Inc	Detroit, MI.
Mid-Continent Engineering, Inc	Minneapolis, MN.
Mid-States Forging Die & Tool	Rockford, IL.
Midway Mfg. Inc	Elyria, OH.
Midwest Fabricating	Grand Rapids, MI.
Mikron Machine, Inc	Cranesville, PA.
Millennium Three Corporation	Platteville, WI.
Miller Equipment Corporation	Richmond, VA.
Milling Precision Tool, Inc	Wichita, KS.
Milwaukee Precision Corporation	Milwaukee, WI.
Mitutoyo/MTI Engineering Corp	Huntington Beach, CA.
Mod Tech Industries, Inc	Shawano, WI.
Mold Consultants of America, Inc	Orrville, OH.
Morland, Inc	Manchester, CT.
Morlin Incorporated	Erie, PA.
Morrissey Corporation	Bloomington, MN.
Moseys' Production Machinists	Fullerton, CA.
Mountain Tool Corporation	Caldwell, ID.
Mullen Machine & Mfg. Co	St. Clair, MO.
Musgrove Machine Works	Boise, ID.
Myers Amazing Machine Works	Bloomingdale, NJ.
Myers Precision Grinding Company	Warrensville Hts., OH.
NBS, Inc	Macedonia, OH.
NICO Machine, Inc	Phoenix, AZ.
N/C Industries	Brea, CA.
National Center for Tooling &	Toledo, OH.
National Flight Services	Glendale, AZ.
National Jet Company	LaVale, MD.
Nelson Grinding, Inc	Fullerton, CA.
Neutronics, Inc	Phoenix, AZ.
New Tech Industrial	Portland, OR.
Newton Tool & Manufacturing Co	Wenonah, NJ.
Niles Machine & Tool Works, Inc	Newark, CA.
Nimco Instruments	Houston, TX.
Noesting, Inc	Bronx, NY.
North Canton Tool Company	Canton, OH.
North Coast Tool, Inc	Erie, PA.
Northeast EDM	Newburyport, MA.
Northeast Mold & Plastic Inc	Portland, CT.
Northeast Quality Service	Wallingford, CT.
Northern Precision Metal Product	San Jose, CA.
Northland Extension Drills	Grove City, MN.
Northtech Manufacturing Corp	Phoenix, AZ.
Northwest Machine Works, Inc	Grand Junction, CO.
Northwest Machining & Mfg., Inc	Meridian, ID.
Northwest Tool & Die	Saegertown, PA.
Northwood Industries	Toledo, OH.
Norton Company	Northboro, MA.
Norwood Tool Company	Dayton, OH.
Nova Machine Company, Inc	Rochester, NY.
Nova Manufacturing Company	North Hollywood, CA.
Novatech Machining Corporation	Buffalo, NY.
Numeric Machine	Fremont, CA.
Numet Machine	Stratford, CT.
O-D Tool & Cutter Inc	Mansfield, MA.

Appendix A—Continued

Oaklyn Specialty Company	Bellmawr, NJ.
Oconee Machine & Tool Company, Inc	Westminster, SC.
Oconnor Engineering Laboratories	Costa Mesa, CA.
Oilfield Die Manufacturing, Inc	Lafayette, LA.
Olympic Fabrications Corporation	Brentwood, NY.
Omega One, Inc	Maple Heights, OH.
Omni-Tech Mfg. & Eng., Inc	Hillsboro, OR.
On-Tech Machine & Manufacturing	San Jose, CA.
One-Way Manufacturing, Inc	Santa Ana, CA.
Orach Machine Shop Service	Tucson, AZ.
Orange County Grinding	Anaheim, CA.
Orco Block Company	Stanton, CA.
Orix Credit Alliance, Inc	Pasadena, CA.
Ornee Mfg	Glendora, CA.
Overton & Sons Tool & Die Co. Inc	Mooresville, IN.
Overton Corporation	E. Cleveland, OH.
P & J Machining, Inc	Puyallup, WA.
P D Q Inc	Middletown, CT.
P M C Machining, Inc	Phoenix, AZ.
P M Tool & Die Company	Caldwell, ID.
P X Engineering Company, Inc	Hingham, MA.
Pace Design & Fab., Inc	Whittier, CA.
Pacific Metal Craft, Inc	Bell Gardens, CA.
Pacific Tool Corporation	Englewood, CO.
Palmer Machine Company	Conway, NH.
Palmetto Machine Parts	Anderson, SC.
Palmetto Mechanical Services	Spartanburg, SC.
Papago Plastics, Inc	Rochester, NY.
Paragon N/C Machining	Elk Grove Village, IL.
Parkway Machine Services, Inc	Lafayette, LA.
Parkway-Kew Corporation	Edison, NJ.
Part-Rite, Inc	North Royalton, OH.
Parts Fabricators, Inc	New Carlisle, OH.
Pelmor Laboratories, Inc	Newtown, PA.
Pendama, Company	Seattle, WA.
Pengo Corporation	Union City, CA.
Peninsula Screw Machine Products	Belmont, CA.
PenTel Tool & Die, Inc	Romulus, MI.
Performance Grinding and	Tempe, AZ.
Performance Machining Services	Irwin, PA.
Performance Systems Inc	Tempe, AZ.
Perkinson Foundry & Machine Co	Danville, VA.
Pettey Machine Works, Inc	Trinity, AL.
Phillips Machine & Stamping Corp	Akron, OH.
Phoenix Precision Pattern Corp	Tempe, AZ.
Phoenix, Inc	Seekonk, MA.
Pickens Tool Company, Inc	Pickens, SC.
Plastic Technology Company	Monroe, GA.
Plastics Development, Inc	Milwaukie, OR.
Plastipak Packaging, Inc	Medina, OH.
Polycast Mfg. of Annandale, Inc	Annandale, MN.
Polymer Mold and Engineering	Medina, OH.
Polynetics, Inc	Fullerton, CA.
Pope Corporation	Santa Ana, CA.
Popp Machine & Tool, Inc	Louisville, KY.
Portage Knife Company, Inc	Mogadore, OH.
Post Products, Inc	Kent, OH.
Potter & Son, Inc	Piedmont, SC.
Powers Bros. Machine, Inc	Montebello, CA.
Prebco Bushing Company	Baldwin Park, CA.
Precise Mold & Engineering Inc	Valley Park, MO.
Precision Aircraft Components, Inc	Dayton, OH.
Precision Automated Machining	Englewood, CO.
Precision Automatics, Inc	Gadsden, AL.
Precision Metal Fabrication	Dayton, OH.
Precision Metal Finishing Co	Erie, PA.
Precision Metal Tooling, Inc	Hayward, CA.
Precision Profiling, Inc	Wichita, KS.
Precision Resources	Gardena, CA.
Precision Specialists, Inc	Berlin, NJ.
Precision Technologies	Grand Junction, CO.
Precision Technology, Inc	Chandler, AZ.
Precision Tool & Die, Inc	Lawrence, MA.

Appendix A—Continued

Precision Turned Components, Inc	Cranston, RI.
Precision Valve Modification, Inc	Houston, TX.
Precision Welding, Mach. & Fab	Bridgeport, CT.
Precision Wire Cut Corporation	Watertown, CT.
Precon, Inc	Anaheim, CA.
Premac Inc	Rahway, NJ.
Prima Die Castings, Inc	Clearwater, FL.
Pro-Gram Engineering Corporation	Barberton, OH.
Pro-Met Machining Inc	Gresham, OR.
Process Manufacturing Inc	Richmond, KY.
Production Products Inc	Broomfield, CO.
Professional Machine & Tool Co	Hendersonville, TN.
Proficient Machining Co., Inc	Mentor, OH.
Profile Grinding, Inc	Cleveland, OH.
Proform Tool Corporation	Sagertown, PA.
Progressive Concepts Machining	Pleasanton, CA.
Proto Machine & Manufacturing	Kent, OH.
Prototype and Short-Run Services	Fullerton, CA.
Pull-Brite	Fremont, CA.
Q S P Technology, Inc	Boise, ID.
Qualfab Machining	Redwood City, CA.
Quality Machine & Supply, Inc	Lafayette, LA.
Quality Machine & Tool Co., Inc	St. Louis, MO.
Quality Machine Engineering, Inc	Santa Rosa, CA.
Quality Precision, Inc	Hayward, CA.
Queen City Precision, Inc	Cincinnati, OH.
Quick Tool & Machine	Barberton, OH.
Quintex Tooling	Nampa, ID.
R & D Engineering	Hawaiian Gardens, CA.
R & D Machine Shop	Dallas, TX.
R & R Precision Machine, Inc	Wichita, KS.
R C Machine	Clackamas, OR.
R H Spencer Co	West Boxford, MA.
R J S Machine Products	Campbell, CA.
R M Johnson Company	Annandale, MN.
R R Howell Company	Annandale, MN.
R V P Industries	Newhall, CA.
Ralph Stockton Valve Products, Inc	Houston, TX.
Ranor, Inc	Westminster, MA.
Ray Paradis Machine, Inc	Jackson, CA.
Re-Del Engineering	Campbell, CA.
Reclamation Dynamics	Nashville, TN.
Rectack of America	Los Angeles, CA.
Regional Tool Corporation	Hamden, CT.
Remco Industries, Inc	Chatsworth, CA.
Remington Products Company	Wadsworth, OH.
Reny & Company	El Monte, CA.
Ribic Tool, Inc	Willoughby, OH.
Rich Tool & Die Company	Scarborough, ME.
Rick Sanford Machine Company	San Leandro, CA.
Right Way Tool, Inc	Redmond, WA.
Ring Technologies, Inc	Warren, MI.
Rite Design	Rochester, NY.
Riteway Precision Machine, Inc	Minneapolis, MN.
Ro-Mai Industries, Inc	Twinsburg, OH.
Robert C. Reetz Company, Inc	Pawtucket, RI.
Robinson Manufacturing Inc	Brea, CA.
Robrad Tool & Engineering	Mesa, AZ.
Roc-Aire Corporation	South El Monte, CA.
Rockford Spring Company	Rockford, IL.
Rogers Wire EDM Service	Arvada, CO.
Ron-Vik, Inc	Minneapolis, MN.
Rons Racing Products, Inc	Tucson, AZ.
Rotational Technology, Inc	Houston, TX.
Rovi Products Incorporated	Simi Valley, CA.
Roy & Val Tool Grinding, Inc	Chatsworth, CA.
Royal Wire Products, Inc	N. Royalton, OH.
Rubbermaid, Inc.—Mold Division	Wooster, OH.
Russing Machine Corp	Glendale, CA.
Ruxton Tool & Die	Upper Marlboro, MD.
RA-White, Inc	Inglewood, CA.
S & K Machine, Inc	Detroit, MI.
S & R Precision Company	San Jose, CA.

Appendix A—Continued

S D S Machine, Inc	Hayward, CA.
S H E Industries, Inc	Torrance, CA.
S J R Precision	Burbank, CA.
S M S Technologies Company	Chatsworth, CA.
S P M/Anaheim	Anaheim, CA.
S T I Manufacturing Group (STIM)	Dallas, TX.
Sager Precision Machine Inc	Weymouth, MA.
Samaniego Enterprises, Inc	Tucson, AZ.
Santa Clarita Mfg. Co	Valencia, CA.
Sawtech	Lawrence, MA.
Scheirer Machine Co., Inc	Bethel Park, PA.
Schmitt Machine, Inc	Ventura, CA.
Schneider Machine Company	Torrance, CA.
Scott Engineering Company	Phoenix, AZ.
Seafood Machine Works, Inc	Seaford, DE.
Seaway Industrial Products	Erie, PA.
Sematool Mold & Die Co	Santa Clara, CA.
Service Industries, Inc	Ocala, FL.
Setters Tools, Inc	Piedmont, SC.
Sherman Tool & Gage	Erie, PA.
Shomo Tool Co., Inc	Redford, MI.
Shookus Tool & Die, Inc	Epping, NH.
Sieger Engineering, Inc	S. San Francisco, CA.
Sigma Specialties	Torrance, CA.
Silco Engineering Co., Inc	Beech Grove, IN.
Sim's Precision Machining	Santa Ana, CA.
Simmons Machine Tool Corporation	Albany, NY.
Simons & Susslin	Mountain View, CA.
Simplex Engine & Machine, Inc	Providence, RI.
Smith Bell & Thompson, Inc	Burlington, VT.
Smith Precision Grinding & Mfg	Sun Valley, CA.
Solo Enterprise Corp	City of Industry, CA.
Sonic Machine & Tool, Inc	Tempe, AZ.
Sonoma Precision Mfg. Co	Santa Rosa, CA.
South Bay Machining	Santa Clara, CA.
Southern Die-Casters, Inc	Shrewsbury, PA.
Southwest Manufacturing Company	Wichita, KS.
Southwest Metalcraft Corporation	Tucson, AZ.
Specialty Machine & Hydraulics	Pleasantville, PA.
Specialty Machining, Inc	Oakland Park, FL.
Spenco Machine & Manufacturing	Temecula, CA.
Spike Industries	North Lima, OH.
Spin Pro Inc	San Jose, CA.
Spiral Grinding Company	Culver City, CA.
Sprint Tool & Die Inc	Meadville, PA.
St. Mary Manufacturing Corporation	North Tonawanda, NY.
Stanley Engineering Company	Glen Burnie, MD.
Stearman Aircraft Products Corp	Valley Center, KS.
Steel Craft Manufacturing, Inc	Hopewell, VA.
Stelted Manufacturing, Inc	Tempe, AZ.
Stevens Industries, Inc	Norcross, GA.
Stone Tool & Machine, Inc	Louisville, KY.
Strobel Machine, Inc	Worthington, PA.
Subsea Ventures Inc	Houston, TX.
Suburban Boring Company	Oak Park, MI.
Suburban Jewelry Co., Inc	Charlestown, RI.
Summit Precision, Inc	Phoenix, AZ.
Sun Tool Supply, Inc	St. Petersburg, FL.
Super Finishers II	Glendale, AZ.
Superior Technology, Inc	Rochester, NY.
Superior Tool Service, Inc	Wichita, KS.
Supreme Machine Products, Inc	Rancho Cucamonga, CA.
Supreme Tool & Die Company	Fenton, MO.
Systems 3, Inc	Tempe, AZ.
SEPCO-ERIE	Erie, PA.
STD Precision Gear & Instrument	West Bridgewater, MA.
T & C Industries, Inc	Irwin, PA.
T & E Manufacturing, Inc	Kent, WA.
T & S Industrial Machining Corp	Lynn, MA.
T C Precision Machine	Dayton, OH.
T M S Inc	Cumberland, RI.
T R Jones Machine Company, Inc	Woodstock, IL.
T. J. Karg Company, Inc	Akron, OH.

Appendix A—Continued

T-Mac Machine Company	Kent, OH.
Talent Manufacturing	Star, ID.
Tangent Machine & Tool Corporation	Farmindgale, NY.
Tanksley Machine & Tool, Inc	Decatur, AL.
Tarus Products Inc	Sterling Heights, MI.
Task Industrial Corporation	Greenville, SC.
Tate Andale, Inc	Baltimore, MD.
Tech-Marine Enterprises, Inc	Seattle, WA.
Techniplas, Inc	Ankeny, IA.
Tek-Am Corporation	Springfield, VA.
Tempco Manufacturing Co., Inc	Mendota Heights, MN.
Tennessee Tool Corporation	Charlotte, TN.
Textile Machinery, Inc	Greenville, SC.
The Buckeye Stamping Company	Columbus, OH.
The Freeman Company	Yankton, SD.
The Will-Burt Company	Orrville, OH.
Themac, Inc	Colorado Springs, CO.
Thomas C N C Machining	Yorba Linda, CA.
Thomas Tool and Manufacturing	Pleasanton, CA.
Thornton Company	Wichita, KS.
Thurman's Tool & Machine Co	Dayton, OH.
Tight Tolerance Machining	Boise, ID.
Timberland Tool & Die	Newberg, OR.
Tool & Die Supply, Inc	Santa Ana, Ca.
Tooling & Production	Olathe, KS.
Tooling Concepts	Nashville, TN.
Tooling Designs, Inc	Humble, TX.
Top Quality Tool & Machine	Grandview, MO.
Toth Aerospace Manufacturing	Cherry Hill, NJ.
Traco Manufacturing Corp	Houston, TX.
Treblig, Inc	Greenville, SC.
Tren Engineering Corporation	Beverly, MA.
Tri J Machine Company	Gardena, CA.
Tri-Gon Precision, Inc	Colorado Springs, CO.
Triangle Mold & Machine Co. Inc	Hartville, OH.
Trico Industries, Inc	Lexington, TN.
Trico Machine Products Corp	Bedford Heights, OH.
Tridecs Corporation	Hayward, CA.
Trim Tech, Inc	Columbia Station, OH.
True Cut EDM	Garland, TX.
True Position	Fremont, CA.
Tucson Tool & Manufacturing	Tucson, AZ.
Turner and Walima Mfg. Co., Inc	Essex, MA.
Turning Technology, Inc	Tipp City, OH.
TTI Testron, Inc	Woonsocket, RI.
U N C Manufacturing Technology	Uncasville, CT.
Uddeholm Corporation	Santa Fe Springs, CA.
Ultra Stamping & Assembly, Inc	Rockford, IL.
Uni-Tek	Phoenix, AZ.
Unique Model, Inc	Walker, MI.
United Gage, Inc	North Hollywood, CA.
United Machine Co., Inc	Wichita, KS.
United States Fittings, Inc	Warrinsville Heights, OH.
Universal Custom Process, Inc	Bedford Heights, OH.
Universal Machine	Boise, ID.
V I P Tooling, Inc	Shelbyville, IN.
Valley Tool & Machine Co., Inc	Pomona, CA.
Valv-Trol Company	Stow, OH.
Van Os Machine Works, Inc	St. Louis, MO.
Van Sanford Tool Company	E. Syracuse, NY.
Vandeventer Machine Works Corp	St. Louis, MO.
Vector Design and Mfg., Inc	Tucson, AZ.
Venture Tool, Inc	Erie, PA.
Versa Companies	St. Paul, MN.
Vertex Tool and Die	Akron, OH.
Vicount Industries	Farmington Hills, MI.
Vitullo & Associates, Inc	Warren, MI.
Vogel Tool and Die Corp	Stone Park, IL.
Volume Machine	Pacoima, CA.
Vortex Precision Services, Inc	Houston, TX.
W E C Technologies Corporation	Deer Park, NY.
W. or K. Precision Machining	Garden Grove, CA.
W. R. Lathom Tool, Inc	Rockford, IL.

Appendix A—Continued

Wagner Precision, Inc	N. Tonawanda, NY.
Wajo Tool and Die, Inc	East Hamstead, NH.
Waltz Industries	Ontario, CA.
Walz & Krenzer, Inc	Rochester, NY.
Waxler Machine and Tool, Inc	Houston, TX.
Wayne Manufacturing, Inc	Boulder, CO.
Webber Metal Products, Inc	Cascade, IA.
Webco Machine Products, Inc	Valley View, OH.
Webco Tool & Die, Inc	Toledo, OH.
Weber Tool & Mfg. Inc	Cleveland, OH.
Welding Service Company	Gelndora, CA.
West Fab Manufacturing	San Jose, CA.
Westech Corporation	Muskegon, MI.
Western Gage Repair Company	Santa Clara, CA.
Western Grinding	Tempe, AZ.
Western Metal Products, Inc	Seattle, WA.
Western Precision	West Jordon, UT.
Western Steel Cutting, Inc	San Jose, CA.
Western Unitool Mfg. Inc	Burnaby, BC V3N 4A4, XX.
Westhoff Tool & Die Company	St. Charles, MO.
Westside Metal Fabricators, Inc	Canoga Park, CA.
Whelan Machine & Tool Co., Inc	Louisville, KY.
Whole Shop, Inc	Munroe Falls, OH.
Wichita Manufacturing, Inc	Cerritos, CA.
Wilkinson Mfg., Inc	Santa Clara, CA.
William A. McGovern, Inc	Jamesburg, NJ.
Winegard Co	Burlington, IA.
Winter's Grinding Service	Menomonee Falls, WI.
Wire Tech	Waterbury, CT.
Wire Tech E D M, Inc	Los Alamitos, CA.
Woehr Tool & Die	San Jose, CA.
Wood's Service Corporation	Old Ocean, TX.
Woodcraft Manufacturing Company	Pataskala, OH.
X-Cel Machine Tool, Inc	Cochranton, PA.
Yampa Valley Manufacturing	Prescott Valley, AZ.
Yates Tool, Inc	Medina, OH.
Yoder Die Casting Corporation	Dayton, OH.
Youngstown Plastic Tooling &	Youngstown, OH.
Z M D Mold & Die Inc	Mentor, OH.
Zacova Industries, Inc	Roseville, MI.
Zellcon Industries	Milford, CT.
Zetec, Inc	Issaquah, WA.
4B Precision Products	Boring, OR.

Appendix B

A & W Specialty Co., Inc	Deer Park, NY.
A B C Machine Works, Ltd	Bethel, CT.
A D Grinding	La Habra, CA.
A I D Corporation	Clayton, GA.
A.N.O. Machining Corporation	Santa Fe Springs, CA.
Abbey Machine Products Company	Euclid, OH.
Able Spinning & Stamping Inc	Riverside, CA.
Accu-Turn Machine Works, Inc	Houston, TX.
Accura Industries	Rochester, NY.
Accurate Metal Fabricators	Long Beach, CA.
Acro Tech	Redmond, WA.
Adams Machine & Tools, Inc	Capitol Heights, MD.
Aerodyne Mfg. Corp	North Hollywood, CA.
Aeromach—LFP	Sylmar, CA.
Alcatel Comptech, Inc	San Jose, CA.
Algenic Machine Corporation	Farmingdale, NY.
All Custom Form Tools, Inc	Anaheim, CA.
Allied Machine Products, Inc	Smithfield, RI.
Alto Systems, Inc	Houston, TX.
Amco Precision Tool, Inc	Kensington, CT.
American Machine Systems, Inc	Muncie, IN.
American Metalcrafters, Inc	Stockton, CA.
American Trion Corporation	Casa Grande, AZ.
American Trion Corporation	Arizona City, AZ.
American Tube	Nazareth, PA.
Anaheim Gear	Anaheim, CA.
Anco Precision Products, Inc	Fullerton, CA.

Appendix B—Continued

Anmark Machine	Tempe, AZ.
Apparatus Repair Company	Houston, TX.
Applied Industrial Machining	Oklahoma City, OK
Arbor Model & Tooling, Inc	Grand Rapids, MI
Ardent Engineering	Seattle, WA.
Aroplax Corporation	Minneapolis, MN.
Asteric Tool & Die Mfg. Co., Inc	Philadelphia, PA.
Atlas Machine Products Co	Cleveland, OH.
Atlas Precision, Inc	Woodstock, VA.
Aul Bros. Tool & Die	Muncie, IN.
Aurora Technology Corporation	East Aurora, NY.
B & C Engineering, Inc	Goshen, IN.
B & C Machine, Inc	Pinellas Park, FL.
B & R Machine Company Inc	New Britain, CT.
B M I, Inc	Palatine, IL.
Barberton Mold & Machine Co	Barberton, OH.
Barth Industries, Inc	Cleveland, OH.
Bartlett Enterprises	Hillsboro, OR.
Baystate Machine	Warwick, RI.
Beaverton Parts Mfg. Co., Inc	Hillsboro, OR.
Belding Tool & Machine Corporation	Belding, MI.
Bergdorf Engineering	Pomona, CA.
Black Machine—B T Industries	Port Clinton, OH.
Blackie's Grinding Service	Auburn, WA.
Blessing Industries	Lockport, NY.
Bond's Custom Manufacturing	Arvada, CO.
Bradley Machine, Inc	Wichita, KS.
Bratton Machine Works, Inc	Houston, TX.
Briley's Machine Works	Kent, WA.
Bristol Machining & Fabrication	Bristol, RI.
Brontel/Bearing Bronze Company	Cleveland, OH.
Burkey & Sons, Inc	Anaheim, CA.
Burn-Rite Mold & Machine, Inc	Canton, OH.
Busnardo Engineering, Inc	Nampa, ID.
C & P Industries	Seneca, PA.
C M S Graphite/Ed Welch Partners	Cheshire, CT.
C N C Machining Inc	East Berlin, CT.
C N C Manufacturing, Inc	Lynnwood, WA.
Cal-Bay Grinding, Inc	San Jose, CA.
Cal-Dan	Fountain Valley, CA.
Cal-Tron Corporation	Bishop, CA.
California Spline and Gage Co	Santa Ana, CA.
Campanile Tool Co	Sunnyvale, CA.
Canton Industrial Systems, Inc	East Canton, OH.
Capitol Machine Company	Phoenix, AZ.
Caretti Tool & Mfg., Inc	Pinellas Park, FL.
Carlson-Formetec, Inc	Tacoma, WA.
Carolina Tool & Die	Charlotte, NC.
Central Manufacturing, Inc	Parker City, IN.
Central Specialties Mfg. Co	Tulsa, OK.
Cercon Division Howmet-Cercast	Hillsboro, TX.
Clarence Machine Co., Inc	St. Louis, MO.
Clark Precision Sheetmetal, Inc	Santa Clara, CA.
Classic Craft, Inc	Tucson, AZ.
Clearwater Engineering	Clearwater, KS.
Columbia Machine Works, Inc	Columbia, TN.
Commercial Grinding Company	Paramount, CA.
Concept Components Co	Bohemia, NY.
Cone Engineering, Inc	Hawaiian Gardens, CA
Continental Tool & Gage Company	N. Hollywood, CA.
Contour Plastics, Inc	Baldwin, WI.
Contour Tool & Die, Inc	South Bend, IN.
Counts Precision Grinding, Inc	Hazel Park, MI.
Couple-Up, Inc	Compton, CA.
Cox Machine, Inc	Wichita, KS.
Custom Lathe & Mfg., Inc	Graham, WA.
D A Griffin Corp	West Seneca, NY.
D M Z Machine Company	Eastlake, OH.
D Y E Design, Inc	Louisville, KY.
Dallen Precision CNC Machining	Paramount, CA.
Damon Industries, Inc	Pompano Beach, FL.
Dan Krall & Co., Inc	Franklin, WI.
Danlyn Machine Co., Inc	Douglas, MA.

Appendix B—Continued

Darco Products Incoporated	Albuquerque, NM.
Davalor Mold Corpporation	Chesterfield, MI.
Decsa Precision Machining, Inc	Houston, TX.
Dell Manufacturing Co	Farmington, CT.
Delta Design & Manufacturing	Phoenix, AZ.
Derleth & Kelley Tool & Die	Rochester, NY.
Dern/Moore Machine Co., Inc	Lockport, NY.
Design Tool & Machine	Macon, MO.
Diematics, Inc	Littleton, CO.
Digital Machine Co., Inc	Warminster, PA.
Donal Machine, Inc	Petaluma, CA.
Douglas Machining, Inc	Hillsboro, OR.
Duluth Engineering	Duluth, NM.
Duncan Industries, Inc	Los Angeles, CA.
Dynamic Machine Service	Houston, TX.
DEMCO, Inc	Milford, DE.
E Fred Portwine, M.D., P.C	Waycross, GA.
Eagle Tool & Die	Richmond, MI.
Earl Mfg. Co., Inc	Santa Fe Springs, CA.
East Side Tool & Die Co	Portland, OR.
Eihinger Machine, Inc	Norton, OH.
Eltee Tool & Die	Newark Valley, NY.
Empire Machine & Manufacturing Co	St. Louis, MO.
Esteem Manufacturing Corporation	Ellingon, CT.
Eutsler Technical Products, Inc	Houston, TX.
Exacta Tool & Engineering, Inc	Largo, FL.
F B F Industries	Southhampton, PA.
F M Machining	Santa Clara, CA.
F. A. Wunder Associates, Inc	Adah, PA.
Factum, Inc	Santa Clara, CA.
Faivre Machine & Fabrication, Inc	Meadville, PA.
Falcon Corporation	Ferrysburg, MI.
Fech-Tech Precision	Palmadle, CA.
Federal Machine Tool	Bristol, CT.
Ferco Tech	Franklin, OH.
Florida Custom Mold, Inc	Clearwater, FL.
Florida Tri-City Fabricators	St. Petersburg, FL.
Form-A-Tool South, Inc	Piedmont, SC.
Francois Belvisi Co., Inc	Bohemia, NY.
Futureweld Co., Inc	Phoenix, AZ.
G L Bly Company	Wichita, KS.
G N F, Inc	Olmasmar, Fl.
G Pruefer Manufacturing Co., Inc	Johnston, RI.
G R McCormick	Burbank, CA.
Gardner Tools Corporation	Broomfield, CO.
Gaydash Industries, Inc	Uniontown, OH.
Global Tool & Manufacturing Co Inc	Dayton, OH.
Globe Grinding Corporation	Farmingdale, NY.
Graduate N/C Machining	Rancho Cordova, CA.
Graphite & Specialty Products, Inc	Paramount, CA.
Greenfeather Tool & Gage	Euless, TX.
Gundrilling Ltd	Paramount, CA.
H & H Machine Tool Co., Inc	Dayton, OH.
H & H Molds, Inc	Spokane, WA.
H T M Corporation	Hillsboro, OR.
Hall's Machining Services, Inc	Easley, SC.
Hamilton Machine	West Point, PA.
Hammock Machine & Welding Co., Inc	Perry, GA.
Hedger Company	Los Angeles, CA.
Heinz Plastic Mold Co	Elk Grove, IL.
Hi-Tech Machine, Inc	Old Saybrook, CT.
High Tech Machinists Inc	Chelmsford, MA.
High Tech West, Inc	Long Beach, CA.
High-Low, Inc	Tempe, AZ.
High-Tech Manufacturing Service	Vancouver, WA.
Hydel Engineering	San Jose, CA.
I M C Magnetics Corp	Hauppauge, NY.
Imo Industries	Manchester, CT.
Industrial Design Company	Mill Valley, CA.
Industrial Services Group	New Alexandria, PA.
Inland Tool & Mfg. Co., Inc	Kansas City, KS.
Innovative Plastics	San Jose, CA.
Inter Precision Tools, Inc	Seattle, WA.

Appendix B—Continued

International Lasersmiths	Compton, CA.
J & Vee Precision Depp Hole	Roosevelt, NY.
J B Armstrong Machine Co., Inc	Cypress, TX.
J E B Tool & Manufacturing	Enfield, CT.
J G Grinding	Redwood City, CA.
J. G. Minter & Son, Inc	Brea, CA.
Jacobi Industries	Santa Ana, CA.
Jesse Industries, Inc	Newberry Park, CA.
Jessee Brothers	Campbell, CA.
Jeyan Engineering Group	Santa Ana, CA.
Jim Talbot Machine Tool	North Hollywood, CA.
John Weitzel, Inc	Wichita, KS.
Justrite Machine Works, Inc	Kansas City, MO.
K & A Tool Company	Cleveland, OH.
K & M Machine Company, Inc	Newport, NH.
K K Molds, Inc	Grand Rapids, MI.
Kaman Industrial Technologies Co	Spokane, WA.
Kirkwood Commutator	Cleveland, OH.
Kofler's Tool & Die, Inc	Farmingdale, NY.
Kyden Machine, Inc	Salt Lake City, UT.
L & M Machining	Anaheim, CA.
L C Miller Company	Monterey Park, CA.
L F W Manufacturing	Stockton, CA.
L J Machine Works	Houston, TX.
L M B Industrial Services Corp	Menlo Park, CA.
Lab Engineering & Mfg., Inc	Watertown, MA.
Lake Quality Products, Inc	Wickliffe, OH.
Lange Engineering, Inc	Minneapolis, MN.
Larrus Engineering	Santa Fe Springs, CA.
Larson Enterprises	Santa Clara, CA.
Laser Applications, Inc	Westminster, MD.
Laser Technology, Inc	North Hollywood, CA.
Lemco	Danvers, MA.
Lenape Forge, Inc	West Chester, PA.
Lindberg Heat Treating	Orlando, FL.
Lobsien's Machine Company	Tewksbury, MA.
Lonero Engineering Co., Inc	Troy, MI.
Lowry Tool & Cutter Grinding	Coconut Creek, FL.
Lublink Tool & Die Co	Boring, OR.
M & M Machine and Tool Company	Westminster, CA.
M & N Machine Co	Simi Valley, CA.
M & R Machine and Tool Co	Easthampton, MA.
M & S Precision Company	Ft. Lauderdale, FL.
MC Aero-Tech, Inc	Anaheim, CA.
M I W Aerospace	Tacoma, WA.
M M F Inc	Taylors, SC.
M T C Industries, Inc	Corsicana, AZ.
M W J, Inc	Clinton, MD.
Malbert & Mitchell Grinding	Brea, CA.
Malco Tool & Machine, Inc	Stanton, CA.
Manchack Manufacturing, Inc	Houston, TX.
Maryland MechTech, Inc	Catonsville, MD.
Master Tool Engineering	Santa Clara, CA.
MaTech Machining Technologies, Inc	Salisbury, MD.
McAlpin Industries, Inc	Rochester, NY.
McGregor Manufacturing	Arcadia, CA.
Mechtech, Inc	Amesbury, MA.
Medina Tool & Die Co., Inc	Medina, OH.
Memory Engineering Co	Gardena, CA.
Mercury Engineering & Mfg., Inc	Canton, OH.
Met-Tek, Inc	Clackamas, OR.
Metra Electronics Corporation	Holly Hill, FL.
Metro Dynamics	Franklin Square, NY.
Micro Accurate Corporation	Tucson, AZ.
Micro Precision Machining	Campbell, CA.
Micro Tech Tool	Seekonk, MA.
Mid-State Machine Products, Inc	Winslow, ME.
Midway Machine & Instrument Co	South Houston, TX.
Mika Prototype Eng. Co., Inc	Largo, FL.
Milwaukee Bearing & Machining	Milwaukee, WI.
Minnesota Fineblanking	Minneapolis, MN.
Missouri Pressed Metals Inc	Sedalia, MO.
Model Screw Products, Inc	Clearwater, FL.

Appendix B—Continued

Mult-Swiss Technology, Inc	Sunnyvale, CA.
Nadler, Incorporated	Plaquemine, LA.
Nance Manufacturing, Inc	Wichita, KS.
National Tooling Company	Tempe, AZ.
Northeast Metrology Corp	Rochester, NY.
Northwest Machine Products, Inc	Sumner, WA.
Northwestern Palm Tool & Mfg. Co	Coon Rapids, MN.
Numeric Systems	Fife, WA.
Numerical Tool Division	Houston, TX.
Ochs Industries, Inc	Vandalia, OH.
Ogren Industries	Asheville, NC.
Operating and Maintenance	Charlotte, NC.
Optical Radiation Corp	Azusa, CA.
Orange County Tool & Engineering	Santa Ana, CA.
Oregon Tool and Die, Inc	Portland, OR.
OMEGA Engineering Company	Kansas City, MO.
P B Machine Co., Inc	Palmyra, NY.
P D S	Bell Gardens, CA.
P H Precision Products Corporation	Pembroke, NY.
Pacific Machine & Development, Inc	Vancouver, WA.
Pacific Precision Machine, Inc	Belmont, CA.
Paradigm Metals, Inc	Sunnyvale, CA.
Parallel Ventures, Inc	Tucson, AZ.
Parker Kinetic Designs, Inc	Austin, TX.
Paul Schurman Machine Inc	Ridgefield, WA.
Paul's Products Corporation	Belmont, NC.
Pease Grinding Service Inc	Dayton, OH.
Pentz Design Pattern & Foundry	Duvall, WA.
Pequot Tool & Mfg., Inc	Pequot Lakes, MN.
Petersen Instruments, Inc	Concord, CA.
Phoenix Precision Products, Inc	Hartford, WI.
Phoenix Stainless & Alloy, Inc	Houston, TX.
Pierce Precision Finishing	Santa Ana, CA.
Pinnacle Tool	Bloomington, IN.
Potter County Precision Co., Inc	Tucson, AZ.
Power Mfg	Santa Clara, CA.
Precision Fabricating & Tool	Bridgeport, CT.
Precision Laser, Inc	High Point, NC.
Precision Plus, Inc	Greenwood, SC.
Precision Prototypes	Mineola, NY.
Precision Rings Inc	Indianapolis, IN.
Precision Tool Company	Englewood, CO.
Precision Wheels, Inc	Ronkonkoma, NY.
Prime Machine & Tool, Inc	Lantana, FL.
Prior Lake Machine, Inc	Prior Lake, MN.
Priority Mfg., Inc	Wood Dale, IL.
Product Services, Inc	Santa Clarita, CA.
Progressive Tool & Engineering	Mora, MN.
PLASTECH	San Jose, CA.
Q E C, Inc	La Mirada, CA.
Q M, Inc	Connellsville, PA.
Qualicut, Inc	Rochester, NY.
Quality Concept	Arlington, WA.
Quality Tool, Inc	E. Longmeadow, MA.
Quasar Industries	Rochester Hills, MI.
R & J Tool and Manufacturing	Livermore, CA.
R & J Tool, Inc	Brookville, OH.
R & R Grinding Company	Santa Fe Springs, CA.
R M S Tool & Die	Foster, RI.
R S Machining Inc	Manitowoc, WI.
R W Dunn Machine, Inc	Arcadia, CA.
Ram Precision Inc	Deer Park, NY.
Rantom, Inc	Canton, MI.
Raycon Corporation	Ann Arbor, MI.
Reading Plastic Fabricators	Reading, PA.
Refrigeration Research	Brighton, MI.
Relli Manufacturing, Inc	Valley Stream, NY
Richard's Grinding, Inc	Cleveland, OH.
Ricman Manufacturing	Hayward, CA.
Rico's Tool and Engineering	Chandler, AZ.
Riverside Foundry, Inc	Marysville, WA.
Roberts Precision Machine, Inc	Duvall, WA.
Robinson Precision Die Casting	Huntington Beach, CA.

Appendix B—Continued

Rockhill Machining Industries	Akron, OH.
Rockwood Swendeman Corp	S. Portland, ME.
Rocky Mountain Precision Co. Inc	Windsor, CO.
Rohrer, Incorporated	Boardman, OH.
Ron Mills & Co	Walnut, CA.
Rush Machine & Tool Co., Inc	Los Angeles, CA.
Saturn Manufacturing, Inc	Mishawaka, IN.
Scharers' Engineering	Gardena, CA.
Select Mold	Anaheim, CA.
Shackelford Machine	Clearwater, KS.
Shiloh Corporation	Mansfield, OH.
Simi Industries	Simi Valley, CA.
Sirius Enterprises, Inc	Dallas, TX.
Sizemore Machine, Inc	Wichita, KS.
Snow Corporation	Fort Worth, TX.
Sonic Engineering	Garden Grove, CA.
Spec-Tech Unlimited	Orange, CA.
Specialty Machines & Manufacturing	Kensington, MD.
Standard-Hall Group	Greenville, SC.
Stanley Tool & Die, Inc	Deerfield Beach, FL.
Star Tool Service, Inc	Wichita, KS.
Starwin Industries, Inc	Dayton, OH.
Steel & O'Brien Manufacturing, Inc	Springville, NY.
Steel Products Inc	Seattle, WA.
Stelmar Mfg., Inc	Safety Harbor, FL.
Stidd Systems, Inc	Greenport, NY.
Stines Designs	Huntsville, AR.
Sto-Kar Enterprises, Inc	Northridge, CA.
Stringer Welding & Machine, Inc	Dugger, IN.
Sumner Machining Center	Sumner, WA.
Superior Plate Products, Inc	Cheshire, CT.
Swissline Products, Inc	Woonsocket, RI.
T L C Tool, Inc	Clearwater, FL.
T-Tech Machine, Inc	Warwick, RI.
Tampa Bay Machining, Inc	Tampa, FL.
Target Manufacturing Company	Pasadena, MD.
Taton's Machine Shop	Goddard, KS.
Tennessee Precision Tool & Die Co	Nashville, TN.
Tessa Precision Products	Mentor, OH.
The McGinty Machine Company, Inc	Wichita, KS.
The Tool Room—Tool & Die Co	North Scituate, RI.
Tice Industries	Portland, OR.
Tool Service Co., Inc	Dayton, OH.
Tool Technology Dist. Inc	Fremont, CA.
Trans Spar	San Jacinto, CA.
Triangle Engineering Corporation	Indianapolis, IN.
Trinity Machine & Grinding, Inc	Phoenix, AZ.
Triple S Industries	Linden, NJ.
True Dimension Mfg. Inc	Kent, WA.
Turning Technology, Inc	Golden, CO.
Tydeman Machine Works Inc	Redwood City, CA.
United Mold Incorporated	Milpitas, CA.
UFE CalTec Inc	Brea, CA.
Valley Fabricators	Simi Valley, CA.
Valvtron Industries	Houston, TX.
Ve-Ve, Incorporated	Anoka, MN.
Vector Engineering	Chaska, MN.
Vosky Precision Machining Corp	Deer Park, NY.
W Machine Works	Panorama City, CA.
Watson's Profiling Corp	Ontario, CA.
Wichita Design & Mfg., Inc	Wichita, KS.
Williams Metal Blanking Die Co	Paramount, CA.
Willow Tool & Machining, Inc	Strongsville, OH.
Wilson Tool & Manufacuring Comp	Spokane, WA.
Wire—E D M Company, Inc	Middleburg Heights, OH.
Wirecut Specialties	Owings Mills, MD.
Woods Machining & Tooling, Inc	Akron, OH.

[FR Doc. 93–22307 Filed 9–10–93; 8:45 am]
BILLING CODE 3510–DR–M

Columbia University in the City of New York et al.; Notice of 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 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

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 Numbers: 93–053 & 93–054. *Applicant:* Columbia University in the City of New York, New York, NY 10027. *Instruments:* (10) High Voltage Power Supplies and (4) Multiwire Detectors. *Manufacturer:* LAS/CNR, Italy. *Intended Use:* See notice at 58 FR 34566, June 28, 1993. *Reasons:* The foreign instruments provide imaging proportional counters with high voltage power supplies for detection and measurement of x-ray polarization from stellar sources aboard an orbiting satellite. *Advice Received From:* Sandia National Laboratory, July 28, 1993.

Docket Number: 93–051. *Applicant:* Southwest Missouri State University, Springfield, MO 65804. *Instrument:* Dipole/Dipole Electromagnetic Surveying System, Model EM 34-3 XL/DL. *Manufacturer:* Geonics Limited, Canada. *Intended Use:* See notice at 58 FR 34566, June 28, 1993. *Reasons:* The foreign instrument provides non-contacting measurements of terrain conductivity at depths to 7.5, 15 and 30 meters with noise reduction to a factor of 10. *Advice Received From:* U.S. Geological Survey, July 22, 1993.

Docket Number: 93–062. *Applicant:* University of Connecticut, Storrs, CT 06269-3060. *Instrument:* Electron Paramagnetic Resonance Spectrometer, Model ER300-10R/12. *Manufacturer:* Bruker Instruments, Inc., Germany. *Intended Use:* See notice at 58 FR 34567, June 28, 1993. *Reasons:* The foreign instrument provides: (1) a microprocessor based field controller and time base with an operating range of −50 G to +23 kG and field accuracy to 500 mG over the full range, and (2) automatic calibration for phase and amplitude modulation. *Advice Received From:* National Institute of Standards and Technology, July 22, 1993.

The Sandia National Laboratory, U.S. Geological Survey and National Institute of Standards of Technology advise 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. 93–22314 Filed 9–10–93; 8:45 am]
BILLING CODE 3510–DS–F

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 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, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 93–093. *Applicant:* University of New Mexico, Purchasing Department, 609 Buena Vista NE, Albuquerque, NM 87131. *Instrument:* Electron Microscope, Model JEM-2010/SEG/SIP/DP. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for studies of a range of physical and chemical properties, such as structure, composition, morphology and crystallinity at the atomic level. The materials studied will include minerals (silicates, oxides, sulfides, etc.), meteorites, micro-meteorites, engineering materials (metals, semiconductors, alloys, composites, catalysts, etc.). In addition, the instrument will be used for educational purposes in various courses in Earth & Planetary Sciences. *Application Received by Commissioner of Customs:* July 21, 1993.

Docket Number: 93–094. *Applicant:* University Research Association, Inc., Super Conducting Super Collider Laboratory, 2550 Beckleymeade Avenue, Dallas, TX 75237. *Instrument:* Spirex DIP 1700 Coil Winding Machine. *Manufacturer:* Ezio Selva S.R.L., Italy. *Intended Use:* The instrument will be used to produce magnets by wrapping insulated superconducting cable under tension around a mandrel to the design length and shape using software controlled automated winding with minimal operator intervention. *Application Received by Commissioner of Customs:* July 28, 1993.

Docket Number: 93–095. *Applicant:* Lehigh University, Department of Earth & Environmental Sciences, 31 Williams Drive, Bethlehem, PA 18015. *Instrument:* Gas Source Isotope Ratio Mass Spectrometer, Model MAT 252. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* The instrument will be used in a wide range of obvious applications of stable isotope chemistry to the ongoing and planned research programs in not only the geological and hydrological, but also the ecological sciences. The principal uses include applications of N isotopes to igneous and metamorphic petrogenetic studies and other planned and ongoing stable isotope applications related to crustal fluid-related processes. In addition, the instrument will be used for educational purposes in the context of formal classes. *Application Received by Commissioner of Customs:* July 29, 1993.

Docket Number: 93–096. *Applicant:* University of Arkansas, Department of Physics, 105 Physics Building, Fayetteville, AR 72701. *Instrument:* Tandem Fabry-Perot Interferometer. *Manufacturer:* JRS, Switzerland. *Intended Use:* The instrument will be used for studies of simple liquid and more complex polymeric glass forming systems, ferroelectric and incommensurate materials, aerogels, diamond and superconducting thin films and other materials. In particular, the instrument will be used to measure the hypersonic acoustic properties (sound velocities and attenuations), the densities, the elastic constants and other phenomenon such as diffusion and relaxation times near structural phase transitions and in metastable viscoelastic systems. In addition, the instrument will be used for educational purposes in various physics courses. *Application Received by Commissioner of Customs:* July 30, 1993.

Docket Number: 93–097. *Applicant:* University of Oklahoma, 660 Parrington

Oval, Room 321, Norman, OK 73019. *Instrument:* Gas Chromatograph Isotope Ratio Mass Spectrometer, Model MAT 252. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* The instrument will be used to separate and determine the isotopic composition of individual compounds in complex mixtures derived from geological sources such as crude oils, source rocks, sediments, water samples, plant materials and various bacteria and algae. The instrument will also be used in a number of graduate courses in the School of Geology including: Petroleum Geochemistry; Environmental Geochemistry; Organic Geochemistry; and Isotope Geochemistry. These courses are designed to teach the students the basic concepts concerning the origin and fate of organic matter in various types of environments. *Application Received by Commissioner of Customs:* August 4, 1993.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 93–22313 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DS–F

Yale University School of Medicine, Notice of 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 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 86–205. *Applicant:* Yale University School of Medicine, New Haven, CT 06511. *Instrument:* Small Animal NMR Spectrometer/Imager, Model Biospec 300/4.7T. *Manufacturer:* Oxford Research Systems, United Kingdom. *Intended Use:* See notice at 51 FR 19242, May 28, 1986. *Advice Received From:* National Institutes of Health, September 10, 1985.

Comments: No comments have been received with respect to this application. *Decision:* Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered March 25, 1985. *Reasons:* The foreign instrument provides a magnet bore diameter sufficient for whole-body, horizontal imaging of the animals under study and for the required probe configurations. The National Institutes of Health advises in its memorandum that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered (comparable case).

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 93–22312 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DS–F

National Oceanic and Atmospheric Administration

National Marine Fisheries Service

Marine Fisheries Advisory Committee; Public Meeting

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

TIME AND DATE: Meeting will convene at 8:45 a.m., September 29, and adjourn at 3:30 p.m., September 30, 1993.

PLACE: The Sheraton Premiere at Tysons Corner, 8661 Leesburg Pike, Vienna, Virginia.

STATUS: As required by Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1991, to advise the Secretary on all living marine resources matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, and environmental, state, consumer, academic, and other national interests.

MATTERS TO BE CONSIDERED:

September 29, 1993, 8:45 a.m.–5 p.m., (1) NOAA 1995–2005 Strategic Plan, (2) NMFS FY 1994 budget, (3) National Fisheries Data Collection and Management Program, (4) A National Agenda to Protect, Restore, and Conserve Marine Fisheries, and (5) NMFS Habitat Restoration Center.

September 30, 1993, 9 a.m.–3:30 p.m., (1) North American Free Trade Agreement, (2) U.S. Policy for General Agreement on Tariffs and Trade and Organization for Economic Cooperation and Development, (3) Norwegian Whaling, (4) Management of Straddling Stocks, (5) Code of Conduct for Responsible Fishing and (6) Definitions for Vessels for Hire Engaged in Fishing.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, Policy and Coordination Office, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Telephone: (301) 713–2259.

Dated: September 7, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service, NOAA.

[FR Doc. 93–22294 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment and Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

September 2, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: September 7, 1993.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6711. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The U.S. Government has agreed to increase the 1993 designated consultation levels for Categories 335 (Normal Regime), 338/339/638/639 (Special Regime), 347/348/647/648 (Special Regime and Normal Regime), 351/651 (Normal Regime) and 352/652 (Special Regime). Also, the current

Normal Regime limit for Category 635 is being increased for swing and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 58 FR 88, published on January 4, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 2, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 28, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on you are directed to amend further the directive dated December 28, 1992 to increase the limits for the following categories, pursuant to the current bilateral agreement and the Memorandum of Understanding dated August 26, 1993 between the Governments of the United States and the United Mexican States:

Category	Adjusted twelve-month limit [1]
Individual limits not in a group	
338/339/638/639	6,000,000 dozen.
347/348/647/648 (Special Regime).	7,400,000 dozen.
352/652 (Special Regime).	4,541,000 dozen.
Normal Regime Category (Not subject to the Special Regime)	
335 (sublimit)	45,000 dozen.
347/348/647/648	1,170,000 dozen.
351/651	145,000 dozen.
635	175,442 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Special Regime limits for Categories 335, 351/651 and 635; Normal Regime limit for Categories 352/652; and Normal Regime sublimit for Categories 338/339/638/639 remain unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–22305 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

September 7, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 14, 1993.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6714. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 56904, published on December 1, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 7, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 25, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on September 14, 1993, you are directed to amend further the directive dated November 25, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Pakistan:

Category	Adjusted twelve-month limit [1]
Specific Limits	
237	214,895 dozen.
239	875,440 kilograms.
338	4,088,500 dozen.
339	1,063,860 dozen.
340/640	457,960 dozen of which not more than 160,500 dozen shall be in Categories 340–D/640–D [2].
341/641	515,205 dozen.
347/348	577,782 dozen.
359–C/659–C [3]	899,935 kilograms.
369–F [4]	1,144,936 kilograms.
638/639	105,817 dozen.
647/648	531,876 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

[2] Category 340–D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030; Category 640–D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.2030 and 6205.90.4030.

[3] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[4] Category 369–F: only HTS number 6302.91.0045.

The Committee for the Implementation of Textile Agreements has determined that

these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–22320 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DR–F

Permitting Entry of Certain Cotton Textile Products Exported from Pakistan

September 7, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs permitting entry of certain textile products.

EFFECTIVE DATE: September 14, 1993.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Based upon a letter from the Government of Pakistan dated August 17, 1993 resulting from investigations concerning alleged circumvention of the current textile and apparel agreement between the Governments of the United States and Pakistan, the Government of the United States, at the request of the Government of Pakistan, shall permit entry of certain shipments of cotton sheets in Category 361 which were visaed by the Government of Pakistan during 1992. The remaining shipments referenced in the directive issued to the Commissioner of Customs on November 17, 1992 shall continue to be denied entry.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 54773, published on November 20, 1992.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 7, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 17, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to deny entry of shipments of certain cotton sheets in Category 361 which were visaed by the Government of Pakistan during 1992.

Based upon a letter dated August 17, 1993 from the Government of Pakistan, effective on September 14, 1993, you are directed to permit entry of shipments of certain cotton sheets in Category 361 which are accompanied by a visa issued by the Government of Pakistan during 1992. The remaining shipments referenced in the November 17, 1992 directive shall continue to be denied entry until further notice.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–22321 Filed 9–10–93; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Applications for Approval of Ethics Training Programs

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice Regarding Rule 3.34(b)(3).

SUMMARY: The Commodity Futures Trading Commission ("Commission") is issuing this notice to clarify the application process for persons seeking to provide ethics training to registrants under the Commodity Exchange Act ("Act") in accordance with Commission Rule 3.34(b)(3). This notice provides guidance regarding information to be supplied to the Commission in applications submitted by individuals or firms requesting approval as providers of ethics training.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, or Carla Behnfeldt, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581; telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Background Regarding the Ethics Training Rule and Commission Approval of Ethics Training Programs

On April 6, 1993, the Commission approved Rule 3.34 which, effective April 26, 1993, implements the ethics training requirement established by section 4p(b) of the Act.[1] Under Rule 3.34(b)(3), ethics training programs other than those provided by or pursuant to a program of training sponsored by a self-regulatory organization ("SRO") or an entity accredited to conduct continuing education programs by a State professional licensing authority in the fields of law, finance, accounting or economics must be approved by the Commission. In approving Rule 3.34, the Commission stated that in reviewing applications from potential offerors of ethics training, it would consider such factors as pedagogical expertise and knowledge of futures[2], specified required and suggested topics for coverage[3] and set forth minimum duration requirements for initial and

[1] 7 U.S.C. 6p(b) (Supp. IV 1992); 48 FR 19575 (April 15, 1993).

[2] 58 FR 19575, 19586.

[3] With respect to the content of an ethics training program, Rule 3.34(b) provides that such training must: (1) Include a description of the requirements of the Act and rules promulgated thereunder concerning treatment of customer orders and handling of customer business, and (2) address the registrant's responsibilities to the public under the Act, including responsibilities to observe just and equitable principles of trade, rules or regulations of the Commission, rules of any appropriate contract market, registered futures association, or other SRO, or any other applicable federal or state law, rule or regulation, as these principles pertain to the registration category in which the person is registered or seeking registration. 58 FR 19575, 19593.

Additionally, Rule 3.34(c) identifies other issues that ethics training programs may address such as (1) how to act honestly and fairly and with due skill, care and diligence in the best interests of customers and the integrity of the market; (2) how to establish effective supervisory systems and internal controls; (3) obtaining and assessing the financial situation and investment experience of customers; (4) disclosure of material information in dealings with customers; and (5) avoidance of conflicts of interest, and when they cannot be avoided, disclosure to the customer and authorization to continue handling the customer's business if permitted under the Act and Commission rules. *Id.*

Rule 3.34(b)(4) also imposes certain recordkeeping requirements upon ethics training providers to facilitate audits of training programs and as a supplement to the requirement that registrants and their sponsors maintain evidence of ethics training attendance. *Id.*

periodic training.[4] Rule 3.34(b)(3) contemplates that the ethics training may be provided in a number of ways, including videotape or electronic presentation. The Commission has suggested that it would be acceptable for certain registrants to fulfill their ethics training obligations through computerized "self-training" programs or the viewing of videotapes or other materials provided by appropriate vendors for which completion can be substantiated without undue burdens on registrants. This training could include, for example, an interactive computerized training program that requires and records the registrant's participation, the return of the computer disk to the vendor for verification of such participation, and the issuance of a certificate to that effect by the vendor to the registrant. The Commission indicated in the **Federal Register** release adopting Rule 3.34 that this kind of training might be most appropriate where in-person training was not feasible.[5]

As of September 7, 1993 the Commission has approved four entities as providers of ethics training for registrants under the Act. A number of additional applications have been filed with the Commission and, based upon the large number of preliminary inquiries Commission staff have received, the Commission expects to receive and review several additional applications in the future. Based upon its experience to date with the application process, the Commission believes that the process will be facilitated and potentially expedited if applicants provide certain basic categories of information in their submissions. This notice is intended to apprise prospective applicants of the type of information that generally will assist the Commission in evaluating applications for approval of ethics training programs.

II. Content of Ethics Training Program Applications for Approval

To facilitate Commission review, the following information with respect to the applicant, the ethics training program and the proposed instructors should be included in applications for approval of ethics training programs.

A. With respect to the applicant:

1. The applicant's name, business address and telephone number;

2. Whether the applicant meets the criteria set forth in Section 501(c)(3) of the Internal Revenue Code or is a trade association;

3. Whether the applicant is offering ethics training only for its employees, members or affiliates or is offering ethics training to unaffiliated individuals;

4. Whether the applicant is or has ever been registered with the Commission in any capacity; and

5. A description of the nature of the applicant's business activities or, if the applicant was formed for the sole purpose of offering ethics training to Commission registrants, a statement to that effect.

B. With respect to the program:

1. The registration category with respect to which the ethics training program approval is sought, including futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, leverage transaction merchants, as well as associated persons ("APs"), floor brokers ("FBs") or floor traders ("FTs");[6]

2. The type of course (*i.e.*, initial or periodic training and the duration of the course) proposed to be taught;[7]

a. If all course lengths will be taught, describe the way in which the shorter courses will differ from the longer in terms of the material covered;

3. The format of and media used in the course, including

a. Whether the course will be conducted, in full or in part, in-person, by telephone conference call in several locations simultaneously, on videotape, by interactive computer or otherwise;

b. If not solely in-person,

(i) Whether the instructor will be present at all times including, for example, during the showing of a videotape; and

(ii) How attendance will be monitored and substantiated (for example, by requiring the filling out of a questionnaire);

4. Attach a subject matter outline or schedule, with parenthetical references after each topic covered in the outline or schedule indicating the length of time that will be allocated to that topic. The outline should indicate, as appropriate, coverage of the topics specified in Rule 3.34(b) including: (a) A description of the requirements of the Act and rules promulgated thereunder concerning treatment of customer orders and handling of customer business, and (b) the registrant's responsibilities to the public under the Act, including responsibilities to observe just and equitable principles of trade, rules or regulations of the Commission, rules of any appropriate contract market, registered futures association, or other SRO, or any other applicable federal or state law, rule or regulation, as these principles pertain to the registration categories of course participants.[8]

C. With respect to the instructors:

1. The names of and biographical information (including education as well as pedagogical experience and business background as specified below) concerning all proposed instructors;

2. Each instructor's business background, including the instructor's background in futures, whether the instructor is or has been registered at any time with the Commission, and whether the instructor has any other background in financial markets; and

3. The instructor's pedagogical expertise, including

a. Whether this expertise is in futures, financial markets or in other areas; and

b. The length of time the instructor has engaged in teaching various subject areas.

This information may be in the form of a current resume, dated no earlier than one month prior to the date on which the Commission receives the ethics training approval request.

The Commission expects that provision of this information will facilitate its consideration of ethics training approval applications. However, because not all questions with

[4] Rule 3.34(d) prescribes initial and periodic training and prescribes training sessions of one, two and four hours' duration, depending on the registrant's individual circumstances. 58 FR 19575, 19593–94.

[5] 58 FR 19575, 19586–87.

[6] The Commission noted in the **Federal Register** release adopting Rule 3.34 its belief that training should be focused to some extent on a person's registrant category, although there will obviously be certain principles and issues common to all registrants. However, training for FTs and FBs, for example, who are not subject to the [the National Futures Association's] proficiency testing requirement, should devote greater attention to issues relating to contract market operations than training of APs, which would have greater concentration on sales practice issues.

58 FR 19575, 19585.

[7] See *supra* note 4.

[8] The Commission noted in the **Federal Register** release adopting Rule 3.34 with respect to these responsibilities that "reference to Commission interpretations and decisions with respect to specific fact situations may be helpful." 58 FR 19575, 19585 n. 42. The Commission also identified in Rule 3.34(c) suggested topics for inclusion in ethics training programs, including:

(1) How to act honestly and fairly and with due skill, care and diligence in the best interests of customers and the integrity of the market;

(2) How to establish effective supervisory systems and internal controls;

(3) Obtaining and assessing the financial situation and investment experience of customers;

(4) Disclosure of material information in dealings with customers; and

(5) Avoidance of conflicts of interest, and when they cannot be avoided, disclosure to the customer and authorization to continue handling the customer's business if permitted under the Act and Commission rules.

respect to any particular applicant can be anticipated at this time, additional information may be requested by Commission staff when and as warranted upon receipt and review of the application.

Issued in Washington, DC, on September 7, 1993 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–22332 Filed 9–10–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Government-Industry Technical Data Committee

AGENCY: Office of the Under Secretary of Defense (Acquisition).

ACTION: Notice.

SUMMARY: Pursuant to section 807 of Public Law 102–120, the National Defense Authorization Act for Fiscal Years 1992 and 1993, a Government-Industry Technical Data Committee has been formed. The committee will make recommendations to the Secretary of Defense for the final regulations required by subsection (a) of 10 U.S.C. 2320, "Rights in Technical Data."

The next committee meetings are scheduled for September 22 and 23, 1993, from 9:30 a.m. to 4 p.m. at The Russell Baker Conference Room, room 1000, 815 Connecticut Ave., NW., Washington, DC 20006–4078. These meetings will be open to the public. For more information, please contact the Committee Executive Secretary, Angelena Moy at (703) 693–5639.

Dated: September 7, 1993.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–22214 Filed 9–10–93; 8:45 am]

BILLING CODE 5000–04–M

Joint Advisory Committee on Nuclear Weapons Surety

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Joint Advisory Committee (JAC) on Nuclear Weapons Surety will meet in closed session on September 28–29, 1993, at San Diego, California.

The Joint Advisory Committee is charged with advising the Secretary of Defense, Secretary of Energy, and the Joint Nuclear Weapons Council on nuclear weapons systems surety matters. At this meeting, the Joint Advisory Committee will receive classified briefings on transportation and reconstitution of nuclear weapons and nuclear weapon systems.

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended, Title 5, U.S.C. App. II, (1988)), this meeting concerns matters, sensitive to the interests of national security, listed in 5 U.S.C. 552b(c)(1) and accordingly this meeting will be closed to the public.

Dated: September 8, 1993.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–22337 Filed 9–10–93; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER92–890–000, et al.]

Citizens Utilities Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

September 7, 1993.

Take notice that the following filings have been made with the Commission:

1. Citizens Utilities Company

[Docket No. ER93–890–000]

Take notice that on August 24, 1993, Citizens Utilities Company (Citizens) tendered for filing an agreement between Citizens and Missisquoi Associates, dated March 7, 1986, as amended August 23, 1993.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Electric and Gas Company

[Docket No. ER93–917–000]

Take notice that on August 31, 1993, Public Service Electric and Gas Company (PSE&G) tendered for filing an initial Rate Schedule to provide interruptible transmission service to the Orange and Rockland Utilities, Inc. (O&R). The service provides for the delivery of non-firm electric power and associated energy transactions between any investor-owned utility interconnected with the PSE&G high voltage transmission system and O&R.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. PacifiCorp

[Docket No. ER93–723–000]

Take notice that on August 30, 1993, PacifiCorp tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Amendment No. 1 to Contract No. 93–LAO–714, Installation of Facilities at PacifiCorp's Laramie Substation and Western's Laramie Tap, with a request that the Commission find that the agreement as amended filed under this Docket is not subject to the Commission's jurisdiction pursuant to the Commission's Final Order on Prior Notice and Filing Requirements Under Part II of the Federal Power Act in Docket No. PL93–2–002.

Copies of this filing were supplied to Western and the Wyoming Public Service Commission.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Niagara Mohawk Power Corporation

[Docket No. ER93–916–000]

Take notice that Niagara Mohawk Power Corporation (Niagara Mohawk), on August 31, 1993, tendered for filing a proposed change to Rate Schedule No. 180 which is an agreement dated October 29, 1992, between Niagara Mohawk and the New York Power Authority (NYPA) which provides for certain interruptible transmission services, with an option to convert to firm service in the future, for NYPA.

The October 29, 1992 agreement provides for transmission service from NYPA's Crescent, Vischers Ferry and Jarvis Hydroelectric plants to Niagara Mohawk's existing interconnection with Consolidated Edison.

The effective date of November 1, 1993 is requested by Niagara Mohawk.

Copies of this filing were served upon NYPA and the New York State Public Service Commission.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Northeast Utilities Service Company

[Docket No. ER93–913–000]

Take notice that on August 31, 1993, Northeast Utilities Service Company (NUSCO) on behalf of The Connecticut Light and Power Company (CL&P), Holyoke Water Power Company, and Public Service Company of New Hampshire (PSNH), tendered for filing a filing System Power Sales Agreement for purchases by the Vermont Public Power Supply Authority.

NUSCO states that the filing is in accordance with part 35 of the Commission's regulations.

Comment date. September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Northeast Utilities Service Company

[Docket No. ER93–914–000]

Take notice that on August 31, 1993, Northeast Utilities Service Company (NUSCO) on behalf of The Connecticut Light and Power Company (CL&P) tendered for filing an amendment for additional capacity purchases by New England Power Company (NEP).

NUSCO states that the filing is in accordance with part 35 of the Commission's regulations.

Comment date. September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Northeast Utilities Service Company

[Docket No. ER93–915–000]

Take notice that on August 31, 1993, Northeast Utilities Service Company (NUSCO) on behalf of The Connecticut Light and Power Company (CL&P), Holyoke Water Power Company, and Public Service Company of New Hampshire (PSNH), tendered for filing Unit Sales Agreements for purchases by Princeton Municipal Light Department Princeton.

NUSCO states that the filing is in accordance with part 35 of the Commission's regulations.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Southwestern Electric Power Company

[Docket No. ER93–856–000]

Take notice that on September 1, 1993, Southwestern Electric Power Company (SWEPCO) tendered for filing Amendment No. 1 to the Restated and Amended Interconnection Agreement with Gulf States Utilities Company (Amendment No. 1). Amendment No. 1 was inadvertently omitted from the initial filing submitted on August 11.

Copies of the filing have been served on Gulf States Utilities Company, the Public Utility Commission of Texas and all parties to this proceeding.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Iowa Electric Light and Power Company

[Docket No. ER93–638–000]

Take notice that Iowa Electric Light and Power Company (Iowa Electric) on August 17, 1993, tendered for filing a Second Amendment to its May 10, 1993 filing in the above docket. The Amendment includes changes in the proposed fuel adjustment clause for resale electric service to comply with the Commission's regulations.

Copies of this filing have been sent to the Iowa State Utilities Board and to Iowa Electric's jurisdictional customers.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Company of Colorado

[Docket No. ER93–909–000]

Take notice that on August 30, 1993, Public Service Company of Colorado (Public Service) tendered for filing a Notice of Cancellation of existing FERC Electric Rate Schedule No. 61 and Supplement No. 1 to Rate Schedule No. 61 between Public Service and Platte River Power Authority.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Southwestern Electric Power Company

[Docket No. ER93–741–000]

Take notice that on august 20, 1993, Southwestern Electric Power Company (SWEPCO), by its counsel, submitted for filing a correction to its June 29, 1993 (as corrected June 30, 1993) filing of Amendment No. 2 to SWEPCO's Electric System Interconnection Agreement with Cajun Electric Power Cooperative, Inc. SWEPCO has requested that the correction be accepted to become effective on the same date as its June 29 and June 30 filings become effective.

Copies of the filing have been served on Cajun, the Louisiana Public Service Commission, and to other SWEPCO wholesale customers to advise them of the requested waiver of notice requirements.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. New England Power Company

[Docket No. ER93–920–000]

Take notice that New England Power company (NEP) on September 1, 1993, tendered for filing its proposed FERC Electric Tariff, Original Volume No. 8, Tariff for Firm Transmission Service. The proposed tariff would provide firm service over NEP's transmission facilities and the transmission facilities of NEP's affiliates which are made available to NEP to meet the load of the integrated generation and transmission system. NEP states that the tariff was filed in complies with the approved settlement in Docket No. ER92–113–001.

NEP requests that the proposed tariff be permitted to become effective on November 1, 1993.

Comment date. September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Florida Power & Light Company

[Docket No. ER93–922–000]

Take notice that on September 1, 1993, Florida Power & Light Company (FPL) tendered for filing the following transmission agreements: (1) Amendment Number Five to the Amended Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Seminole Electric Cooperative, Inc.; (ii) Amendment Number Three to the Restated and Revised Transmission Service Agreement Between Florida Power & Light Company and The Florida Municipal Power Agency; (iii) Amendment Number Two to the Stanton Transmission Service Agreement Between Florida Power & Light Company and Florida Municipal Power Agency; (iv) Amendment Number Two to the Stanton Tri-City Transmission Service Agreement Between Florida Power & Light Company and Florida Municipal Power Agency; (v) Amendment Number Seven to the St. Lucie Delivery Service Agreement Between Florida Power & Light Company and Florida Municipal Power Agency; (vi) Amendment Number Four to the St. Lucie Delivery Service Agreement Between Florida Power & Light Company and Orlando Utilities Commission; Amendment Number Seven to the St. Lucie Delivery Service Agreement Between Florida Power & Light Company and Florida Municipal Power Agency; and (vii) Amendment Number One to the Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Metropolitan Dade County, Florida.

FPL states that the filing is in accordance with part 35 of the Commission's regulations.

Comment date: September 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests

should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22287 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–20–000]

Algonquin Gas Transmission Company; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice on September 1, 1993, that Algonquin Gas Transmission Company (Algonquin), tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2, of the following tariff sheets, with a proposed effective date of October 1, 1993:

Fourth Revised Volume No. 1
Second Revised Sheet No. 21
Second Revised Sheet No. 22
Second Revised Sheet No. 23
Second Revised Sheet No. 24
Second Revised Sheet No. 25
Second Revised Sheet No. 27
Second Revised Sheet No. 29
Second Revised Sheet No. 30
Second Revised Sheet No. 31
Second Revised Sheet No. 32
Second Revised Sheet No. 33
First Revised Sheet No. 34
First Revised Sheet No. 35

Original Volume No. 2

Third Revised Sheet No. 259
Third Revised Sheet No. 296
Second Revised Sheet No. 343

Algonquin states that this filing increases its current Annual Charge Adjustment (ACA) charge by $0.0003 per MMBtu.

Algonquin states that copies of this tariff filing were mailed to all customers of Algonquin and interested state commissions shown on Algonquin's system.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22236 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ93–8–22–000 and TM93–8–22–000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, CNG Transmission Corporation (CNG), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets with a proposed effective date of September 1, 1993:

Thirty-Fourth Revised Sheet No. 31
Twenty-Fifth Revised Sheet No. 32
Thirtieth Revised Sheet No. 34
Twenty-Fourth Revised Sheet No. 35

CNG states that the proposed tariff sheets reflect two changes: An increase in natural gas spot prices and changes in rates and services on Tennessee Gas Pipeline Company arising out of its implementation of its Order No. 636 restructuring effective September 1, 1993, in Docket No. RS92–23.

CNG states that copies of the filing were served upon CNG's jurisdictional customers and interested state commissions. Copies of the filing are also available during regular business hours at CNG's offices in Clarksburg, West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22231 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–22–000]

CNG Transmission Corporation; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, CNG Transmission Corporation (CNG), tendered for filing as part of its FERC Gas Tariff, the following revised tariff sheets, with a proposed effective date of October 1, 1993:

First Revised Volume No. 1

Thirty-Fifth Revised Sheet No. 31
Twenty-Sixth Revised Sheet No. 32
Thirty-First Revised Sheet No. 34
Twenty-Fifth Revised Sheet No. 35

Original Volume No. 2

Sixth Revised Sheet Nos. 250 and 290

Original Volume No. 2A

Sixth Revised Sheet Nos. 18, 28, 35, 48, and 87

CNG states that the proposed tariff sheets reflect a new ACA unit rate of 0.25 cents per dekatherm.

CNG states that copies of the filing were served upon CNG's jurisdictional customers and interested state commissions. Copies of the filing are also available during regular business hours at CNG's offices in Clarksburg, West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22238 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–21–000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with a proposed effective date of October 1, 1993:

Thirty-sixth Revised Sheet No. 26.1
Thirty-sixth Revised Sheet No. 26A.1
Thirty-fourth Revised Sheet No. 26C
Thirty-first Revised Sheet No. 26D

Columbia states that the listed tariff sheets set forth the adjustment to its sales and transportation rates applicable to the Annual Charge Adjustment, pursuant to the Commission's Regulations as set forth in Order No. 472, et seq.

Columbia states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22237 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–70–000]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993 Columbia Gulf Transmission Company (Columbia Gulf), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, with the proposed effective date of October 1, 1993:

Tenth Revised Sheet No. 021
Fifth Revised Sheet No. 022
Fourth Revised Sheet No. 046

Columbia Gulf states that the listed tariff sheets set forth the adjustment to its sales and transportation rates applicable to the Annual Charge Adjustment, pursuant to the Commission's regulations as set forth in Order No. 472, *et seq.*

Columbia Gulf states that copies of this filing were served upon all Columbia Gulf's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22247 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–7–2–000]

East Tennessee Natural Gas Co.; Rate Filing

September 7, 1993.

Take notice that on August 31, 1993, East Tennessee Natural Gas Company (East Tennessee), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fortieth Revised Tariff Sheet Nos. 4 and 5, with a proposed effective date of September 1, 1993.

East Tennessee Natural Gas Company states that the purpose of the instant filing is to implement an out-of-cycle PGA rate adjustment to East Tennessee's current gas rates, to be effective from September 1 through September 30, 1993. East Tennessee states that due to the non-coincidental implementation of Order 636 on East Tennessee's upstream pipeline supplier, Tennessee Gas Pipeline Company (Tennessee), and East Tennessee, during the PGA period East Tennessee will subscribe to a transportation service on Tennessee and that such transportation service will act as a surrogate for the CD sales service previously provided by Tennessee. East Tennessee seeks to recover the related transportation cost through its PGA adjustment.

East Tennessee also states that due to an unexpected increase in gas prices, it is currently unable to purchase gas at or below the rates reflected in its previously scheduled PGA filing in Docket No. TQ93–6–2, filed on May 28, 1993 to be effective July 1, 1993. The increase in the current adjustment is necessary to prevent substantial underrecoveries of gas costs.

East Tennessee states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22230 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–2–000, TQ94–1–2–000]

East Tennessee Natural Gas Co.; Rate Filing

September 7, 1993.

Take notice that on August 31, 1993, East Tennessee Natural Gas Company (East Tennessee), tendered for filing as part of its FERC Tariff, First Revised Volume No. 1, Forty-First Revised Tariff Sheet Nos. 4 and 5, and Original Volume No. 1A, Ninth Revised Sheet Nos. 6 and 7, with a proposed effective date of October 1, 1993.

East Tennessee Natural Gas Company states that the purpose of the instant filing is to implement a quarterly PGA rate adjustment to East Tennessee's current gas rates, to be effective from October 1 through October 31, 1993, pursuant to § 21.(b) of the General Terms and Conditions of East Tennessee's FERC Gas Tariff.

East Tennessee also states that the filing reflects the new Annual Charge Adjustment (ACA) to be effective

October 1, 1993, pursuant to article 19 of the General Terms and Conditions of East Tennessee's FERC Gas Tariff. The new ACA rate is $.0025 compared to $.0022, an increase of $.0003.

East Tennessee states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22245 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–187–000]

Equitrans, Inc.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on September 2, 1993, Equitrans, Inc. (Equitrans) tendered for filing proposed changes in its FERC Gas Tariff reflecting a rate change from currently effective rates and other changes in its tariff. Equitrans proposes a decrease in the jurisdictional annual cost of service of approximately $5 million based on costs for the twelve (12) month period ending May 31, 1993, as adjusted. However, the proposed rates include approximately $60 million in Order No. 636 transition costs which Equitrans proposes to amortize over a four year period and incorporate into the rates charged to firm open-access transportation services. Thus, overall, this rate filing will increase the level of Equitrans' jurisdictional rates above Equitrans' Docket No. RP93–62 rates which are currently in effect, subject to refund.

Equitrans states that the rates, terms and conditions reflected in the proposed sheets reflect various new or expanded services including no-notice transportation service and open access firm and interruptible storage service, which are required by Order No. 636. In addition, Equitrans proposes to apply the cost allocation and rate design principles directed by Order No. 636, including the adoption of straight fixed-variable rate design, removal of costs related to Equitrans' merchant function from the cost of service, and the reallocation of storage costs among services.

Equitrans states it proposes to recover $60,090,621 in transition costs related to stranded gathering facilities and products extraction and well plugging costs. Equitrans proposes to amortize these costs over a four-year period and to incorporate 100% of these costs into rate charged to all part 284 transportation.

Equitrans requests that the proposed tariff sheets become effective on October 1, 1993. Equitrans requests waiver of the Commission's notice requirements for the Commission to make the tariff sheets effective on the date requested subject to refund.

Equitrans states that copies of this filing were served upon the Equitrans jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining appropriate action, 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. 93–22227 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–188–000]

Florida Gas Transmission Co.; Compliance Filing

September 7, 1993.

Take notice that on August 31, 1993, Florida Gas Transmission Company (FGT) tendered for filing the information required by the provisions contained in Section 27 of FGT's FERC Gas Tariff, Third Revised Volume No. 1, currently pending Commission approval.

FGT states that Section 27 of its pending FERC Gas Tariff, Third Revised Volume No. 1, provides that FGT will file a Fuel Reimbursement Charge Adjustment to be effective each April 1 and October 1. Sections 27.C and 27.D provide that the Initial Fuel Reimbursement Charge Percentage shall be based on the actual fuel usage, and lost and unaccounted for gas, and the volumes delivered during the six month period commencing one year prior to the effective date of the Fuel Reimbursement Charge Adjustment. FGT is required to file work papers with the Commission at least thirty (30) days prior to the effective date of the Adjustment, setting forth the revised, or initial, Fuel Reimbursement Charge. The instant filing is submitted in conformance with the provisions of the tariff and in anticipation of the October 1, 1993, effective date.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22229 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–114–000]

Gateway Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Gateway Pipeline Company (Gateway) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 4, with a proposed effective date of October 1, 1993:

Gateway states that the above referenced tariff sheets reflect an upward revision to the unit rate of the Annual Charge Adjustment (ACA) Clause to be generally applied to interstate natural gas pipeline rates for the recovery of the 1992 Annual Charges, pursuant to Order No. 472.

Gateway states that this revision authorizes Gateway to collect $0.0026 per each Mcf of natural gas sold or transported applicable to the 1993 Annual charge assessed Gateway by the Commission under part 382 of the Commission's Regulations.

Gateway also states that the tariff sheets are being mailed to its customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NW., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a Motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22248 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–11–000]

Koch Gateway Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Koch Gateway Pipeline Company (KGPL), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective October 1, 1993:

Third Revised Sheet No. 4
Third Revised Sheet No. 4A
Third Revised Sheet No. 4B
Third Revised Sheet No. 4D
Third Revised Sheet No. 4E
Third Revised Sheet No. 4F
Third Revised Sheet No. 4G
Third Revised Sheet No. 4H

KGPL states that the above referenced tariff sheets reflect an upward revision to the unit rate of the Annual Charge Adjustment (ACA) Clause to be generally applied to interstate natural gas pipeline rates for the recovery of the 1992 Annual Charges, pursuant to Order No. 472.

KGPL notes that this revision authorizes KGPL to collect $0.0026 per each Mcf ($0.0025 per MMBtu as converted on KGPL's system) of natural gas sold or transported applicable to the 1993 Annual charge assessed KGPL by the Commission under Part 382 of the Commission's Regulations.

KGPL also states that the tariff sheets are being mailed to its customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NW., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22234 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–5–000]

Midwestern Gas Transmission Co.; Filing

September 7, 1993.

Take notice that on September 1, 1993, Midwestern Gas Transmission Company (Midwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet No. 5, with a proposed effective date of October 1, 1993.

Midwestern states that this filing reflects the new Annual Charge Adjustment (ACA) of $.0025 per dekatherm.

Midwestern states that copies of the filing have been mailed to all of its 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 protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22232 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–28–000]

Panhandle Eastern Pipe Line Company; Proposed Change in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, revised sheets as reflected in Appendix A to the filing. The proposed effective date of the above-referenced tariff sheets is October 1, 1993.

Panhandle states that these revised tariff sheets are being submitted in accordance with Section 18.2 (Annual Charge Adjustment Provision) of the General Terms and Conditions of Panhandle's FERC Gas Tariff, First Revised Volume No. 1. The Commission has changed the unit rate of the Annual Charge Adjustment to be applied to rates for recovery of 1993 Annual Charges pursuant to Order No. 472 in Docket No. RM87–3–000. The surcharge attributable to fiscal year 1993 program costs is $0.0026 per Mcf ($0.0026 per Dt to reflect Panhandle's billing unit) of natural gas transported.

Panhandle states that copies of this letter and enclosures are being served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22239 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–6–000]

Sea Robin Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised sheets, with a proposed effective date of October 1, 1993:

Thirty-Sixth Revised Sheet No. 4–A
Thirteenth Revised Sheet No. 4–A1
Twelfth Revised Sheet No. 4–A2

Sea Robin states that the aforesaid tariff sheet implements the Federal Energy Regulatory Commission's (Commission) revised Annual Charge Adjustment (ACA) of .26¢ per Mcf. This represents an increase of .03¢ per Mcf in the ACA charge from the current level of .23¢ per Mcf.

Sea Robin states that copies of Sea Robin's filing will be served upon all of Sea Robin's customers, interested commissions and interested parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (§§ 385.214 and 385.211). All such petitions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action be to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22233 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–9–000]

Tennessee Gas Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, the following tariff sheets with a proposed effective date of October 1, 1993:

Fifth Revised Volume No. 1

First Revised Sheet No. 30

Original Volume No. 2

Fifteenth Revised Sheet No. 10
Second Revised Sheet No. 10A

Tennessee states that the purpose of this filing is to reflect the increase in the Annual Charge Adjustment (ACA) rate adjustment to Tennessee's commodity rates for the period October 1, 1993 through September 30, 1994.

Tennessee states that copies of the filing are being mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22246 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–18–000]

Texas Gas Transmission Corp., Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Texas Gas Transmission Corporation (Texas Gas) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, and First Revised Volume No. 2–A the following revised tariff sheets, with a proposed effective date of October 1, 1993:

FERC Gas Tariff, Original Volume No. 1

Eighth Revised Seventy-third Revised Sheet No. 10
Eighth Revised Seventy-second Revised Sheet No. 10A
Eighth Revised Fifty-fourth Revised Sheet No. 11
Eighth Revised Forty-fourth Revised Sheet No. 11A
Eighth Revised Forty-third Revised Sheet No. 11B

FERC Gas Tariff, First Revised Volume No. 2–A

Sixth Revised Sheet No. 10A
Fifth Revised Sheet No. 10C
Third Revised Sixth Revised Sheet No. 11

Texas Gas states that the revised tariff sheets are being filed pursuant to Section 25 of the General Terms and Conditions of Texas Gas's FERC Gas Tariff, Original Volume No. 1, and Section 21 of the General Terms and Conditions of Texas Gas's FERC Gas Tariff, First Revised Volume No. 2–A, which affords Texas Gas the right to recover the costs billed to Texas Gas by the Federal Energy Regulatory Commission via the FERC ACA Unit Charge method. That unit charge, as determined by the Commission, is $.0026/Mcf ($.0025/MMBtu converted) as set forth on Texas Gas's Annual Charges Bill for fiscal year 1993, to be effective October 1, 1993.

Texas Gas states that copies of the revised tariff sheets are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22235 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–42–000]

Transwestern Pipeline Company; Proposed Changes in FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993 Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with a proposed effective date of October 1, 1993:

103rd Revised Sheet No. 5
9th Revised Sheet No. 5A
5th Revised Sheet No. 5A.01
3rd Revised Sheet No. 5A.02
3rd Revised Sheet No. 5A.03
3rd Revised Sheet No. 5A.04
7th Revised Sheet No. 5B

Transwestern states that the tariff sheets referenced above are being filed to adjust Transwestern's Annual Charge Adjustment (ACA) pursuant to section 23, of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The adjustment of the ACA Surcharge is determined each fiscal year pursuant to the Commission's Order No. 472. The ACA Surcharge of $0.0025/dth as determined by the Commission on July 26, 1993, reflects an increase of $0.0003/dth from the currently effective ACA Surcharge of $0.0022/dth.

Transwestern states that copies of the filing were served on its gas utility customers, interested state commissions, and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Lois D. Cashell,

Secretary.

[FR Doc. 93–22241 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT88–26–009]

Transwestern Pipeline Co.; Tariff Filing

September 7, 1993.

Take notice that on August 31, 1993, Transwestern Pipeline Company (Transwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet:

Effective September 1, 1993

10th Revised Sheet No. 73

Transwestern states that the above-referenced tariff sheet is being filed by Transwestern to modify Section 19 of the General Terms and Conditions of its FERC Gas Tariff to reflect certain organizational changes affecting Transwestern's shared operating personnel and facilities.

Transwestern requests that the Commission grant any and all waivers of its rules, regulations, and orders as may be necessary so as to permit the tariff sheet submitted by it to become effective September 1, 1993.

Transwestern states that copies of the filing were served upon all of Transwestern's gas utility customers, interested state commissions, and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22228 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94–1–30–000]

Trunkline Gas Company; Proposed Changes In FERC Gas Tariff

September 7, 1993.

Take notice that on August 31, 1993, Trunkline Gas Company (Trunkline) tendered for filing the revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, and to its FERC Gas Tariff, Original Volume No. 2, as reflected in Appendix No. 1 attached to the filing, with a proposed effective date of October 1, 1993.

Trunkline states that the above-referenced tariff sheets are being filed in accordance with the Commission's Order No. 472 and pursuant to Section 21 (Annual Charge Adjustment (ACA) Provision) of the General Terms and Conditions of Trunkline's FERC Gas Tariff, First Revised Volume No. 1.

Trunkline's current ACA Unit Surcharge of $0.0022 per Dt effective October 1, 1992, as approved by the Commission's Order dated September 30, 1992 in Docket No. TM93–1–30–000 changes to $0.0025 per Dt with the tracking of the ACA Unit Surcharge authorized for the fiscal year 1993 and the additional increment for the fiscal year 1992 adjustment.

Several of Trunkline's rate schedules involve utilization of Trunkline's capacity in third party pipelines. This filing incorporates ACA revisions filed by these third party pipelines into Trunkline's FERC Gas Tariff, Original Volume No. 2.

Trunkline states that copies of this letter and enclosures are being served on all customers subject to the tariff sheets and the applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22240 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER91–195–011]

Western Systems Power Pool; Informational Filing

September 7, 1993.

Take notice that on July 30, 1993 the Western Systems Power Pool (WSPP) filed certain information as required by Ordering Paragraph (D) of the Commission's June 27, 1991 Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992 Order on Rehearing Denying Request Not To Submit Information, And Granting In Part And Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211, WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992 order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–22226 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4728–4]

Office of Air and Radiation, Management of the Air Docket

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Air Docket located at 401 M St. SW., currently operated by the EPA office of General Counsel will be operated by the Office of Air and Radiation effective 1 October 93. Labat-Anderson contractors will operate the Air Docket.

FOR FURTHER INFORMATION CONTACT: The Air Docket 401 M St. SW., Washington, DC 20460. Phone 202–260–7548.

Jerry Kurtzweg,

Director, Office of Program Management Operation, Office of Air and Radiation.

[FR Doc. 93–22296 Filed 9–10–93; 8:45 am]

BILLING CODE 6450–01–M

[OPPTS–41039A; FRL–4644–6]

Thirty-Second Report of the TSCA Interagency Testing Committee; Reopening Public Comment Period and Extension of Testing Proposal and Interested Party Submission Deadlines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening Comment Period, and Extension of Testing Proposal and Interested Party Submission Deadlines.

SUMMARY: EPA is reopening the written comment period for the Thirty-Second Interagency Testing Committee (ITC) Report, published in the **Federal Register** of July 16, 1993. Additionally, EPA is extending the date for submitting written testing proposals, and notices of interest in being designated an "interested party" in the TSCA section 4 testing consent order development process for chemicals designated in the Thirty-Second ITC Report.

DATES: Written comments on the Thirty Second ITC Report must be received by September 30, 1993. Written testing proposals and notice of interest in being designated an "interested party" to the development or monitoring of a consent agreement for the chemicals designated for dermal absorption testing must be received by October 29, 1993.

ADDRESSES: Send six copies of written submissions to: TSCA Docket Receipts (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. ET G–99, 401 M St., SW., Washington, DC 20460. Submissions should bear the document control number (OPPTS–41039). The public record supporting this action, including comments is available for public inspection in Rm ET G–102 at the address noted above from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, except holidays.

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

SUPPLEMENTARY INFORMATION:

EPA published the Thirty-Second ITC Report in the **Federal Register** of July 16, 1993 (58 FR 38490). In this Report, the ITC revised and updated the ITC's priority list of chemicals by designating 35 chemicals for testing under TSCA section 4(a), for which dermal testing is needed. In that **Federal Register** Notice, EPA solicited comments on the ITC Report, with the comment period closing on August 16, 1993. EPA also solicited testing consent order proposals and asked for Notices of interest in being designated "interested parties", per the procedures set forth at 40 CFR part 790. In the **Federal Register** Notice, the deadline for submitting testing proposals and notices of interest in being designated "interested parties" was September 14, 1993.

EPA has received requests from the Chemical Manufacturers Association, DuPont Chemicals, and BASF Corporation for additional time to prepare written comments. Additionally, CMA requested additional time to submit written testing proposals. EPA believes these requests to be reasonable and is reopening the written comment period for the Thirty-Second ITC Report to September 30, 1993. In addition, EPA is extending the time to submit written testing proposals and notices of interest in being designated an "interested party" to the development or monitoring of a consent agreement for the chemicals designated for dermal absorption testing to October 29, 1993.

Authority: 15 U.S.C. 2603.

Dated: August 27, 1993.

Denise M. Kehner,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–22298 Filed 9–10–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

Meeting, Federal Emergency Management Agency Advisory Board

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, FEMA announces a meeting of the FEMA Advisory Board.

NAME: Federal Emergency Management Agency Advisory Board (FAB).

DATE OF MEETING: September 28, 1993.

PLACE: Federal Emergency Management Agency, Emergency Information and Coordination Center, 500 C Street, SW., Washington, DC 20472.

TIME: September 28, 1993, 9 a.m.–3 p.m.

PROPOSED AGENDA: General orientation and update on programs and issues concerning FEMA.

SUPPLEMENTARY INFORMATION: Members will be oriented and brought current on FEMA programs and issues. Senior FEMA executives will discuss FEMA programs, including emergency preparedness initiatives. The meeting will be open to the public with approximately 10 seats available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact John "Chili" Cole, Confidential Assistant to the Director of the Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3746, on or before September 24, 1993.

Minutes of the meeting will be prepared and will be available for public viewing upon request 60 days after the meeting.

Dated: September 8, 1993.

James L. Witt,

Director.

[FR Doc. 93–22338 Filed 9–10–93; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, et. seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Norman W. Littlejohn, Director, Bureau of Administration, Federal Maritime

Commission, 800 North Capitol, NW., room 900, Washington, DC 20573, telephone number (202) 523–5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 530

FMC requests extension of clearance for 46 CFR 530 which provides procedures for the expeditious processing by terminals of trucks laden with cargo for vessels to reduce congestion and delay in the Port of New York. The Commission estimates a respondent universe of 10 with an estimated 10 annual responses and 20 manhour burden. Total cost to the Federal Government is estimated at $150; total cost to respondents is estimated at $400.

Joseph C. Polking,

Secretary.

[FR Doc. 93–22223 Filed 9–7–93; 5:01 pm]

BILLING CODE 3510–22–M

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Norman W. Littlejohn, Director, Bureau of Administration, Federal Maritime Commission, 800 North Capitol Street, NW., room 900, Washington, DC 20573, telephone number (202) 523–5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review 46 CFR Part 581

The Federal Maritime Commission requests extension of the clearance for its regulations governing the filing of service contracts issued under the provisions of section 8(c) of the Shipping Act of 1984. These regulations provide for the filing and amendment of service contracts and their essential terms, and the recordkeeping requirements associated with service contracts.

The Commission estimates a respondent universe of 100 and with an estimated burden of 9,926 annual manhours. Total estimated annual cost to the Government for this is $337,813; estimated annual cost to the public is $532,796.

Joseph C. Polking,

Secretary.

[FR Doc. 93–22211 Filed 9–10–93; 8:45 am]

BILLING CODE 6730–01–M

Organization and Functions of the Federal Maritime Commission; C.O. 1, Amdt. No. 24

[This amendment to Commission Order 1, *Organization and Functions,* adds the *Bureau of Administration* (including its four Offices) so as accurately reflect existing organization, and provides for delegation of certain authorities to the Director of that Bureau (including one authority previously delegated to the Director, Bureau of Tariffs, Certification and Licensing), with redelegation of both authorities to the Director of its *Office of Information Resources Management.*]

In *Section 3. Organizational Components,* delete subsections (13) to (18), inclusive,* retain subsections (14) to (18) inclusive as "RESERVED," and add a new subsection (13) to read as follows:

(13) Bureau of Administration
- a. Office of Administrative Services
- b. Office of Budget and Financial Management
- c. Office of Information Resources Management
- d. Office of Personnel.

In *Section 4. Lines of Responsibility,* in Subsection 4.04, add the "Bureau of Administration" as one of the entities which reports to the Managing Director.

In *Section 5. Specific Functions of the Organizational Components of the Federal Maritime Commission,* delete subsections (5.13) to (5.17), inclusive,* retain subsections (5.14) to (5.17) inclusive as "RESERVED," and add a new subsection (5.13) to read as follows:

5.13 The *Bureau of Administration* is responsible for the direct administration and coordination of the Offices of: Administrative Services; Budget and Financial Management; Information Resources Management; and Personnel. The Office of the Director of the Bureau of Administration is responsible for directing and administering the Commission's Information Security Program, which includes an active oversight and security education program to ensure effective implementation of Executive Order 12356. The FMC training and development function is also administered within the Office of the Director. The Director of the Bureau of Administration is the Commission representative, as Principal Management Official, to the Small Agency Council ("SAC"), and is a member of SAC's Executive Committee. Other program activities of the Bureau of Administration are carried out by its Offices, as follows:

(1) The *Office of Administrative Services* directs and administers a variety of management services functions that principally provide administrative support to the regulatory program operations of the Commission. The Director of the Office is the Commission's Contracting Officer. The Office's support programs include communications, telecommunications, procurement of administrative goods and services, property management, space management, printing and copying management, mail and records services, forms and graphic designs, facilities and equipment maintenance, and transportation. The Office's major functions are to secure and furnish all necessary supplies, equipment and services required in support of the Commission's mission and to formulate regulations, policies, procedures, and methods governing the use and provision of these support services in compliance with the FAR, the Federal Property Management Regulations, the Federal Information Resources Management Regulation, and other appropriate Federal guidelines.

(2) The *Office of Budget and Financial Management* administers the Commission's financial management program and is responsible for optimal utilization of the Commission's physical, fiscal, and staffing resources. The Office is charged with interpreting government budgetary and financial policies and programs, and developing annual budget justifications for submission to the Congress and OMB. The Office also administers internal controls systems for agency funds, travel and cash management programs, and the Commission's imprest fund. The Director of the Office is the Commission's Chief Financial Officer.

(3) The *Office of Information Resources Management's* major

* The Offices deleted are: "Energy and Environmental Impact," "Personnel," "Budget and Financial Management," "Management Evaluation and Review," "Data Systems," and "Administrative Services."

functions are: planning and contract administration; telecommunications/database management and application development; and records management and OMB clearances. The Office is delegated responsibility to ensure that the Commission's information resources management ("IRM") program is administered in a manner consistent with the Paperwork Reduction Act of 1980, Public Law No. 96–511, as amended by the Paperwork Reduction Authorization Act of 1986, Public Law No. 99–500, and other appropriate Federal guidelines.

(4) The *Office of Personnel* plans and administers a complete personnel management program including: recruitment and placement, position classification and pay administration, occupational safety and health, employee counseling services, employee relations, workforce discipline, performance appraisal, incentive awards, retirement, and personnel security.

In *Section 6, Delegation of Authorities,* Change subsection 6.01 to read as follows:

6.01 Pursuant to section 105 of Reorganization Plan No. 7 of 1961, August 12, 1961, the Federal Maritime Commission hereby delegates the specific authorities described in subsequent sections of this Order to the officials designated therein, subject to the limitations prescribed in subsequent subsections of this section, as follows:

In *Section 9, Specific Authorities Delegated to the Director, Bureau of Tariffs, Certification and Licensing,* delete but retain as "RESERVED" subsection 9.16 (from Amendment No. 18 of December 9, 1991), relating to certification of ATFI batch filing capability (transferred to the Bureau of Administration and redelegated to the Office of Information Resources Management).

In *Section 12, Public Requests for Information and Decisions,* in subsection 12.05 add appropriate subsections for the "Bureau of Administration" and the "Office of Information Resources Management."

Add a new Section 14 to read as follows:

Section 14, Specific Authorities Delegated to, and Redelegated by, the Director, Bureau of Administration

14.01(a) Authority under 46 CFR part 514, after consultation with the Bureau of Tariffs, Certification and Licensing, and the Office of the Managing Director, to issue letters notifying applicants for certification of ATFI batch filing capability that their applications have or have not been granted.

(b) The authority under this subsection is redelegated to the Director, Office of Information Resources Management.

14.02(a) Authority under 46 CFR 514.21(m)(2), after consultation with the Bureau of Tariffs, Certification and Licensing, the Office of Budget and Financial Management, and the Office of the Managing Director, to evaluate and approve or disapprove by letter the accounting or charging system the applicant intends to use for charging users and remitting to the Commission indirect (subsequent) access user fees under 46 U.S.C. app. 1107a(d)(1)(B)(ii).

(b) The authority under this subsection is redelegated to the Director, Office of Information Resources Management.

Dated: September 3, 1993.

William D. Hathaway,

Chairman.

[FR Doc. 93–22220 Filed 9–10–93; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

Request for Ideas/Comments—Inter-city Telecommunications Services—Further Information for Inclusion in the Post-FTS2000 Concept Development Record

SUMMARY: The federal government currently meets its needs for inter-city telecommunications services through the FTS2000 program. The existing FTS2000 contracts will expire in December 1998.

The federal government currently meets its needs for inter-city telecommunications services through the FTS2000 program. The existing FTS2000 contracts will expire in December 1998. In the May 14, 1993, edition of the Commerce Business Daily (Issue PSA–0846) the federal government made known its desire for a free and open discussion of ideas related to the provision of intercity telecommunications resources to its users after 1998. At that time, the government stated that it would accept ideas and comments from all interested parties using two mechanisms. First, the government requested written comments related to the future provision of intercity telecommunications services. These comments are being organized into a post-FTS2000 environment concept development record. The government will make this record available to the public for review and further comment. Second, the government announced that it would conduct a conference on October 19, 20, and 21, 1993, to hear further comments and encourage discussion of different points of view on the post-FTS2000 environment. Due to requests by responding parties and to ensure that all ideas are heard, the government will provide for two additional mechanisms. First, in order that all parties have an opportunity to respond to ideas and comments presented at the October Conference, the conference proceedings will be added to the post-FTS2000 concept development record for further comment by interested parties. Written comments made in response to the conference proceedings may be submitted to General Services Administration, Attention: Concept Development Conference, 7980 Boeing Court, Vienna, VA 22182–3988, by fax at (703) 760–7523, or electronically at concept@access.digex.com. No comments will be accepted after December 1, 1993. It is anticipated that the conference proceedings and the concept development record will be available for public review in the GSA Public Reading Room on or about November 1, 1993. Second, the government will accept ideas and comments that are considered as corporate proprietary information. This proprietary information will be included in the formal concept development record, but will be physically separated from the publicly available record.

The proprietary information will be secured by the General Services Administration. This proprietary information will be available for review only by appropriately cleared personnel. Comments containing proprietary information may be submitted only with the advance written coordination with the General Services Administration. Requests to provide proprietary information may be submitted to the General Services Administration, Attention: Concept Development Conference, 7980 Boeing Court, Vienna, VA 22182–3988, or by fax at (703) 760–7523. The General Services Administration will then coordinate the delivery and receipt of such information. All such requests must be received no later than November 15, 1993. The government will accept proprietary information beginning October 25, 1993, but no later than December 1, 1993.

DATES: The Concept Development Conference is scheduled for October 19–21, 1993. The government will accept

proprietary information beginning October 25, 1993, but no later than December 1, 1993. The concept Development Record is scheduled for public review on/or about November 1, 1993. Request to provide proprietary information must be received no later than November 15, 1993. No comments will be accepted after December 1, 1993.

ADDRESSES: Responses to this Notice must be mailed to: General Services Administration, Attention: Concept Development Conference, 7980 Boeing Court, Vienna, VA 22182–3988.

FOR FURTHER INFORMATION CONTACT: Delores W. Sharpe, Contracting Officer, (703) 760–7488 or Darlene Goggins at (703) 760–7487.

SUPPLEMENTARY INFORMATION: The October 1993 Concept Development Conference will be held at the Department of Commerce Auditorium, located at 100 14th Street, NW., Washington, DC.

Note: The Concept Development Record (Release #1) will be available for public review only beginning September 7, 1993, Mon–Fri from 8:15—4:45 p.m. at the General Services Administration Bid Room, room 1701 7th & D Streets, SW., Washington, this Record contains the comments received August 1, 1993. Copies of the Concept Development Record will be available on hard copy and on 3.5" MS–DOS diskettes from the Department of Commerce, National Technical Information Services (NTIS), 5285 Port Royal Road, Springfield, VA 22161. To place your order for a copy of the Concept Development Record, please call the Sales Desk at (703) 487–4650. Release #2 of the Concept Development Record will be available for public review on/or about November 1, 1993. There is no solicitation document.

Dated: September 2, 1993.

Barbara R. Norsworthy,

Deputy Director, Network Telecommunications Procurement Division.

[FR Doc. 93–22213 Filed 9–10–93; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Chronic Disease Prevention and Control National Conference

The Centers for Disease Control and Prevention (CDC), the Association of State and Territorial Health Officials, and the Association of State and Territorial Chronic Disease Program Directors (ASTCDPD) will cosponsor the following meeting.

Name: Eighth National Conference on Chronic Disease Prevention and Control: The Role of Chronic Disease Prevention and Control in Changing Health Environment.

Times and Dates: Registration—12 noon–6 p.m., November 16, 1993, and throughout the conference. 8:30 a.m.–5 p.m., November 17–18, 1993. 8:30 a.m.–11 a.m., November 19, 1993.

The preregistration deadline is October 25, 1993. Preregistration fee is $40; on-site registration fee is $45. Make checks payable to ASTCDPD and mail to Chronic Disease Conference, Professional and Scientific Associates, Inc., 2635 Century Parkway, suite 990, Atlanta, Georgia 30345.

Place: Westin Crown Center Hotel, One Pershing Road, Kansas City, Missouri 64108, telephone 800/228–3000 or 816/474–4400. Conference attendees receive special room rates of $66.63 for single and $100.78 for double occupancy. Reservations should be made directly with the hotel.

Status: Open to the public, limited only by available space.

Purpose: Attendees from around the nation and the world will have both structured and informal opportunities to exchange information, skills, knowledge, and experiences related to chronic disease prevention and control.

Matters To Be Discussed: Topics to be presented will include worksite health promotion; nutrition and health; chronic disease and young people; diabetes epidemiology; cancer epidemiology; older adults and their health; cardiovascular disease epidemiology; tobacco and health; using local data for decision making; the aging American; building community partnerships for healthy behavioral change in schools; and pitfalls of community intervention.

Contact Person for More Information: Mr. Jack Friel, Chief, Conference Management Operations, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE., Mailstop K–43, Atlanta, Georgia 30341–3724, telephone 404/488–5390.

Dated: September 2, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–22257 Filed 9–10–93; 8:45 am]

BILLING CODE 4160–18–M

Advisory Committee on Immunization Practices; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Advisory Committee on Immunization Practices.

Times and Dates: 8 a.m.–5:30 p.m., October 6, 1993; 8:30 a.m.–12:45 p.m., October 7, 1993.

Place: CDC, Auditorium A, Building 2, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents.

Matters To Be Discussed: The committee will discuss antiviral recommendations for influenza; licensure of rimantadine; antiviral resistance to amantadine and rimantadine; recommendation for use of meningococcal vaccines; varicella disease and vaccine; drug resistant pneumococcal infections; need for 4th dose DTP vaccine at 15–18 months; liberalization of the time of first measles vaccine dose to 12–15 months of age; recommendation for use of BCG vaccine; and cost benefit of childhood vaccinations.

The agenda also includes a presentation on the President's new immunization initiative; update on the National Vaccine Program; childhood immunization schedule; reconsideration of the timing of the third dose of oral poliovirus vaccine (OPV); enhanced inactivated polio virus-OPV combined schedules; the Institute of Medicine's review of adverse consequences of vaccines other than pertussis and rubella; and an update on the Injury Compensation Program. Other matters of relevance among the committee's objectives may be discussed.

Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Gloria A. Kovach, Staff Specialist, CDC (1–B72), 1600 Clifton Road, NE., Mailstop A20, Atlanta, Georgia 30333, telephone 404/639–3851.

Dated: September 2, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–22256 Filed 9–10–93; 8:45 am]

BILLING CODE 4160–18–M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Mental Health Statistics; Meeting

Pursuant to Public Law 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and

Prevention (CDC), announces the following committee meeting.

Name: NCVHS Subcommittee on Mental Health Statistics.

Time and Date: 9:30 a.m.–3:30 p.m., October 19, 1993.

Place: Room 503A–529A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The subcommittee will examine the need to advance interagency collaboration and explore health care reform implications for mental health data.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone number 301/436–7050.

Dated: September 2, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–22255 Filed 9–10–93; 8:45 am]

BILLING CODE 4160–18–M

Health Care Financing Administration

Public Information Collection Requirements (ICR) Submitted to the Office of Management and Budget (OMB) for Clearance

AGENCY: Health Care Financing Administration, HHS.

ACTION: Notice.

The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to OMB the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Public Law 96–511).

1. *Type of Request:* Extension; *Title of Information Collection:* Chronic Renal Disease Medical Evidence Report; *Form No.:* HCFA–2728; *Use:* This form is used to determine entitlement to Medicare for chronic renal patients and by HCFA to collect data for research and policy decisions on this population; *Frequency:* On occasion; *Respondents:* Businesses or other for profit, small businesses or organizations, individuals or households; *Estimated Number of Responses:* 60,000; *Average Hours Per Response:* 0.42; *Total Estimated Burden Hours:* 25,200.

2. *Type of Request:* Reinstatement; *Title of Information Collection:* Medicare Common Claims Form; *Form Nos.:* HCFA–1500, HCFA–1490S and HCFA–1490U; *Use:* These are standardized forms for use in the Medicare/Medicaid programs to apply for reimbursement for covered services. Use of these forms will reduce the cost and administrative burdens associated with claims; *Frequency:* On occasion; *Respondents:* State or local governments, businesses or other for profit, small businesses or organizations; *Estimated Number of Responses:* 546,115,406; *Average Hours Per Response:* 0.13; *Total Estimated Burden Hours:* 70,995,002.78.

3. *Type of Request:* Extension; *Title of Information Collection:* Social Security Office Report of State Buy-In Problem; *Form No.:* HCFA–1957; *Use:* This form is used in the resolution of beneficiary complaints regarding State-buy-in. Under the State Buy-In Program, States enroll certain groups of needy people in the Part B Supplementary Medical Insurance (SMI) Program and pay their premiums; *Frequency:* On occasion; *Respondents:* Individuals or households, State or local governments, Federal agencies or employees; *Estimated Number of Responses:* 22,000; *Average Hours Per Response:* 0.291; *Total Estimated Burden Hours:* 6,402.

4. *Type of Request:* Revision; *Title of Information Collection:* Medicare Physician Survey Form; *Form No.:* HCFA–412 (formerly HCFA–R–15); *Use:* The survey form will be used to collect input from the physician community regarding Medicare contractors' service and to produce improvements in the quality of services rendered by the contractors. The present contractor evaluation process does not include comments from physicians; *Frequency:* Annually; *Respondents:* Individuals or households, businesses or other for-profit, small businesses or organizations; *Estimated Number of Responses:* 22,000; *Average Hours Per Response:* 0.25; *Total Estimated Burden Hours:* 5,500.

5. *Type of Request:* New; *Title of Information Collection:* Beneficiary Survey Form; *Form No.:* HCFA–413; *Use:* The survey form will be used to collect input from the beneficiary community regarding Medicare contractors' service and to produce improvements in the quality of services rendered by the contractors. The present contractor evaluation process does not include comments from beneficiaries; *Frequency:* Annually; *Respondents:* Individuals or households, businesses or other for-profit, small businesses or organizations; *Estimated Number of Responses:* 9,000; *Average Hours Per Response:* 0.25; *Total Estimated Burden Hours:* 2,250.

6. *Type of Request:* Reinstatement; *Title of Information Collection:* ICR in 42 CFR 447.253 Medicaid Payment Rate Changes for Inpatient Hospital or Long Term Care Services; *Form No.:* HCFA–R–117; *Use:* These regulatory provisions require the Medicaid agency to submit, along with their State plan amendment, assurances and related information whenever the State makes any change to its method and standards for determining payment rates; *Frequency:* On occasion; *Respondents:* State or local governments; *Estimated Number of Responses:* 54; *Average Hours Per Response:* 1; *Total Estimated Burden Hours:* 54.

7. *Type of Request:* Reinstatement; *Title of Information Collection:* ICR in 42 CFR 441.302 and 42 CFR 441.303 Home & Community-Based Services: Waiver Requirements; State Medicaid Manual Sections 4442–4445; *Form No.:* HCFA–8003; *Use:* Under a secretarial waiver, States may offer a wide array of home and community-based services to individuals who would otherwise require institutionalization. States requesting a waiver must provide certain assurances, documentation, and cost and utilization estimates; *Frequency:* When a State requests a waiver or waiver renewal; *Respondents:* State or local governments; *Estimated Number of Responses:* 50; *Average Hours Per Response:* 200; *Total Estimated Burden Hours:* 10,000.

8. *Type of Request:* Reinstatement; *Title of Information Collection:* Medicare Peer Review Organizations (PROs) Reporting Forms; *Form Nos.:* HCFA–613 through 627; *Use:* PROs are authorized to review inpatient and outpatient services for quality of care provided and to eliminate unreasonable, unnecessary, and inappropriate care provided to Medicare beneficiaries. The PROs are required to report the results of the review to HCFA; *Frequency:* Five monthly reports and five quarterly reports; *Respondents:* State or local governments; *Estimated Number of Responses:* 3,180 monthly reports and 1,060 quarterly reports; *Average Hours Per Response:* 0.25; *Total Estimated Burden Hours:* 795 monthly and 265 quarterly for a total of 1,060.

9. *Type of Request:* Reinstatement; *Title of Information Collection:* Uniform Institutional Provider Claim Form; *Form No.:* HCFA–1450; *Use:* All claims processed by Medicare fiscal intermediaries, providers, and Medicaid State agencies must be submitted on the HCFA–1450 form, or via electronic media using the HCFA–1450 data set. The form contains specific data

elements relative to patient information, diagnostic codes and billing. The form will also reduce the processing costs, expedite payment, and facilitate record maintenance. No information of a sensitive nature is requested on the form. A similar form HCFA–1450, designated as UB–82, has been in use for a number of years, the current revised version is designated as the UB–92 and contains various improvements recommended by the National Uniform Billing Commission (NUBC). The NUBC, is composed of representatives of the health industry. Because the revised form is a joint effort of the respondents, HCFA expects a high degree of acceptance by the industry. After approval, the form will be phased in, and by April 1, 1994 will be the preferred billing format for Medicare and Medicaid services. *Frequency:* As Needed; *Respondents:* Hospitals, other providers, fiscal intermediaries, State Medicaid agencies; *Estimated Number of Responses:* 193,168,729 ; *Average Hours Per Response:* Varies from 9 minutes per hard copy bill, to one half a minutes for electronic billing; 8: *Total Estimated Burden Hours:* 7,057,685.

Additional Information or Comments: Call the Reports Clearance Office on (410) 966–5536 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, room 3001, Washington, DC 20503.

Dated: September 2, 1993.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 93–22335 Filed 9–10–93; 8:45 am]

BILLING CODE 4120–03–P

Hearing: Reconsideration of Disapproval of New York State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on October 20, 1993, at 10 a.m. in room 230, 26 Federal Plaza, New York, New York, to reconsider our decision to disapprove New York SPA 90–11.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by September 28, 1993.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, Groundfloor, Meadowwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, Telephone: (410) 597–3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove New York State plan amendment (SPA) number 90–11.

Section 1116 of the Social Security Act (the Act) and 42 CFR, part 430, establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Health Care Financing Administration (HCFA) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The State of New York submitted SPA 90–11 with a requested effective date of January 1, 1987, which would change significantly the methods and standards for setting payment rates for long term care facility services.

Federal regulations at 42 CFR 430.12(c) require a State plan to be amended to reflect new or revised Federal statutes or regulations or a material change in any phase of State law, organization, policy, or State agency operation. In accordance with Federal regulations at 42 CFR 447.253(h), the Medicaid agency must comply with the public notice requirements at 42 CFR 447.205 when it is proposing significant changes to its methods or standards for setting payment rates for inpatient hospital or long term care facility services. Section 447.205(d)(1) requires that the notice be published before the proposed effective date of the change.

The issue in this matter is whether New York met Federal regulations at 42 CFR 447.253(h) and 447.205 regarding public notice for this amendment.

HCFA believes the proposed January 1, 1987, effective date was not approvable because the State did not publish public notice for this amendment until April 1, 1992. Therefore, the earliest approvable effective date for this amendment was April 2, 1992, the day following the April 1 publication in the New York State Register.

The State's position is that the Federal regulations at 42 CFR 447.253(h) and 447.205 regarding public notice were met for this amendment. An October 22, 1986, publication in the New York State Register reflected that the Regional Input Price Adjustment Factor (RIPAF) was added to the State of New York's Resource Utilization Grouping (RUG) methodology by SPA TN 87–07. The State believes that the October 22, 1986, notice is sufficient for TN 90–11 because amendment TN 90–11 is simply a resubmission of amendment TN 87–07 which was invalidated by the United States Court of Appeals for the Second Circuit. The Court invalidated TN 87–07 because the State failed to make the required findings regarding the establishment of reasonable and adequate rates. The State believes it was not required to give a second, identical notice for the resubmitted amendment and that nursing facilities challenging amendment TN 90–11 had actual notice of the amendment, as evidenced by its identification in litigation brought by them. The State claims this is an acceptable substitute for the constructive notice provided by publication in the State Register.

HCFA has determined, and the State does not dispute, that the RIPAF adjustment methodology is a significant change to the State's methods and standards for setting Medicaid nursing facility payment rates. When the District Court and the Second Circuit Court of Appeals, in the case of *Pinnacle Nursing Home, et al* v. *Axelrod, et. al.* declared SPA 87–07 null and void, the State was enjoined from using the RIPAF adjustment methodology. HCFA believes that the reestablishment of the RIPAF adjustment methodology through TN 90–11 requires the publication of a public notice to inform the public that the RIPAF will be reinstituted. This change represents a significant change to the State's methods and standards for determining Medicaid nursing facility payment rates, which in accordance with the Federal regulations at 42 CFR 447.253(h) and 447.205 require the publication of a new public notice, separate and distinct from the public notice provided for TN 87–07. In accordance with these regulations, HCFA believes the earliest approvable

effective date for this amendment was April 2, 1992.

While the regulations at § 447.205 provide for some exceptions to the requirement of providing public notice of significant proposed changes in methods and standards for setting payment rates (e.g., the change is required by court order), there is no exception applicable to this case.

The notice to New York announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Mr. Michael Dowling,
Commissioner,
New York State Department of Social Services,
40 North Pearl Street,
Albany, New York 12243–0001.

Dear Mr. Dowling: I am responding to your request for reconsideration of the decision to disapprove New York State Plan Amendment (SPA) 90–11.

The State of New York submitted SPA 90–11 with a requested effective date of January 1, 1987, which would change significantly the methods and standards for setting payment rates for long term care facility services.

In accordance with Federal regulations at 42 CFR 447.253(h), the Medicaid agency must comply with the public notice requirements at 42 CFR 447.205 when it is proposing significant changes to its methods or standards for setting payment rates for inpatient hospital or long term care facility services. Section 447.205(d)(1) requires that the notice be published before the proposed effective date of the change.

The issue in the matter is whether New York meets Federal regulations §§ 447.253(h) and 447.205 regarding public notice for this amendment.

I am scheduling a hearing on your request for reconsideration to be held on October 20, 1993, at 10 a.m., in room 230, 26 Federal Plaza, New York, New York. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, part 430.

I am designating Mr. Stanley Krostar as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (410) 597–3013.

Sincerely,

Bruce C. Vladeck,
Administrator.

Authority: Section 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: September 1, 1993.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 93–22334 Filed 9–10–93; 8:45 am]

BILLING CODE 4120–03–P

National Institutes of Health

Recombinant DNA Research: Action Under the Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Action Under the NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth an action to be taken by the Director, National Institutes of Health (NIH), under the May 7, 1986, NIH Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958).

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities (ORDA), Office of Science Policy and Technology Transfer, National Institutes of Health, Building 31, room 4B11, Bethesda, Maryland 20892, (301) 496–9838.

SUPPLEMENTARY INFORMATION: Today, one action is being promulgated under the NIH Guidelines for Research Involving Recombinant DNA Molecules. This proposed action was published for comment in the **Federal Register** of November 2, 1992 (57 FR 48584), and reviewed and recommended for approval by the NIH Recombinant DNA Advisory Committee (RAC) at its meeting on December 3–4, 1992.

I. Background Information and Decisions on Action Under the NIH Guidelines

A. Addition of Appendix D–XLVI to the NIH Guidelines

In a letter dated October 8, 1992, Dr. James M. Wilson, University of Michigan Medical Center, Ann Arbor, Michigan, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Gene Therapy of Cystic Fibrosis Lung Diseases Using E1 Deleted Adenoviruses: A Phase I Trail. This request was published for comment in the **Federal Register** of November 2, 1992 (57 FR 49584).

The protocol was reviewed and recommended for approval during the RAC meeting of December 3–4, 1992, by a vote of 16 in favor, 0 opposed, and no abstentions. Approval of the protocol was contingent on the following stipulations: (1) The patient eligibility criterion in the Informed Consent document requiring that patients are documented to be sterile will be replaced with a statement suggesting that all patients should exercise appropriate birth control methods; (2) the expected benefits of the procedure should be clearly stated in the first section of the document; (3) submission of a revised Informed Consent document incorporating minor changes suggested by committee members; and (4) the demonstration that there is less than one replication-competent adenovirus particle per 20 milliliters of vector supernatant.

On June 24, 1993, Dr. Wilson submitted sequencing information on the recombinant adenovirus vector, Ad.CF–CFTR, that will be used in the protocol. On August 2, 13, and 16, Dr. Wilson submitted materials to satisfy the rest of the stipulations. These materials were reviewed by primary reviewers of the protocol, and it was determined that the stipulations of the RAC were met. The following section may be added to Appendix D:

"Appendix D–XLVI

"Dr. James M. Wilson of the University of Pennsylvania Medical Center, Philadelphia, Pennsylvania, may conduct experiments on 20 adult patients with advanced cystic fibrosis lung disease. An isolated segment of the patients' lung will be transduced with the E1 deleted, replication-incompetent adenovirus vector, Ad.CB–CFTR using a bronchoscope for gene delivery. Ad.CB–CFTR contains the human gene encoding the cystic fibrosis transmembrane conductance regulator (CFTR) protein. Pulmonary biopsies will be obtained by bronchoscopy at 4 days, 6 weeks, and 3 months following treatment. Patients will be monitored for evidence of CFTR gene transfer and expression, immunological responses to CFTR or adenovirus proteins, and toxicity."

I accept this recommendation, and Appendix D–XLVI of the NIH Guidelines will be added accordingly.

II. Summary of Actions

A. Addition of Appendix D–XLVI to the NIH Guidelines

The following section is added to Appendix D:

"Dr. James M. Wilson of the University of Pennsylvania Medical Center, Philadelphia, Pennsylvania, may conduct experiments on 20 adult patients with advanced cystic fibrosis lung disease. An isolated segment of the

patients' lung will be transduced with the E1 deleted, replication-incompetent adenovirus vector, Ad.CB–CFTR using a bronchoscope for gene delivery. Ad.CB–CFTR contains the human gene encoding the cystic fibrosis transmembrane conductance regulator (CFTR) protein. Pulmonary biopsies will be obtained by bronchosopy at 4 days, 6 weeks, and 3 months following treatment. Patients will be monitored for evidence of CFTR gene transfer and expression, immunological responses to CFTR or adenovirus proteins, and toxicity."

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: August 25, 1993.

Ruth L. Kirschstein,

Acting Director, National Institutes of Health.

[FR Doc. 93–22260 Filed 9–10–93; 8:45 am]

BILLING CODE 4140–01–M

Recombinant DNA Research: Actions Under the Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth twelve actions to be taken by the Director, National Institutes of Health (NIH), under the May 7, 1986, NIH Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958).

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities (ORDA), Office of Science Policy and Technology Transfer, National Institutes of Health, Building 31, room 4B11, Bethesda, Maryland 20892, (301) 496–9838).

SUPPLEMENTARY INFORMATION: Today twelve actions are being promulgated under the NIH Guidelines for Research Involving Recombinant DNA Molecules. These twelve proposed actions were published for comment in the **Federal Register** of August 19, 1992 (57 FR 37680), and May 4, 1993 (58 FR 26676), and reviewed and recommended for approval by the NIH Recombinant DNA Advisory Committee (RAC) at its meetings on September 14–15, 1992 and June 7–8, 1993.

I. Background Information and Decisions on Actions Under the NIH Guidelines.

A. Addition of Appendix D–XLVII to the NIH Guidelines

In a letter dated December 16, 1992, Dr. Hilliard F. Seigler of the Duke University Medical Center, Durham, North Carolina, indicated the intention to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: A Phase I Trial of Human Gamma Interferon-Transduced Autologous Tumor Cells in Patients with Disseminated Malignant Melanoma. This request was published for comment in the **Federal Register** of February 12, 1993 (58 FR 8500).

The protocol was reviewed and recommended for deferral during the RAC meeting of March 1–2, 1993, by a vote of 16 in favor, 1 opposed, and 1 abstention. Approval of the protocol was deferred until the investigators submit the following data for full RAC review: (1) Generation of cytotoxic T lymphocytes (CTL) for human peripheral blood lymphocyte from tumor-bearing patients in response to transduced autologous tumor, (2) quantitative correlation between Class I antigen expression and the amount of human gamma-interferon (IFN), and (3) quantitative correlation between the number of CTLs generated per unit of human gamma-IFN.

In a letter dated April 9, 1993, Dr. Seigler resubmitted the human gene therapy protocol with additional data to the Recombinant DNA Advisory Committee for formal review and approval. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 20 in favor, 0 opposed, and no abstentions. The following section may be added to Appendix D:

"Appendix D–XLVII

"Dr. Hilliard F. Seigler of Duke University Medical Center, Durham, North Carolina, may conduct experiments on 20 patients with disseminated malignant melanoma. Autologous tumor cells will be transduced with a retrovirus vector, pHuγ–IFN, that contains the gene encoding human γ–IFN. Following lethal irradiation, the transduced cells will be readministered to patients for the purpose of generating cytotoxin T cells that are tumor specific along with the up-regulation of Class I major histocompatibility antigens. Patients will be monitored for clinical regression of tumors and generation of tumor-specific cytotoxic T lymphocytes."

I accept this recommendation, and Appendix D–XLVII of the NIH Guidelines will be added accordingly.

B. Addition of Appendix D–XLVIII to the NIH Guidelines

In a letter dated April 10, 1993, Drs. Stefan Karlsson and Cynthia Dunbar of the National Institutes of Health, Bethesda, Maryland, and Dr. Donald B. Kohn of the Childrens Hospital of Los Angeles, Los Angeles, California, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Retroviral Mediated Transfer of the cDNA for Human Glucocerebrosidase into Hematopoietic Stem Cells of Patients with Gaucher Disease. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 14 in favor, 0 opposed, and 4 abstentions. The following section may be added to Appendix D:

"Appendix D–XLVIII

"Drs. Stefan Karlsson and Cynthia Dunbar of the National Institutes of Health, Bethesda, Maryland, and Dr. Donald B. Kohn of the Childrens Hospital of Los Angeles, Los Angeles, California, may conduct experiments on 10 patients with Gaucher disease. CD34(+) hematopoietic stem cells will be isolated from bone marrow or from peripheral blood treated with

granulocyte-colony stimulating factor. CD34(+) cells will be transduced with a retrovirus vector, G1Gc, containing cDNA encoding human glucocerebrosidase and administered intravenously. Patients will be monitored for toxicity and glucocerebrosidase expression."

I accept this recommendation, and Appendix D–XLVIII of the NIH Guidelines will be added accordingly.

C. Addition of Appendix D–XLIX to the NIH Guidelines

In a letter dated April 9, 1993, Dr. Gary J. Nabel of the University of Michigan Medical Center, Ann Arbor, Michigan, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: A Molecular Genetic Intervention for AIDS—Effects of a Transdominant Negative Form of Rev. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 14 in favor, 0 opposed, and 4 abstentions. Approval of the protocol was contingent on the submission of a revised Informed Consent document including the following: (1) A recommendation that contraception be used by males as well as females, and (2) a request for autopsy in the event of death, and (3) an explanation of long-term patient follow-up.

On June 15, 1993, Dr. Nabel submitted the modified Informed Consent document. The modified Informed Consent document was reviewed by a primary reviewer of the protocol, and it was determined that it meets the request of the RAC. The following section may be added to Appendix D:

"Appendix D–XLIX

"Dr. Gary J. Nabel of the University of Michigan Medical Center, Ann Arbor, Michigan, may conduct experiments on 12 patients with AIDS to be divided into 4 experimental groups. CD4(+) lymphocytes will be isolated from peripheral blood and transduced with Rev M10, a transdominant inhibitory mutant of the *rev* gene of the human immunodeficiency virus (HIV). Transduction of the *rev* mutant will be mediated either by the retrovirus vector, PLJ–cREV M10, or a plasmid DNA/liposome complex. Patients will be monitored for survival of the transduced CD4(+) cells by polymerase chain reaction and whether Rev M10 can confer protection against HIV infection to CD4(+) cells."

I accept this recommendation, and Appendix D–XLIX of the NIH Guidelines will be added accordingly.

D. Addition of Appendix D–L to the NIH Guidelines

In a letter dated April 9, 1993, Dr. Gary J. Nabel of the University of Michigan Medical Center, Ann Arbor, Michigan, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Immunotherapy for Cancer by Direct Gene Transfer into Tumors. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 19 in favor, 0 opposed, and 1 abstention.

No restrictions were placed on the types of tumors to be treated. Approval of the protocol was contingent on the review and approval of materials submitted in response to the following stipulations: (1) A revised patient eligibility section including the provision that patients who are eligible for catheter delivery of cationic liposomes must have a performance status of 0–1, and (2) a revised Informed Consent document including a recommendation that male/female patients use contraception and females not be pregnant or plan to become pregnant while participating in the study, an explanation of long-term follow-up, and a request for autopsy in the event of death.

On June 15, 1993, Dr. Nabel submitted the modified patient eligibility section and a modified Informed Consent document. These documents were reviewed by the primary reviewers of the protocol, and it was determined that it meets the request of the RAC. The following section may be added to Appendix D:

"Appendix D–L

"Dr. Gary J. Nabel of the University of Michigan Medical Center, Ann Arbor, Michigan, may conduct experiments on 24 patients with advanced cancer. Patients will undergo *in vivo* transduction with DNA/liposome complexes containing genes encoding the HLA–B7 histocompatibility antigen and beta-2 microglobulin in a non-viral plasmid. These DNA/liposome complexes will be administered either by intratumoral injection or catheter delivery. Patients will be monitored for enhanced immune responses against tumor cells, and safe and effective doses will be determined."

I accept this recommendation, and Appendix D–L of the NIH Guidelines will be added accordingly.

E. Addition of Appendix D–LI to the NIH Guidelines

In a letter dated March 26, 1993, Dr. John A. Barranger of the University of Pittsburgh, Pittsburgh, Pennsylvania, indicated his intention to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Gene Therapy for Gaucher Disease: *Ex Vivo* Gene Transfer and Autologous Transplantation of CD34(+) Cells. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 15 in favor, 0 opposed, and 4 abstentions. Approval of the protocol was contingent on review and approval of materials submitted in response to the following stipulations: (1) A maximum of 5 patients will be entered into the study, (2) patients will not receive cyclophosphamide ablation of bone marrow, (3) patients who demonstrate antibodies against glucocerebrosidase (GC) will not be eligible for this protocol, (4) GC enzyme replacement therapy will not be discontinued until cytochemical evidence of engraftment is demonstrated, and (5) the Informed Consent document will be revised to include a recommendation that male/female patients use contraception and females not be pregnant or plan to become pregnant while participating in the study, an explanation of long-term follow-up, a request for autopsy in the event of death, patient protection from media inquiries, and a statement informing the patients that although they may receive no direct benefit from the protocol, knowledge may be gained that will benefit others.

On June 11, 1993, Dr. Barranger submitted a modified protocol and Informed Consent document. These documents were reviewed by the primary reviewers of the protocol, and it was determined that it meets the request of the RAC. The following section may be added to Appendix D:

"Appendix D–LI

"Dr. John A. Barranger of the University of Pittsburgh, Pittsburgh, Pennsylvania, may conduct experiments on 5 patients with Gaucher disease. The CD34(+) hematopoietic stem cells will be isolated from peripheral blood and transduced *in vitro* with the retrovirus

vector, N2-Sv-GC, encoding the glucocerebrosidase (GC) enzyme. Following reinfusion of the transduced cells, patients will be monitored by PCR analysis for GC expression in peripheral blood leukocytes. Patients currently receiving GC replacement therapy and who demonstrate clinical responsiveness will be withdrawn from exogenous GC therapy. Patients not previously treated with exogenous GC, will be monitored for clinical reversal of lipid storage symptoms."

I accept this recommendation, and Appendix D–LI of the NIH Guidelines will be added accordingly.

F. Addition of Appendix D–LII to the NIH Guidelines

In a letter dated July 20, 1992, Drs. Robert Walker and R. Michael Blaese, National Institutes of Health, Bethesda, Maryland, submitted a human gene transfer protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: A Study of the Safety and Survival of the Adoptive Transfer of Genetically Marked Syngeneic Lymphocytes in Human Immunodeficiency Virus (HIV) Infected Identical Twins. This request was published for comment in the **Federal Register** of August 19, 1992 (57 FR 37680).

The protocol was reviewed and recommended for approval during the RAC meeting of September 14–15, 1992, by a vote of 19 in favor, 0 opposed, and no abstentions. Approval of the protocol was contingent on the following stipulations: (1) The investigators may use the vector supernatants currently in storage; however, any future vector preparations will be tested by long-term culturing of the packaging line following vector supernatant harvest, (2) the Informed Consent document should be divided into two separate documents, one for gene marking and the other for the therapeutic aspects, and (3) the section of the donor Informed Consent document describing the lymphopheresis procedure should be moved before the section describing the required travel schedule.

On July 15, 1993, Dr. Walker submitted a modified Informed Consent document. This document was reviewed by the primary reviewers of the protocol, and it was determined that it meets the request of the RAC. The following section may be added to Appendix D:

"Appendix D–LII

"Dr. Robert Walker of the National Institutes of Health, Bethesda, Maryland, may conduct experiments on 12 HIV-infected patients who have a seronegative identical twin. CD4(+) and CD8(+) cells will be isolated from the seronegative twin and induced to polyclonal proliferation with anti-CD3 and interleukin-2. The enriched population of cells will be transduced with either LNL6 or G1Na, which contain the neo^R gene. The transduced cells will be expanded in tissue culture and administered to the HIV-infected twin. Patients will be monitored for immune function and the presence of marked cells."

I accept this recommendation, and Appendix D–LII of the NIH Guidelines will be added accordingly.

G. Addition of Appendix D–LII to the NIH Guidelines

In a letter dated April 5, 1993, Dr. Corey Raffel of the Childrens Hospital Los Angeles, Los Angeles, California, and Dr. Kenneth Culver of Iowa Methodist Medical Center, Des Moines, Iowa, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is Gene Therapy for the Treatment of Recurrent Pediatric Malignant Astrocytomas with *In Vivo* Tumor Transduction with the Herpes Simplex Thymidine Kinase Gene. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 19 in favor, 0 opposed, and no abstentions. Approval of the protocol was contingent on the following stipulation: (1) The investigators must submit a document that will inform children of the experimental procedures and associated risks.

On July 13, 1993, Dr. Raffel submitted the document. This document was reviewed by two RAC members. Additional changes were requested, and the investigator incorporated those changes. It was determined that the revised document met the request of the RAC. The following section may be added to Appendix D:

"Appendix D–LIII

"Dr. Cory Raffel of the Childrens Hospital Los Angeles, Los Angeles, California, and Dr. Kenneth Culver of Iowa Methodist Medical Center, Des Moines, Iowa, may conduct experiments on 30 patients between 2 and 18 years of age with recurrent malignant astrocytoma. Fifteen patients will be accrued into this study initially. If at least one patient responds to therapy, an additional 14 patients will be treated. Patients with either surgically accessible or non-accessible tumors will be treated with the vector producing cell line (PA317) carrying the retrovirus vector, G1TkSvNa. This vector will transduce tumor cells *in vivo* with the *Herpes simplex* thymidine kinase (HS-tk) gene that renders the cells sensitive to killing by ganciclovir. Surgically accessible patients will undergo surgical debulking of their tumor followed by repeated administration of the HS-tk vector producer cells into the tumor bed. Children with unresectable tumors will undergo stereotaxic injection of vector producer cells into tumors."

I accept this recommendation, and Appendix D–LIII of the NIH Guidelines will be added accordingly.

H. Addition of Appendix D–LIV to the NIH Guidelines

On April 9, 1993, a human gene therapy protocol was submitted for Dr. Jeffrey E. Galpin of the University of Southern California, Los Angeles, California, and Dr. Dennis A. Casciato of the University of California, Los Angeles, California, by Dr. Bruce Merchant, Viagene, Inc., San Diego, California (sponsor of the protocol), to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: A Preliminary Study to Evaluate the Safety and Biologic Effects of Murine Retroviral Vector Encoding HIV–1 Genes [HIV–IT(V)] in Asymptomatic Subjects Infected with HIV–1. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 16 in favor, 0 opposed, and 2 abstentions. Approval of the protocol was contingent on the following stipulations: (1) The Informed Consent document must include a request for autopsy, and (2) the formulation of the excipient that will be used for the retrovirus vector preparation must be submitted for review.

On June 11, 1993, Dr. Donald Longenecker of Viagene, Inc., submitted the formulation of the vector preparation; and on June 23, 1993, Dr. Rose Hermanson of Viagene, Inc., submitted the revised Informed Consent document. These documents were reviewed by two RAC members, and it was determined that it meets the request of the RAC. The following section may be added to Appendix D:

"Appendix D–LIV

"Dr. Jeffrey E. Galpin of the University of Southern California, Los

Angeles, California and Dr. Dennis A. Casciato of the University of California, Los Angeles, California, may conduct experiments on 15 HIV(+) asymptomatic patients. Patients will receive 3 monthly intramuscular injections of the retrovirus vector (N2IIIBenv) encoding the HIV–1 IIIB envelope protein. Patients will be monitored for acute toxicity, CD4 levels, HIV-specific CTL responses, and viral burdens."

I accept this recommendation, and Appendix D–LIV of the NIH Guidelines will be added accordingly.

I. Addition of Appendix D–LV to the NIH Guidelines

In a letter dated March 8, 1993, Dr. Arthur Bank of Columbia University, New York, New York, indicated the intention of Drs. Charles Hesdorffer and Karen Antman of the Columbia University, College of Physicians and Surgeons, New York, New York, to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Human Multi-Drug Resistance (MDR) Gene Transfer in Patients with Advanced Cancer. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The protocol was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 11 in favor, 5 opposed, and 3 abstentions. Approval of the protocol was contingent on the following stipulations: (1) submission of data demonstrating the transduction efficiency of human CD34(+) cells, and (2) providing a description of the assays that will be performed on the clinical grade supernatant.

On June 15, 1993, Dr. Charles Hesdorffer submitted the transduction efficiency data and the assay description for the clinical grade supernatant. These documents were reviewed by the primary reviewers of the protocol. It was determined that the revised document met the request of the RAC. The following section may be added to Appendix D:

"Appendix D–LV

"Drs. Charles Hesdorffer and Karen Antman of Columbia University College of Physicians and Surgeons, New York, New York, may conduct experiments on 20 patients with advanced breast, ovary, and brain cancer. CD34(+) hematopoietic stem cells will be isolated from bone marrow, transduced with the retrovirus vector, PHaMDR1/A, and readministered to patients. Patients will be monitored for the presence and expression of the MDR–1 gene. The investigators will determine whether MDR–1 expression increases following chemotherapy."

I accept this recommendation, and Appendix D–LV of the NIH Guidelines will be added accordingly.

J. Addition of Appendix D–LVI to the NIH Guidelines

In a letter dated January 8, 1993, Ms. Arvilla L. Trag of Virogenetics Corporation, Troy, New York, submitted a request on behalf of Dr. Enzo Paoletti for reduction in physical containment from Biosafety Level 2 to Biosafety Level 1 for three poxvirus vectors: NYVAC, ALVAC, and TROVAC. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676). NYVAC is derived from the Copenhagen strain of vaccinia virus in which 18 viral genes have been deleted. ALVAC is derived from an attenuated strain of canarypox virus. TROVAC is derived from an attenuated strain of fowlpox virus. These vectors are proposed for use in the production of animal vaccines.

This request was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 15 in favor, 0 opposed, and 1 abstention. The following section may be added to Appendix D:

"Appendix D–LVI

"Dr. Enzo Paoletti of Virogenetics Corporation, Troy, New York, may conduct experiments with poxvirus vectors NYVAC, ALVAC, and TROVAC at Biosafety Level 1."

I accept this recommendation, and Appendix D–LVI of the NIH Guidelines will be added accordingly.

K. Amendment to Section IV–C–3–c of the NIH Guidelines Regarding the Responsibility of the Office of Recombinant DNA Activities

In a letter dated April 5, 1993, Ms. Debra Wilson of the National Institutes of Health submitted a request that Section IV–C–3–c be amended to delete the requirement that the Office of Recombinant DNA Activities (ORDA) publish the Recombinant DNA Technical Bulletin, and to add the requirement that ORDA will serve as the focal point for data management of the NIH-approved human gene transfer protocols.

Section IV–C–3–c currently reads that the Office of Recombinant DNA Activities shall be responsible for the following:

"IV–C–3–c. Publishing the Recombinant DNA Technical Bulletin * * *."

Section IV–C–3–c proposed wording reads that the Office of Recombinant DNA Activities shall be responsible for the following:

"IV–C–3–c. Serve as the focal point for data management of NIH-approved human gene transfer protocols as required in the Reporting Requirements section of the Points to Consider."

This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

The request was reviewed and recommended for approval during the RAC meeting of June 7–8, 1993, by a vote of 16 in favor, 0 opposed, and 2 absentions. Section IV–C–3 may be amended to read that the Office of Recombinant DNA Activities shall be responsible for the following:

"IV–C–3–c. Serve as the focal point for data management of NIH-approved human gene transfer protocols as required in the Reporting Requirements section of the Points to Consider."

I accept this recommendation, and Section IV–C–3–c of the NIH Guidelines will be amended accordingly.

L. Amendment to Section III–A–4 of the NIH Guidelines and the Points To Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA into the Genome of Human Subjects

During the March 1–2, 1993, Recombinant DNA Advisory Committee meeting, Dr. Robertson Parkman requested that the terms subject and subjects be amended to read subject(s). Section III–A–4 currently reads:

"III–A–4. Deliberate transfer of recombinant DNA or DNA or RNA derived from recombinant DNA into human subjects [21] * * *."

Throughout the Points to Consider document the terms subject and subjects are used. This amendment will clarify Section III–A–4 and Points to Consider. This request was published for comment in the **Federal Register** of May 4, 1993 (58 FR 26676).

During the June 7–8, 1993, meeting, the committee reviewed the request. The committee recommended changing the term "subject(s)" to "one or more human subjects." The recommendation was approved by a vote of 20 in favor, 0 opposed, and no abstentions. Section III–A–4 may be amended to read:

"III–A–4. Deliberate transfer of recombinant DNA or DNA or RNA derived from recombinant DNA into one or more human subject [21] * * *."

The term "subject" and "subjects" will be changed throughout the NIH Guidelines to "one or more human subjects."

I accept this recommendation, and Section III–A–4 of the NIH Guidelines and the Points to Consider will be amended accordingly.

II. Summary of Actions

A. Addition of Appendix D–XLVII to the NIH Guidelines

The following section is added to Appendix D:

"Dr. Hilliard F. Seigler of Duke University Medical Center, Durham, North Carolina, may conduct experiments on 20 patients with disseminated malignant melanoma. Autologous tumor cells will be transduced with a retroviral vector, pHuγ–IFN, that contains the gene encoding human γ–IFN. Following lethal irradiation, the transduced cells will be readministered to patients for the purpose of generating cytotoxin T cells that are tumor specific along with the up-regulation of Class I major histocompatibility antigens. Patients will be monitored for clinical regression of tumors and generation of tumor-specific cytotoxic T lymphocytes."

B. Addition of Appendix D–XLVIII to the NIH Guidelines

The following section is added to Appendix D:

"Drs. Stefan Karlsson and Cynthia Dunbar of the National Institutes of Health, Bethesda, Maryland, and Dr. Donald B. Kohn of the Childrens Hospital of Los Angeles, Los Angeles, California, may conduct experiments on 10 patients with Gaucher disease. CD34(+) hematopoietic stem cells will be isolated from bone marrow or from peripheral blood treated with granulocyte-colony stimulating factor. CD34(+) cells will be transduced with a retrovirus vector, G1Gc, containing cDNA encoding human glucocerebrosidase and administered intravenously. Patients will be monitored for toxicity and glucocerebrosidase expression."

C. Addition of Appendix D–XLIX to the NIH Guidelines

The following section is added to Appendix D:

"Dr. Gary J. Nabel of the University of Michigan Medical Center, Ann Arbor, Michigan, may conduct experiments on 12 patients with AIDS to be divided into 4 experimental groups. CD4(+) lymphocytes will be isolated from peripheral blood and transduced with Rev M10, a transdominant inhibitory mutant of the rev gene of the human immunodeficiency virus (HIV). Transduction of the rev mutant will be mediated either by the retrovirus vector, PLJ-cREV M10, or a plasmid DNA/liposome complex. Patients will be monitored for survival of the transduced CD4(+) cells by polymerase chain reaction and whether Rev M10 can confer protection against HIV infection to CD4(+) cells."

D. Addition of Appendix D–L to the NIH Guidelines

The following section is added to Appendix D:

"Dr. Gary J. Nabel of the University of Michigan Medical Center, Ann Arbor, Michigan, may conduct experiments on 24 patients with advanced cancer. Patients will undergo *in vivo* transduction with DNA/liposome complexes containing genes encoding the HLA–B7 hisotcompatibility antigen and beta-2 microglobulin in a non-viral plasmid. These DNA/liposome complexes will be administered either by intratumoral injection or catheter delivery. Patients will be monitored for enhanced immune responses against tumor cells, and safe and effective doses will be determined."

E. Addition of Appendix D–LI to the NIH Guidelines

The following section is added to Appendix D:

"Dr. John A. Barranger of the University of Pittsburgh, Pittsburgh, Pennsylvania, may conduct experiments on 5 patients with Gaucher disease. The CD34(+) hematopoietic stem cells will be isolated from peripheral blood and transduced *in vitro* with the retrovirus vector, N2–Sv–GC, encoding the glucocerebrosidase (GC) enzyme. Following reinfusion of the transduced cells, patients will be monitored by PCR analysis for GC expression in peripheral blood leukocytes. Patients currently receiving GC replacement therapy and who demonstrate clinical responsiveness will be withdrawn from exogenous GC therapy. Patients not previously treated with exogenous GC, will be monitored for clinical reversal of lipid storage symptoms."

F. Addition of Appendix D–LII to the NIH Guidelines

The following section is added to Appendix D:

"Dr. Robert Walker of the National Institutes of Health, Bethesda, Maryland, may conduct experiments on 12 HIV-infected patients who have a seronegative identical twin. CD4(+) and CD8(+) cells will be isolated from the seronegative twin and induced to polyclonal proliferation with anit-CD3 and interleukin-2. The enriched population of cells will be transduced with either LNL6 or G1Na, which contain the neo^R gene. The transduced cells will be expanded in tissue culture and administered to the HIV-infected twin. Patients will be monitored for immune function and the presence of marked cells."

G. Addition to Appendix D–LIII to the NIH Guidelines

The following section is added to Appendix D:

"Dr. Corey Raffel of the Childrens Hospital Los Angeles, California, and Dr. Kenneth Culver of Iowa Methodist Medical Center, Des Moines, Iowa, may conduct experiments on 30 patients between 2 and 18 years of age with recurrent malignant astrocytoma. Fifteen patients will be accrued into this study initially. If at least one patient responds to therapy, an additional 14 patients will be treated. Patients with either surgically accessible or non-accessible tumors will be treated with the vector producing cell line (PA317) carrying the retrovirus vector, G1TkSvNa. This vector will transduce tumor cells *in vivo* with the *Herpes simplex* thymidine kinase (HS-tk) gene that renders the cells sensitive to killing by ganciclovir. Surgically accessible patients will undergo surgical debulking of their tumor followed by repeated administration of the HS-tk vector producer cells into the tumor bed. Children with unresectable tumors will undergo stereotaxic injection of vector producer cells into tumors."

H. Addition of Appendix D–LIV to the NIH Guidelines

The following section is added to Appendix D:

"Dr. Jeffrey E. Galpin of the University of Southern California, Los Angeles, California, and Dr. Dennis A. Casciato of the University of California, Los Angeles, California, may conduct experiments on 15 HIV(+) asymptomatic patients. Patients will receive 3 monthly intramuscular injections of the retrovirus vector (N2IIIBenv) encoding the HIV–1 IIIB envelope protein. Patients will be monitored for acute toxicity, CD4 levels, HIV-specific CTL responses, and viral burdens."

I. Addition of Appendix D–LV to the NIH Guidelines

The following section is added to Appendix D:

"Drs. Charles Hesdorffer and Karen Antman of Columbia University College of Physicians and Surgeons, New York, New York, may conduct experiments on 20 patients with advanced breast, ovary, and brain cancer. CD34(+) hematopoietic stem cells will be isolated from bone marrow, transduced

with the retrovirus vector, PHaMDR1/A, and readministered to patients. Patients will be monitored for the presence and expression of the MDR–1 gene. The investigators will determine whether MDR–1 expression increases following chemotherapy."

J. Addition of Appendix D–LVI to the NIH Guidelines

The following section is added to Appendix D:

"Dr. Enzo Paoletti of Virogenetics Corporation, Troy, New York, may conduct experiments with poxvirus vectors NYVAC, ALVAC, and TROVAC at Biosafety Level 1."

K. Amendment to Section IV–C–3–c of the NIH Guidelines Regarding the Responsibility of the Office of Recombinant DNA Activities

Section IV–C–3–c will read as follows:

"IV–C–3–c. Serve as the focal point for data management of NIH-approved human gene transfer protocols as required in the Reporting Requirements section of the Points to Consider."

L. Amendment to Section III–A–4 of the NIH Guidelines and the Points To Consider in the Design and Submission of Protocol for the Transfer of Recombinant DNA Into the Genome of Human Subjects

Section III–A–4 will read as follows:

"III–A–4. Deliberate transfer of recombinant DNA or DNA or RNA derived from recombinant DNA into one or more human subjects [21] * * *"

The terms "subject" and "subjects" will be changed throughout the NIH Guidelines to "one or more human subjects."

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: September 3, 1993.

Ruth L. Kirschstein,

Acting Director, National Institutes of Health.

[FR Doc. 93–22261 Filed 9–10–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Meetings: Klamath River Basin Fisheries Task Force

AGENCY: Fish and Wildlife Service, Interior.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public. Handicap access and hearing-impaired assistance will be provided if requested. Persons needing special assistance must notify the Klamath River Fishery Resource Office (see **FOR FURTHER INFORMATION CONTACT:**) in advance of the meetings.

DATES: The Klamath River Basin Fisheries Task Force (Task Force) will meet from 8 a.m. to 5 p.m. on Tuesday, October 5, and from 8 a.m. to 12 noon, Wednesday, October 6, 1993. The Task Force will then meet in joint session with the Klamath Fishery Management Council (Council) from 1 p.m. until 5 p.m. on October 6. The Task Force will adjourn at 5 p.m., October 6, and the Council will continue to meet from 8 a.m. until 5 p.m. on October 7, 1993.

PLACE: The meeting will be held at the Hoopa Tribe's Neighborhood Facilities Building located on the west side of Highway 96, just south of the Trinity River Bridge in Hoopa, California.

FOR FURTHER INFORMTION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006, Yreka, California 96097–1006, telephone (916) 842–5763.

SUPPLEMENTARTY INFORMATION: For background information on the Task Force and Council, please refer to the notice of their initial meetings that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). The Task Force will meet to discuss the Federal and California (State) work plans for Fiscal Year 1994; will discuss the amendment to their long-range plan which incorporates the Klamath Basin above Iron Gate Dam into the Restoration Program planning area; will hear a status report from staff of the recently established Klamath River Basin Ecosystem Restoration Office in Klamath Falls; will hear a staff report on the draft Annual Accomplishments Report for Fiscal 1993; will hear a Hoopa Tribal Fisheries Department report on the Pine Creek watershed restoration project; will hear discussion from Oregon Natural Resources Council staff on their perspective of upper Klamath Basin ecosystem restoration; will hear a presentation on Salmon River spring chinook genetics work; will hear a presentation on the Bureau of Land Management Fisheries Program for Northern California; and will discuss the amendment of the Trinity River Fish and Wildlife Restoration Act. The Task Force will take action by making assignments to staff for finalizing the annual accomplishment report and for proceeding with the upper basin amendment to the long-range plan. The public will be invited to provide input throughout the meeting. During the joint session of the Task Force and the Council, the two committees will discuss mutual goals and objectives for implementing the Klamath Act; will discuss the U.S. Department of Interior Klamath/Trinity working group, and the recent correspondence between the Council and Secretaries of Interior and Commerce. Public input will be invited at the close of joint meeting. The Council will meet on October 7 to hear reports from the Council's Technical Advisory Team on issues involving incidental salmon harvest in the Pacific whiting fishery and spring chinook harvest; will hear a report on the Pacific Fishery Management Council's action on the Hoopa Tribe's recommendation to increase the escapement floor for fall chinook; will consider an amendment to their long-term harvest plan, specifically Option 7.2; will hear a report from the Department of the Interior on the status of the legal opinion of Native American trust harvest rights; and will discuss harvest allocation and assignments to the Harvest Allocation Work Group. The Council will take action by deciding to continue or cease harvest allocation negotiations and for what geographic areas; will decide how to proceed with the first amendment to the long-term harvest plan and how to put the plan into action; and will assign tasks to the

Technical Advisory Team for work on spring chinook issues.

Dated: September 2, 1993.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–22276 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[AK–964–4230–05–P]

Notice for Publication; F–40301, F–40308, F–40311, F–40315, Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(8), will be issued to Bering Straits Native Corporation for approximately 41,007 acres. The lands involved are in the vicinity of Mary's Igloo, Alaska, within Ts. 2 and 4 S., Rs. 29 W.; Ts. 2, 3, 4 and 5 S., Rs. 30 W.; and T. 6 S., R. 31 W., Kateel River Meridian.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Nome Nugget. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government, or regional corporation, shall have until October 13, 1993 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Carolyn A. Bailey,

Lead Land Law Examiner, Branch of Doyon/ Northwest Adjudication.

[FR Doc. 93–22303 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–JA–P

[AK–964–4230–05–P; F–19525–A2 and F–19525–B2]

Notice for Publication; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Council Native Corporation for approximately 14,858.25 acres. The lands involved are in the vicinity of Council, Alaska, within Tps. 5 and 6 S., Rs. 25 W., Kateel River Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in The Nome Nugget. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until October 13, 1993, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Carolyn A. Bailey,

Lead Land Law Examiner, Branch of Doyon/ Northwest Adjudication.

[FR Doc. 93–22271 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–JA–P

[AK–070–03–4230–05; F–23280]

Termination of Segregative Effect and Opening of Land; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates the segregative effect of 39.86 acres of public land included in a reverted Recreation and Public Purposes patent and opens the land for selection by the State of Alaska.

EFFECTIVE DATE: September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Helen M. Hankins, District Manager, Kobuk District, 1150 University Avenue, Fairbanks, Alaska, 99707–38444, 907–474–2332.

SUPPLEMENTARY INFORMATION: Pursuant to the regulation contained in 43 CFR 2091.2–2(2), it is ordered as follows:

1. Subject to valid existing rights, at 8 a.m. on September 13, 1993, the following described land is hereby opened to selection by the State of Alaska under the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21(1988).

Fairbanks Meridian

T.7S., R. 8 W.
Sec. 5, Lot 3.
Containing 39.86 acres.

2. The State of Alaska application for selection made pursuant to section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), becomes effective without further action by the State upon publication of this notice in the **Federal Register**, if such land is otherwise available.

Dated: September 2, 1993.

Helen M. Hankins,

Kobuk District Manager.

[FR Doc. 93–22209 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–JA–M

[WY–980–03–4320–01–4FC15; WYW–122556]

Recreation and Public Purposes Classification and Application for Lease in Uinta County; Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Recreation and Public Purposes Classification and Application for Lease in Uinta County.

SUMMARY: The following public lands have been identified and examined and are classified as suitable for lease under the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 *et seq.*

Sixth Principal Meridian, Uinta County, Wyoming

T. 16 N., R. 113 W.,
Sec. 6: Lot 2;
Sec. 7: NW¼NE¼.
The above lands aggregate 2.03 acres.

FOR FURTHER INFORMATION CONTACT: Becky D. Heick, Realty Specialist, Kemmerer Resource Area, Rock Springs District, Bureau of Land Management, 312 Highway 189 North, Kemmerer, Wyoming 83101, 307–877–3933.

SUPPLEMENTARY INFORMATION: The purpose of this classification and

application for lease of these lands is for Uinta County to expand an existing recreational chariot racing site. Uinta County acquired a lease containing 33.91 acres on October 29, 1992 to construct and operate a recreational chariot racing site. Uinta County has requested the lease be amended to include an additional 2.03 acres to allow for a wider, safer curve on the turnaround of the track. The lease is subject to existing prior rights. The proposed leases is consistent with the Kemmerer Resource Management Plan. The land is not required for any Federal purpose. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws.

The lands will not be offered for lease until at least November 12, 1993.

The lease will have no effect on the south Monument grazing lease permittee. For a 45 day period ending on October 28, 1993 interested parties may submit comments to the District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82902–1869. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposed realty action will become final.

Dated: August 31, 1993.

Mark R. Hatchel,

Acting Area Manager.

[FR Doc. 93–22330 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–22–M

National Park Service

Upper Delaware Citizens Advisory Council; Meetings

AGENCY: National Park Service; Upper Delaware Citizen Advisory Council, Interior.

ACTION: Notice of change of meeting date.

SUMMARY: This notice revises the schedule for calendar year 1993 meetings of the Upper Delaware Citizens Advisory Council, as required under the Federal Advisory Committee Act.

DATES: August 26, 1993.

TYPE OF MEETING: Plenary and Informational Meetings.

ADDRESSES:

Tuesday Meetings: National Park Service Headquarters, River Road, Beach Lake, Pennsylvania.

Saturday Meetings: Tusten Town Hall, Bridge Street, Narrowsburg, New York.

1993 Upper Delaware Citizens Advisory Council Revised Meeting Schedule

Dates	Type of meeting	Weather reschedule
Tuesday Evening: September 14, 1993	Regular.	
Tuesday Evening: October 12, 1993	7 pm Business.	
Saturday: October 23, 1993	9 am Educational Forum Re: Project Learning Tree	
Tuesday Evening: November 9, 1993	7 pm Informational Re: The Delaware & Hudson Canal	November 30, 1993.
Tuesday Evening: December 14, 1993	7 pm Business	None.

Additional subjects may be added as necessity dictates throughout the year.

Press Releases containing specific information regarding the subject of the monthly meeting will be published in the following area newspapers:

The Sullivan County Democrat
The Times Herald Record
The River Reporter
The Tri-state Gazette
The Pike County Dispatch
The Pike County Courier
The Wayne Independent
The Hawley News Eagle
The Weekly Almanac

Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL and WVOS.

FOR FURTHER INFORMATION CONTACT:

John T. Hutzky, Superintendent; Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, New York 12764–0159; 717–729–8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and recreation Act of 1978, Public Law 95–625, U.S.C. s1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation and implementation of the management plan, and on programs which relate to land and water use in the Upper Delaware Region.

All meetings are open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, New York 12764. Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the Upper Delaware Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, New York; Damascus Township, Pennsylvania.

B.J. Griffin,

Regional Director, Mid-Atlantic Region.

[FR Doc. 93–22304 Filed 9–10–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–290 (Sub-No. 130X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Cleveland County, NC

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon its 1.5-mile line of railroad between milepost SB–154.5 and milepost SB–156.0 in Shelby, Cleveland County, NC.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user for rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either in pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of the exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 13, 1993, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking request under 49 CFR 1152.29[3] must be filed by September 23, 1993. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 4, 1993, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Richard W. Kienle, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Energy and Environment (SEE) will issue an environmental assessment (EA) by September 17, 1993. Interested persons may obtain a copy of the EA by writing to SEE (room 3219), Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEE, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 2, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–22291 Filed 9–10–93; 8:45 am]

BILLING CODE 7035–01–M

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

[2] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Alloyd Asbestos Abatement Co., et al.,* Civil Action No. C–3–91–107, was lodged on August 5, 1993 with the United States District Court for the Southern District of Ohio. The Consent Decree provides for penalties for violating Section 112(c) of the Clean Air Act, 42 U.S.C. 7412(c), as amended, and the National Emission Standards for Hazardous Air Pollutants for asbestos (the "asbestos NESHAP"), 40 CFR Part 61, subpart M. The Consent Decree requires Defendant Beerman Realty Company to establish an asbestos control program, achieve full compliance with the asbestos NESHAP, and pay a civil penalty of $10,000 for its past violations of the Act and the asbestos NESHAP.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United Statesv. Alloyd Asbestos Abatement Co., et al.,* DOJ Ref. #90–5–2–1–1554.

The proposed consent decree may be examined at the office of the United States Attorney, 602 Federal Building, 200 West Second Street, Dayton, Ohio, 45402; the Region Five Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois, 60604; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.00 (25 cents per page reproduction costs), payable to the Consent Decree Libary.

John C. Cruden,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–22272 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–02–M

Lodging of Consent Decree; United States v. American National Can Co., et al.

Notice is hereby given that a Consent Decree in *United States* v. *American National Can Company, et al.,* Civil Action No. 4–93–CV–815 (D. Minn.), was lodged with the United States District Court for the District of Minnesota on August 25, 1993. This action was brought under section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607. The Consent Decree provides that defendants will pay $522,566 of the past response costs and all oversight costs incurred by the U.S. Environmental Protection Agency in connection with the Waste Disposal Engineering, Inc. Superfund Site.

For thirty (30) days from the date of publication of this notice, the Department of Justice will receive written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *American National Can Company, et al.*, D.O.J. Ref. No. 90–11–2–217A.

The Consent Decree may be examined at the Office of the United States Attorney, District of Minnesota, 234 U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minnesota 55401 and at the Region 5 office of the U.S. Environmental Protection Agency, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

A copy of the Consent Decree also may be examined at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington DC 20005, telephone number (202) 624–0892. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library. The proposed Consent Decree package consists of a 59 page Consent Decree. A request for a copy of the proposed Consent Decree should be accompanied by a check in the amount of $14.75 (25 cents per page reproduction charge) payable to "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–22323 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Final Judgment by Consent Pursuant to the Safe Drinking Water Act

In accordance with Department of Justice policy, 28 CFR 50.7, notice is hereby given that on a Consent Decree in *United States and State of Montana* v. *Butte Water Company*, No. CV 91–100–BU–PGH, was lodged with the United States District Court for the District of Montana.

The United States filed its Complaint in this action on December 31, 1991, and its First Amended Complaint on January 21, 1992, against Butte Water Company seeking injunctive relief and civil penalties of up to $25,000 per day of violation under sections 1414(b) and 1431 of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. 300g–3(b) and 300i. The State of Montana also filed a complaint in this action against Butte Water Company seeking civil penalties of up to $10,000 per day of violation, costs, and attorneys fees under the Montana Public Water Supply Act ("MPWSA"), Mont. Code Ann. tit. 75, ch. 6, pt. 1. The United States and the State allege that Butte Water Company has violated the SDWA, the MPWSA, and the national primary drinking water regulations, and that the violations resulted in an imminent and substantial endangerment to the health of persons who consume drinking water from the Butte water system. The United States' and the State's claims for injunctive relief have been resolved in a previous settlement with the new owner and operator of the Butte water system, Silver Bow Water, Inc. and the City-County of Butte-Silver Bow. *United States and State of Montana* v. *Silver Bow Water, Inc. and City-County of Butte-Silver Bow*, No. CV 92–26–BU–PGH (D. Mont. consent decree entered May 15, 1992). See 57 Fed. Reg. 17930 (Apr. 28, 1992). Pursuant to that settlement, two drinking water filtration plants are under construction on an expedited schedule, and other measures are being implemented to mitigate turbidity in the Butte water system until the filtration plants are completed.

Under the proposed Consent Decree, Butte Water Company will pay a civil penalty of $900,000.00 in settlement of the United States' and the State's claims. The penalty will be divided between the United States and the State, with $720,000.00 to be paid to the United States and $180,000.00 to be paid to the State.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of fourteen (14) days from the date of publication of this notice. All comments must be received within the fourteen day period to be considered. Comments should refer to *United States* v. *Butte Water Company*, No. CV 91–100–BU–PGH (D. Mont.), DOJ Ref. No. 90–5–1–1–3751 and should be addressed to the Acting Assistant Attorney General for the Environment and Natural Resources Division. Comments sent by U.S. Mail should be sent to the U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. Comments sent by overnight mail should be sent to the U.S. Department of Justice, room 12015, 1425 New York Avenue, Washington, DC 20005. Comments sent by Telefax should be sent to Telefax No. (202) 616–6583 using Voice Confirmation No. (202) 514–1111.

The proposed Consent Decree may be examined at any of the following offices: (1) The Office of the United States Attorney for the District of Montana, Butte Division, 167 Federal Building, Butte, Montana 59701; (2) the U.S. Environmental Protection Agency, Montana Operations Office, Federal Building, 301 South Park Street, Helena, Montana 59626; (3) the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado 80202; and (4) the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. Copies of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. Please enclose a check for $2.50 ($0.25 per page reproduction charge) payable to "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–22468 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act and the Rivers and Harbors Act; United States v. Connolly Development

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a Consent Decree in *United States* v. *Connolly Development*, Civil Action No. CIV–S–93–0044–WBS–GGH (E.D. Cal.), was lodged with the United States District Court for the Eastern District of California on August 24, 1993.

The proposed Consent Decree concerns alleged violations of sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344, and section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 403, as a result of the discharge of earthen fill material into wetlands. The wetlands involved consist of about 6 acres of seasonal and tidal wetlands located east of Highway 29 (Sonoma Boulevard), west of Broadway and north of Sereno Drive in Vallejo, Solano County, California. The unauthorized fill was discharged into approximately ½ acre of the wetlands and affected the rest of the parcel through blockage of a culvert, which partially obstructed the tidal action thereto. The discharge was accomplished in connection with Connolly Development's construction of a shopping center adjacent to the affected property.

The Consent Decree requires Connolly Development to fully restore and enhance the property in accordance with a Corps-approved restoration plan attached to the Consent Decree lodged with the Court. The Decree further requires Connolly Development to post $100,000.00 as financial security to ensure the restoration and enhancement

is satisfactorily completed and requires the payment of a civil penalty in the amount of $120,000.00 for these violations of the statutes. Upon proper and timely satisfaction of all terms of the Consent Decree, however, the civil penalty will be reduced by $20,000.

The Department of Justice will receive written comments relating to the Consent Decree for a period of 30 days from the date of publication of this notice. Comments should be addressed to Edmund F. Brennan, Assistant U.S. Attorney, Eastern District of California, room 3305 Federal Building, United States Courthouse, 650 Capitol Mall, Sacramento, California 95814, and should refer to *United States* v. *Connolly Development*, Civil Action No. CIV–S–93–0044–WBS–GGH (E.D. Cal.).

The Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of California, 650 Capitol Mall, Sacramento, California 95814.

Myles E. Flint,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 93–22324 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that two proposed consent decrees in *United States* v. *Zemlicka*, Civil Action No. CIV 92–0236–S–MJC, were lodged on August 26, 1993, with the United States District Court for the District of Idaho. The Consent Decrees settle all claims with the two defendants, Donald Davis, doing business as Concept West, and Thomas Zemlicka.

This action was brought for violations of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos, 40 CFR Part 61, subpart M, promulgated pursuant to section 112 of the Clean Air Act, prior to the 1990 Amendments to the Clean Air Act, 42 U.S.C. 7412. Defendant Zemlicka was the owner of the former John Deere Tractor Building (also known as the Campbell Building) in Nampa, Idaho. Defendant Davis was hired by Zemlicka to demolish the building. The Complaint alleged that the defendants violated the asbestos NESHAP regulations by failing to notify EPA of their intent to remove friable asbestos from the building prior to its demolition, and that defendants violated four work practice standards during the demolition.

Pursuant to the proposed Consent Decrees, defendant Zemlicka will pay a civil penalty of $25,000, and defendant Davis will pay a civil penalty of $1,000. Both defendants have also agreed to the imposition of injunctive relief, which shall be in effect for three years after entry of the Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Zemlicka*, DOJ Ref. # 90–5–2–1–1682.

The proposed consent decrees may be examined at the office of the United States Attorney, Federal Building, Room 328, 550 West Fort Street, Boise, Idaho 83724; the Region 10 Office of EPA, 7th Floor Records Center, 1200 Sixth Avenue, Seattle, WA 98101; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.25 for the consent decree entered into with Donald Davis or $4.25 for the consent decree with Thomas Zemlicka (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, EES Environment and Natural Resources Division.

[FR Doc. 93–22275 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Air Act in United States v. Consolidated Papers, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Consolidated Papers, Inc.*, Civil Action No. 92–C–0668C, was lodged on August 26, 1993 with the United States District Court for the Western District of Wisconsin.

The Consent Decree resolves the claims against Consolidated Papers, Inc. for violations of the prevention of significant deterioration provisions of the Clean Air Act, 42 U.S.C. 7401 *et seq.* The Consent Decree requires Consolidated Papers, Inc. to (1) Maintain full compliance with all requirements of the Act and all regulations promulgated thereunder; (2) implement a monitoring system and conduct a series of emissions tests at its facility; (3) follow reporting requirements to ensure U.S. EPA's ability to monitor the facility's continuing operations; (4) and to pay a civil penalty of $510,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Consolidated Papers, Inc.*, DOJ Ref. #90–5–2–1–1827.

The proposed consent decree may be examined at the Region V Office of the U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.00 (16 pages at 25 cents per page reproduction costs), payable to the Consent Decree Library.

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–22274 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and pursuant to section 122(d)(20)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d)(1)(B), notice is hereby given that a proposed consent decree in *United States* v. *E.I. du Pont de Nemours and Company, et al.*, Civil Action No. C2–91–742, was lodged on August 31, 1993, with the United States District Court for the Southern District of Ohio, Eastern Division. The United States filed this action under Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613, to recover its environmental response costs incurred and to be incurred in connection with the Bowers

Landfill Superfund Site ("Site") in Pickaway County, Ohio.

The proposed consent decree requires the defendants and certain third-party defendants to reimburse the United States for response costs concerning the Site and requires the defendants to complete specified groundwater monitoring activities at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *E.I. du Pont de Nemours and Company, et al.*, DOJ Ref. #90–11–2–345.

The proposed consent decree may be examined at the office of the United States Attorney, Southern District of Ohio, 250 North High Street, Columbus, Ohio 43215; the Region V Office of the Environmental Protection Agency, Records Center 60604–3590; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree, including its attachments, may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $54.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Peter R. Steenland,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–22273 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Proposed 1993 Aggregate Production Quotas for Schedule I Controlled Substances

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed 1993 aggregate production quotas.

SUMMARY: This notice proposes 1993 aggregate production quotas for controlled substances in Schedule I of the Controlled Substances Act (CSA).

DATES: Comments or objections should be received on or before October 13, 1993.

ADDRESSES: Send comments or objections to the Administrator, Drug Enforcement Administration, Washington, DC 20537, Attn: DEA Federal Register Representative (CCR).

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

SUPPLEMENTARY INFORMATION: Section 306 of the CSA (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the DEA pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

Applications have been made for manufacturing quotas for several Schedule I controlled substances. Based on a review of these applications and other information available to the DEA, the Administrator of the DEA, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby proposes the 1993 aggregate production quotas for the following controlled substances, expressed in grams of anhydrous base, be established as follows:

Basic class	Proposed 1993 aggregate production quota (grams)
Aminorex	2
4-Methoxyamphetamine	10
3, 4-Methylenedioxy-N-ethylamphetamine	2
3-Methylfentanyl	10

All interested persons are invited to submit their comments or objections, in writing, regarding this proposal. A person may object to or comment on the proposal relating to any of the above-mentioned substances without filing comments or objections regarding the others. If a person believes that one or more of these issues warrant a hearing, the individual should so state and summarize the reasons for this belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to sections (3)(c)(3) and 3(e)(2)(c) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

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

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning of and intent of the Regulatory Flexibility Act, 5 U.S.C., 601, et seq. The establishment of annual production quotas for Schedules I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: August 17, 1993.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 93–22221 Filed 9–10–93; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems.

Date and Time: September 29, 1993; 8:30 a.m. to 5 p.m.

Place: Rooms A–E, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Contact Persons: Dr. Lawrence Goldberg, Dr. Albert Harvey and Dr. Brian Clifton, Program Directors, Division of Electrical and Communications Systems, NSF, 1800 G Street, NW., room 1151, Washington, DC 20550 Telephone: (202) 357–9618.

Purpose: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552 b(c)(4) and (6) the Government in the Sunshine Act.

Dated: September 7, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–22278 Filed 9–10–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 57th meeting on Wednesday and Thursday, September 29–30, 1993, in room P–110, 7920 Norfolk Avenue, Bethesda, MD, 8:30 a.m. until 6 p.m. each day.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss information the release of which would represent a clearly unwarranted invasion of personnel privacy pursuant to 5 U.S.C. 552b(c)(6).

During this meeting, the Committee plans to consider the following:

1. The Committee will continue its discussions of matters related to implementation plans for future ACNW activities, this will include drafting reports on ACNW protocols, topics for review, and resource requirements.

2. The Committee will continue its discussion of matters related to the appointment of new members. Portions of this session may be closed to public attendance to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. 552b(c)(6).

3. The Committee will discuss topics proposed for consideration during future ACNW meetings.

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 information the release of which would represent a clearly unwarranted invasion of personal privacy pursuant 5 U.S.C. 552b(c)(6).

Dated: September 7, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–22269 Filed 9–10–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–389]

St. Lucie Plant, Unit No. 2; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that on July 2, 1993, Robert J. Jablon, Esq., on behalf of Florida Municipal Power Agency ("FMPA" or "Petitioner") submitted a Petition dated July 2, 1993, to the U.S. Nuclear Regulatory Commission (NRC) pursuant to 10 CFR 2.206 regarding the St. Lucie Plant, Unit No. 2, of the Florida Power & Light Company ("FPL" or "Licensee"). The Petition has been referred to the Office of Nuclear Reactor Regulation for preparation of a response.

The Petitioner requests that the NRC (1) declare that FPL is obligated to provide network transmission among geographically separated sections of FMPA without imposing multiple charges for transmission among multiple delivery points; (2) issue a Notice of Violation of that obligation; (3) impose a requirement by order directing FPL to file with the Federal Energy Regulatory Commission a rate schedule that provides for transmission in a manner that complies with the antitrust conditions; (4) take such other action as may be proper, including proposed imposition of civil monetary penalties; and (5) publish notice of the Petition including when the NRC expects to decide whether to take action in response to the Petition.

Specifically, the Petitioner alleges that the antitrust license conditions for the St. Lucie Plant, Unit No. 2, require FPL to provide transmission of power over its network among the various sections of FMPA on a network basis, that is, without imposing multiple charges for transmission among multiple FMPA receipt and delivery points. Petitioner alleges that FPL has refused to provide such network transmission and is, thereby, in violation of the St. Lucie Plant, Unit No. 2, license conditions.

The Petitioner advises the NRC that proceedings are pending before the Federal District Court and the Federal Energy Regulatory Commission ("FERC"), which present issues overlapping with those presented in the Petition. The Petitioner states that FMPA filed a lawsuit in Florida state court on December 13, 1991, asserting FMPA's right to network transmission under contract law and Florida's antitrust statute and that FPL removed the case to the Federal District Court for the Middle District of Florida, where the case is docketed as *Florida Municipal Power Agency* v. *Florida Power and Light Co.*, Case No. 92–35–Civ–Orl–3A22, and scheduled for trial to begin in September 1993. The Petitioner further states that FPL submitted a tariff filing to the FERC on March 19, 1993, FERC Docket No. ER93–465–000, to which FMPA has filed a protest alleging that FPL's failure to file for network transmission service is anticompetitive and inconsistent with FPL's obligations under the St. Lucie Plant, Unit No. 2, license conditions.

In accordance with 10 CFR 2.206, appropriate action with regard to the specific issues raised in the Petition will be taken within a reasonable time.

In accordance with NRC practice regarding petitions under 10 CFR 2.206 concerning antitrust license conditions, copies of the Petition and this **Federal Register** Notice will be sent to the Licensee and the Attorney General for information.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the St. Lucie Plant, Unit No. 2, located at Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Dated at Rockville, Maryland, this 1st day of September 1993.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–22267 Filed 9–10–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–010; Facility License No. DPR–2]

Commonwealth Edison Company, (Dresden Nuclear Power Station Unit No. 1); Order Authorizing Decommissioning of Facility

In an application of January 7, 1986, as revised December 22, 1987; April 29, September 2, and November 21, 1988; March 27, April 10, May 16, and November 1, 1989; June 7, 1991; February 7, and October 30, 1992; and June 8, and July 2, 1993, Commonwealth Edison Company (CECo or the licensee) requested the U.S. Nuclear Regulatory Commission (the Commission, NRC) to approve its proposed Decommissioning Plan (Plan) for the Dresden Nuclear Power Station, Unit 1 (Dresden 1) and an amendment to License DPR–2. The amendment would renew the license to 2029, revise the technical specifications, and delete obsolete license conditions. The Decommissioning Plan involves long-term safe storage (SAFSTOR) of Dresdon 1 until after the adjacent nuclear units (Dresden 2 and 3) are permanently shut down.

On June 27, 1989, the NRC published a Notice of Consideration of Issuance of Amendment to License and Opportunity for Hearing in the **Federal Register** (54 FR 27081). No request for hearing or petition for leave to intervene was filed after the notice of proposed action.

The Commission has reviewed the application to determine if it meets Commission rules and regulations and has found that decommissioning as stated in the Plan will be consistent with the regulations in 10 CFR chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The bases for these findings are in the Safety Evaluation issued concurrently by the NRC Office of Nuclear Reactor Regulation.

The Decommissioning Plan replaces the Dresden 1 safety analysis report. Accordingly, the NRC added a license condition allowing the licensee to make changes to the Decommissioning Plan after performing a review based on criteria similar to the criteria of § 50.59 of title 10 of the Code of Federal Regulations (10 CFR 50.59).

The Commission prepared an Environmental Assessment and Finding of No Significant Impact for the proposed action. The Commission has determined that the proposed action will not result in any significant environmental impact and that an environmental impact statement need not be prepared. The Notice of Issuance of Environmental Assessment was published in the **Federal Register** on September 3, 1993 (58 FR 47001).

Accordingly, pursuant to sections 103, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.82, the Commission approves the Proposed Decommissioning Plan of January 7, 1986, as revised, and authorizes the licensee to decommission the Dresden 1 facility in accordance with the Decommissioning Plan and the rules and regulations of the Commission, subject to the following conditions:

(a)(1) The approved Decommissioning Plan replaces the safety analysis report in its entirety, and the licensee may (i) make changes in the facility or procedures as described in the Decommissioning Plan, and (ii) conduct tests or experiments not described in the Decommissioning Plan, without prior Commission approval, unless the proposed changes, tests, or experiments involve a change in the technical specifications (TS) incorporated in the license or an unreviewed safety question.

(2) A proposed change, test or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the Decommissioning Plan may be increased, or (ii) if a possibility for an accident or malfunction of a different type than evaluated previously in the Decommissioning Plan may be created, or (iii) if the margin of safety as defined in the basis for any TS is reduced.

(b)(1) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that these changes constitute changes in the facility or procedures as described in the Decommissioning Plan. The licensee shall also maintain records of tests and experiments performed pursuant to paragraph (a) of this section. These records must include a written safety evaluation containing the basis for the determination that the changes, tests or experiments do not involve an unreviewed safety question.

(2) The licensee shall annually submit, as specified in 10 CFR 50.4, a report containing a brief description of any changes, tests and experiments, including a summary of the safety evaluation of each.

(3) The licensee shall maintain the records of changes in the facility until the date of termination of the license and shall maintain the records of changes in procedures and records of tests and experiments for three years.

(c) If the licensee desires (1) to make a change in the TS or (2) to make a change in the facility or procedures described in the Decommissioning Plan or to conduct tests or experiments not described in the Decommissioning Plan, which involve an unreviewed safety question or a change in the TS, it shall submit an application for amendment of its license pursuant to 10 CFR 50.90 or request approval of a revision to the Decommissioning Plan.

For further details with respect to this action, see: (1) The application for authorization to decommission Dresden 1, dated January 7, 1986, as revised; (2) Amendment No. 37 to License No. DPR–2; (3) the Commission Safety Evaluation; and (4) the Commission Environmental Assessment. These documents are available for public inspection at the Commission Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland this 3rd day of September 1993.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–22268 Filed 9–10–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Cancellation of Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the meeting of the Federal Prevailing Rate Advisory Committee scheduled for Thursday, September 23, 1993, has been cancelled.

Information on other meetings can be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, room 1340, 1900 E Street NW., Washington, DC 20415, (202) 606–1500.

Dated: September 1, 1993.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 93–22222 Filed 9–10–93; 8:45 am]

BILLING CODE 6717–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32843; File No. SR–NASD–93–44]

Self-Regulatory Organizations; Notice and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Fees for the Fixed Income Pricing System

September 3, 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 September 1, 1993, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD proposes the following fee structure for the NASD's Fixed Income Pricing System ("FIPS"). All of the following is an addition to part VIII of schedule D to the NASD's By-Laws.

Schedule D

Part VIII

16. Fixed Income Pricing System ("FIPS")

a. The following charges shall apply to the operation of Full Function and Limited Function FIPS terminals. Charges for Full Function and Limited Function FIPS terminals will also include equipment related charges as detailed in part D.

1. Full Function FIPS Terminals: $1,000/month for the first terminal plus $350/month for each additional terminal.

Full Function FIPS terminals provide access to the full range of quotation and trade reporting capabilities of FIPS through dedicated communication circuits.

2. Limited Function FIPS terminals: $300/month for each terminal plus dial-up communication charges assessed based on actual costs incurred.

Limited Function FIPS terminals provide access to the full range of quotation and trade reporting capabilities of FIPS through a dial-up service.

b. For each transaction in a high-yield security that is reportable to the NASD pursuant to part IV of the FIPS rules, there shall be a $1 charge assessed against the member responsible for reporting the transaction under Sections (a)(3) or (b)(3) of part IV of the FIPS Rules.

c. There shall be a $50 monthly charge assessed against members using the FIPS service desk.*

* Pursuant to part IV, section (a)(2)(B) of the FIPS Rules, members that do not have access to a FIPS terminal and average five or fewer trades per day in high yield securities, inclusive of FIPS securities, during the previous calendar quarter may utilize the FIPS service desk to report trades in high yield bonds effected in the over-the-counter market.

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

On March 19, 1993, the SEC approved an NASD proposal to establish and operate FIPS, an electronic facility that collects, processes, and disseminates real-time, firm quotations for 30 to 50 of the most liquid high yield bonds.[1] The FIPS system also requires members to report all over-the-counter ("OTC") transactions in high yield bonds. In addition, FIPS disseminates hourly summary transaction reports on FIPS securities that provide the high and low execution prices and the accumulated trading volume for each FIPS security during the preceding hour.

To formulate the FIPS fee structure, the NASD and its subsidiary corporations conducted a thorough analysis of the anticipated revenues and costs of operating FIPS. These revenue and cost assumptions were based upon forecasts and projections of the number of market participants likely to participate in FIPS, the likely demand for quotation and transaction information generated by FIPS, the volume of OTC transactions in high yield bonds, and the "start-up" and recurring costs associated with FIPS, among other things. As discussed in more detail below, the FIPS fee structure has three components.[2]

The first component is a terminal-based charge that varies depending upon whether the member seeks to operate a "Full Function" terminal or a "Limited Function" terminal. "Full Function" terminals provide access to full range of quotation and trade reporting capabilities of FIPS through dedicated communication circuits and "Limited Function" terminals provide access to FIPS through a dial-up service. Specifically, for "Full Function" terminals the charge is $1,000/month for the first terminal plus $350/month for each additional terminal. For "Limited Function" terminals the charge is $300/month for each terminal plus dial-up communication charges assessed based on actual costs incurred. Subscribers will also incur an initial installation cost for the circuits and equipment to provide the service which will vary depending upon the costs incurred in connection with the particular facilities of the subscriber. The installation charges will represent a direct pass through of the costs incurred by the telecommunications provider.

Second, in order to offset the market surveillance costs associated with mandatory trade reporting for high yield bonds, there is a $1 charge for each transaction in a high yield bond that is reported to the NASD. The charge will be assessed against the member responsible for reporting the trade and will apply to all OTC transactions in high yield bonds, regardless of whether the bonds are FIPS securities or not. In addition, when FIPS is enhanced to possess execution capabilities, the $1 transaction reporting charge will apply to transactions effected through FIPS. As noted in the NASD's FIPS proposal and the Commission's order approving FIPS, the NASD contemplates enhancing FIPS to include execution and trade negotiation capabilities. Due to the need for additional systems work, however, the NASD has not yet sought Commission approval for these systems features.[3]

Third, there is a $50 monthly charge assessed on those members who use the

[1] See Securities Exchange Act Release No. 32019 (March 19, 1993), 57 FR 16428 (March 26, 1993) ("FIPS Approval Order").

[2] Concurrent with the submission of this filing, the NASD submitted a separate proposal governing fees assessed for the receipt of quotation and summary transaction information on FIPS securities via information vendors. See File No. SR–NASD–93–49.

[3] See FIPS Approval Order, *supra* note 1, 57 FR 16431 at n. 43.

FIPS service desk to report trades in FIPS securities and other high yield bonds effected in the OTC market. In order to be eligible to use the FIPS service desk, the member must not have access to a FIPS terminal and average five or fewer trades per day in high yield securities, inclusive of FIPS securities, during the previous calendar quarter.

The NASD will endeavor to periodically review the FIPS fee structure in light of the utilization of the system, the costs of past and future enhancements to the system, the costs of operating the system, the volume of OTC transactions in high yield bonds, and the demand for FIPS quotation and transaction information, among other things. These reviews will ensure that the FIPS fees are properly related to the costs associated with operating FIPS.

The NASD believes that the proposed rule change is consistent with section 15A(b)(5) of the Act. Section 15A(b)(5) requires that the rules of a national securities association provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Association operates or controls. Specifically, the FIPS fee structure reflects a thorough analysis by the NASD to ensure that the fees assessed by the NASD in connection with the use and operation of FIPS are properly related to the development and operational costs of FIPS. Moreover, the NASD will periodically review the FIPS fee structure to ensure that the fees are reasonable and equitably allocated.

B. Self-Regulatory Organization's Statement on Burden on Competition

Te 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 establishes or changes a due, fee, or other charge imposed by the NASD. At any time within 60 days of the filing of the 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 [insert date 21 days from the date of this publication].

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–22286 Filed 9–10–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19687; No. 811–3328]

American Express Variable Annuity Fund, Inc.

September 7, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an Order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: American Express Variable Annuity Fund, Inc. ("Applicant").

RELEVANT 1940 ACT SECTION: Order requested under Section 8(f) of the 1940 Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company as defined by the 1940 Act.

[4] 17 CFR 200.30–3(a)(12)(1989).

FILING DATE: The application was filed on June 30, 1993 and amended on August 24, 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 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 October 1, 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 requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o The Boston Company Advisors, Inc., Exchange Place, Boston, Massachusetts 02109.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Senior Counsel, on (202) 272–2676, or Michael V. Wible, Special Counsel, 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 SES's Public Reference Branch.

Applicant's Representations

1. Applicant, a diversified open-end management company, filed a Registration Statement on Form N–1 pursuant to Section 8(b) of the 1940 Act on November 20, 1981 (File No. 2–74985).

2. On November 20, 1981, Applicant also filed its Registration Statement on Form N–1 pursuant to the Securities Act of 1933 and registered an indefinite number of shares of common stock. Applicant filed Pre-Effective Amendments No. 1 and No. 2 to its Registration Statement on July 9, 1982 and August 30, 1982, respectively. Applicant's Registration Statement was declared effective on September 13, 1982, and the public offering of its shares commenced immediately thereafter.

3. Applicant was incorporated in Maryland on November 17, 1981 as Shearson/American Express Variable Annuity Fund, Inc. On March 17, 1982, Applicant changed its name to Shearson/American Express Variable Annuity Money Market Fund, Inc. and

on July 1, 1982, changed its name to American Express Variable Annuity Fund, Inc.

4. Applicant's authorized capital stock consists of three billion shares of common stock, par value $0.01 per share, of which one billion shares were allocated to the Money Market Portfolio, and 250 million shares allocated to each of the following: Growth Portfolio; Income Portfolio; Government Securities Portfolio; Zero Coupon Bond Portfolio; and Managed Series Portfolio. Of the Portfolios' allocated shares, only the Money Market, Growth and Income Portfolios commenced operations. As of July 7, 1986, the date of liquidation of the Income Portfolio, the last Portfolio to hold assets, shares of all Portfolios of Applicant were available for purchase only be segregated investment accounts established by certain insurance concerns as an investment medium for tax deferred variable annuity contracts.

5. On June 1, 1986, the Board of Directors of Applicant authorized any and all actions necessary to effect the liquidation of the Applicant and the cessation of its financial operations.

6. As of June 30, 1986, there were: (a) 371,763.38 shares of common stock of the Income Portfolio outstanding, having a net asset value of $4,944,000 and a per share net asset value of $13.30; (b) 306,000 shares of common stock of the Growth Portfolio outstanding, having a net asset value of $4,670,000 and a per share net asset value of $15.26; and (c) no shares of common stock of the Money Market Portfolio outstanding. There are no other classes of securities of the Applicant outstanding. As of August 1, 1993, there were no shares of common stock outstanding.

Exhibit A to Applicant's application sets forth for the Money Market, Growth, and Income Portfolios a Statement of Assets and Liabilities, as of June 30, 1986:

	Money market	Growth	Income
Portfolio Securities:			
At Amortized Cost	$0		
At Market Value		$4,756,000	$5,013,000
Total Assets	140,000	4,761,000	5,052,000
Liabilities	140,000	91,000	108,000
Net Assets	0	4,670,000	4,944,000

7. In January, 1986, Fireman's Fund Insurance Company ("Fireman's Fund"), an equity investment of American Express Company, redeemed portfolio shares with a value of approximately $7.9 million, representing $6 million of original investment and $1.9 million of interest earned. On June 5, 1986, the remaining shares of the Money Market Portfolio were redeemed, and that Portfolio was liquidated. On July 2, 1986, Fireman's Fund and AMEX Life Assurance Company ("AMEX Life") redeemed approximately $3.1 million shares that they had invested in the Growth Portfolio, and that Portfolio was liquidated. On July 7, 1986, Fireman's Fund and AMEX Life redeemed approximately $3.2 million of shares that they had invested in the Income Portfolio, and that Portfolio was liquidated.

8. Applicant ceased all investment operations as of July 7, 1986, the date of liquidation of Income Portfolio. Information pertaining to the disposition of the Applicant's portfolio securities as of July 7, 1986 has not been recovered.

9. Applicant's annual report for fiscal year ended December 31, 1986, discloses that Growth Portfolio paid $5,477 in total brokerage commissions over that fiscal year, of which none was paid to any affiliated broker-dealer. No other portfolios of the Applicant incurred broker commissions during the fiscal year ended December 31, 1986, the last year in which any portfolio of Applicant held assets.

10. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are security holders of Applicant.

11. The expenses applicable to the liquidation of Applicant's assets were de minimis and were borne entirely by AMEX Life.

12. Applicant had no remaining assets and no debts or liabilities remain outstanding. Applicant is not a party to any litigation or administrative proceeding. There are no security holders of Applicant.

13. Applicant is not engaged, and does not propose to engage, in any business activities other than that necessary for the winding-up of its affairs.

14. Applicant intends to file Articles of Dissolution with the Maryland State Department of Assessments and Taxation to terminate its existence.

15. Applicant filed a final Form N–SAR on August 29, 1992. Prior to that date, all required filings of Form N–SAR had been made on a timely basis.

Applicant's Legal Analysis

1. Section 3(c)(1) of the 1940 Act excludes from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and that is not making and does not propose to make a public offering of its securities.

2. Applicant represents that by virtue of the liquidation of each of its portfolios and the cessation of its financial operations, it ceased to have at least one hundred persons who are beneficial owners of its shares. Applicant is not making and does not propose to make a public offering of its securities. Applicant therefore represents that it is no longer within the definition of an investment company set forth in Section 3(c)(1) of the 1940 Act and has ceased to be an investment company within the meaning of Section 8(f) of the 1940 Act.

3. Applicant, thus, requests an order pursuant to Section 8(f) of the 1940 Act declaring that it has ceased to be an investment company.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–22285 Filed 9–10–93; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 19685; 811–5101]

The Kotrozo Mutual Fund Group, Inc.; Application for Deregistration

September 7, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: The Kotrozo Mutual Fund Group, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on December 11, 1990, and amended on April 26, 1991, and August 23, 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 October 4, 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 who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, The Kotrozo Mutual Fund Group, Inc., c/o Paul J. Roshka, Jr., O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears, One East Camelback Road, Suite 1100, Phoenix, Arizona 85012.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 504–2920, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Prior to May 22, 1991, applicant, a diversified open-end management investment company, was an Arizona corporation. SEC records indicate that, on April 6, 1987, applicant filed a registration statement pursuant to section 8(b) of the Act, and registered an indefinite number of shares of Kotrozo Option Income Fund (the "Option Income Series"), a series of applicant. On August 12, 1987, applicant's registration statement was declared effective and applicant commenced its initial public offering of shares of Option Income Series. In 1988, applicant filed a post-effective amendment to register an indefinite number of shares of Kotrozo State and Federal Tax Free Income Fund (the "Tax Free Series"), another series of applicant. On November 7, 1988, the post-effective amendment was declared effective and applicant commenced its public offering of shares of Tax Free Series.

2. In connection with an SEC investigation of applicant and R.L. Kotrozo, Inc. ("Kotrozo"), staff of the SEC informed applicant's board of directors that, effective February 20, 1990, Kotrozo, applicant's investment adviser at the time, was no longer eligible to act as applicant's investment adviser. Accordingly, applicant entered into interim advisory agreements pursuant to rule 15a–4 under the Act with Analytic Management, Inc. ("Analytic Management") and Aquila Management Corporation ("Aquila") with respect to Option Income Series and Tax Free Series, respectively. These interim advisory agreements contemplated the acquisition of the assets of Option Income Series by Analytic Optioned Equity Fund, Inc. ("Analytic Fund"), a registered investment company advised by Analytic Management, and the acquisition of the assets of Tax Free Series by Tax Free Trust of Arizona (the "Tax Free Trust"), a registered investment company advised by Aquila.

3. At a special meeting of applicant's board of directors held on May 18, 1990, consistent with rule 17a–8 of the Act, all of applicant's directors adopted a resolution approving an Agreement and Plan of Reorganization and Liquidation for each of its series (collectively, the "Agreements"). The Agreements provided that substantially all of the assets of Option Income Series and Tax Free Series would be exchanged for shares of Analytic Fund and Tax Free Trust, respectively, on the basis of the relative net asset value of the respective series. The Agreements further provided that the shares of Analytic Fund and Tax Free Trust would be distributed *pro rata* to shareholders of Option Income Series and Tax Free Series, respectively, immediately after the exchange. In approving the Agreements, applicant's board considered the relatively small size of applicant's series and the corresponding high transaction and administrative costs, and the cost of future advisory services.

4. The Agreements also provided that applicant would establish a reserve for each series to provide for contingent or unknown claims, including any request for indemnification by applicant's president if the SEC brought a civil enforcement action against him. Each reserve also would be used to satisfy previously incurred but unpaid legal, accounting, operating, and dissolution expenses of applicant's respective series. Each reserve would be established with no more than 3% of the total net assets of the respective series.

5. Applicant distributed to its shareholders proxy materials dated June 28, 1990, relating to the transactions contemplated under the Agreements. At a special meeting of applicant's shareholders held on July 31, 1990, each series' shareholders approved the applicable Agreement, and applicant's shareholders approved the liquidation and dissolution of applicant. As of July 31, 1991, there were 119,945.002 outstanding shares of Option Income Series with an aggregate net asset value of $952,578.37, and per share net asset value of $7.94 and there were 2,669,014.679 outstanding shares of Tax Free Series with an aggregate net asset value of $25,237,278.85, and per share net asset value of $9.46. On August 1, 1990, the exchanges were consummated and the *pro rata* distributions were made, pursuant to the Agreements.

6. On August 2, 1990, applicant and the members of its board entered into liquidating trust agreements under which the reserves established for Option Income Series and Tax Free Series were distributed to Option Income Fund Liquidating Trust and Tax Free Fund Liquidating Trust, respectively, and the shareholders of each series received *pro rata* beneficial interests in the corresponding liquidating trust. Each liquidating trust's activities were limited to holding the assets transferred to it by applicant on behalf of its beneficiaries, enforcing the rights of the beneficiaries with respect to such assets, preserving and protecting the liquidating trust property, and providing for the orderly liquidation of the assets transferred to the liquidating trust.

7. The trustees of the liquidating trusts satisfied all of applicant's outstanding liabilities, debts, and obligations, and determined that the possibility of the indemnification claim described above no longer existed. Accordingly, on December 18, 1992, all remaining assets of the liquidating trusts were distributed in cash to the holders of their beneficial interests.

8. The expenses incurred in connection with the liquidation and dissolution of applicant totalled $491,100. Of this amount, $278,500 was borne by applicant and the balance was borne by Aquila, applicant's investment adviser. Expenses which were not

separately identified to one series were allocated between the series based on comparative assets (or, in the case of printing and proxy costs, comparative numbers of shareholders).

9. As of the date of the application, applicant had no debts, liabilities, or shareholders. Applicant is not a party to any litigation or administrative proceeding. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

10. Applicant filed Articles of Dissolution with the Arizona Secretary of State on May 22, 1991.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–22284 Filed 9–10–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Gorda Aero Service, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 93–9–4, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Gorda Aero Service, Inc., is fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with Barbara P. Dunnigan, Air Carrier Fitness Division, P–56, Room 6401, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than September 20, 1993.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara P. Dunnigan, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2342.

Dated: September 3, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–22212 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Portland International Jetport, Maine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge at Portland International Jetport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 13, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airport Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Thomas F. Valleau, Director, Transportation and Waterfront Facilities of the City of Portland at the following address: Portland International Jetport, 1001 Westbrook Street, Portland, Maine 04102.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Portland under § 158.23 of part 158 of the Federal Aviation Regulations.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Soldan, Airports Program Specialist, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803, (617) 238–7614. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge (PFC) at Portland International Jetport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 16, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Portland was substantially complete within the requirements of § 158.25 of part 158 of the Federal Aviation Regulations. The FAA will approve or disapprove the application, in whole or in part, no later than November 12, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: January 1, 1994

Proposed charge expiration date: March 31, 2001

Total estimated PFC revenue: $12,642,000

Brief description of proposed project:

Impose Only Projects

Extend Terminal Ramp, Residential Soundproofing.

Impose and Use Projects

Expand Snow Removal Equipment Building, Install Guidance Signs, Conduct Airport Master Plan Update, Reconstruct West Ramp, Replace Baggage Carousels, Expand Gate 4, Terminal Expansion, Acquire Wheelchair Lift, PFC-Enhanced Bond Financing Costs.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Charter Operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under "FOR FURTHER INFORMATION CONTACT".

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Portland International Jetport, 1001 Westbrook Street, Portland, Maine 04102.

Issued in Burlington, Massachusetts on August 30, 1993.

Vincent A Scarano,

Manager, Airports Division, New England Region.

[FR Doc. 93–22279 Filed 9–10–93; 8:45 am]

BILLING CODE 4910–13–M

TREASURY DEPARTMENT

Senior Executive Service Departmental Performance Review Board; Membership

AGENCY: Treasury Department.

ACTION: Notice of members of the Departmental Performance Review Board (PRB).

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the

Departmental PRB. The purpose of this PRB is to review and make recommendations concerning proposed performance appraisals, ratings, bonuses and other appropriate personnel actions for incumbents of SES positions for which the Secretary or Deputy Secretary is the appointing authority. These positions include SES bureau heads, deputy bureau heads and certain other positions. The Board will perform PRB functions for other key bureau positions if requested.

COMPOSITION OF DEPARTMENTAL PRB: The Board shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. The names and titles of the PRB members are as follows:

Deborah M. Witchey, Acting Assistant Secretary (Management)—Chairperson
William E. Barreda, Deputy Assistant Secretary (Trade and Investment Policy)
Carlton L. Brainard, Assistant Commissioner (Management), U.S. Customs Service
Robert P. Cesca, Deputy Inspector General
Peter H. Daly, Director, Bureau of Engraving and Printing
Michael P. Dolan, Deputy Commissioner, Internal Revenue Service
Eugene H. Essner, Deputy Director, U.S. Mint
Dennis I. Foreman, Deputy General Counsel
William H. Gillers, Director, Office of Assets Forfeiture Financial Management
Richard L. Gregg, Commissioner, Bureau of Public Debt
Jean E. Hanson, General Counsel
Stephen E. Higgins, Director, Bureau of Alcohol, Tobacco and Firearms
Michael H. Lane, Deputy Commissioner, U.S. Customs Service
David C. Lee, Assistant Director (Administration), U.S. Secret Service
John W. Magaw, Director, U.S. Secret Service
Russell D. Morris, Commissioner, Financial Management Service
Gerald Murphy, Fiscal Assistant Secretary
Thomas P. O'Malley, Director, Management Programs Directorate
Marcus W. Page, Deputy Fiscal Assistant Secretary
Charlene J. Robinson, Director, Human Resources Directorate
Kenneth R. Schmalzbach, Assistant General Counsel (Administrative and General Law)
Charles Schotta, Deputy Assistant Secretary (Middle East and Energy Policy)
John P. Simpson, Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement)
Edwin A. Verburg, Director, Financial Services Directorate
George J. Weise, Commissioner, U.S. Customs Service

DATES: Membership is effective on September 13, 1993.

FOR FURTHER INFORMATION CONTACT: Jack R. Howard, Department of the Treasury, Director, Office of Personnel Policy, Annex Building, room 4150, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220, Telephone: (202) 622–1530 or 622–1091 TDD.

This notice does not meet the Department's criteria for significant regulations.

Dated: September 2, 1993.

Deborah M. Witchey,

Acting Assistant Secretary (Management).

[FR Doc. 93–22331 Filed 9–10–93; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Group Projects for International Visitor Grantees

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The Bureau of Educational and Cultural Affairs, U.S. Information Agency (USIA) announces its intention to award ten grants of approximately $130,000 each to not-for-profit organizations arranging group projects for International Visitors traveling within the U.S.

DATES: Dates for the programs and deadlines for submission of each proposal are indicated in the individual program descriptions which follow. All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on the due date indicated. Faxed documents will not be accepted, nor will documents postmarked on the due date but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the deadline indicated. Grants should begin approximately four weeks prior to the project opening date.

ADDRESSES: Proposals should be submitted by the deadline to: U.S. Information Agency, Ref: International Visitor Group Projects, Office of Grants Management, E/XE, room 336, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations should write or call Mr. Jay Taylor, Chief, Group Projects Division (E/VP), room 255, 301 4th Street, SW., Washington, DC 20547; telephone (202) 619–6285, to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

Overview

Programs are authorized under Public Law 87–256, the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), "to increase mutual understanding between the people of the United States and the people of other countries." Pursuant to the Bureau's authorizing legislation, programs must maintain a non-partisan character and should be balanced and representative of the diversity of American political, social and cultural life. Programs must conform to all Agency requirements and guidelines and are subject to final review by the USIA contracting officer.

Guidelines

Subject to the availability of funds, USIA seeks separate proposals from non-profit organizations for programs for International Visitors traveling throughout the U.S. in seven Multi-Regional group projects, two Regional group projects and one Young African Leaders group project. Each is centered around a different theme. Participants in the projects will be foreign leaders or potential leaders selected by U.S. embassy committees abroad. Each group will consist of approximately 20 foreign visitors in addition to the three or four American escort officers, selected and funded by USIA, who accompany them.

Projects will be four to six weeks in length. Many programs begin in Washington, DC, with an orientation and overview of the issues and a central examination of federal policies regarding these issues. Openings in cities other than Washington, DC, may be proposed for substantive reasons. If Washington, DC is not the opening site, it should be included on the itinerary. Well-paced project itineraries often include programs in four to six communities, including the opening site. Project itineraries should include urban and rural small communities in distinctive geographical and cultural regions of the U.S. The programs should provide numerous opportunities for participants to experience the diversity of American society and culture. At appropriate points in the project, participants may be divided into

smaller, three or four-member teams for simultaneous visits to different communities, with subsequent opportunities to share their experiences with the full group. There should be numerous opportunities for "home hospitality" with Americans of diverse occupational, age, gender and ethnic groups. Some projects should include at least one opportunity for an overnight "homestay." The foreign participants should be provided opportunities to speak to student, civic and professional groups in relaxed and informal settings. For some projects, "shadowing" experiences with American professional colleagues may be proposed. Participants should have numerous opportunities for site visits and hands-on experiences relevant to project themes. Proposals should also allow time for participants to reflect on their experiences, share observations with project colleagues and visit cultural and touristic sites. In cities where such councils exist, arrangements for community visits must be made through the National Council for International Visitors (NCIV) and the network of its constituent councils throughout the U.S.

Proposed Budget

Proposals must include a comprehensive line item budget for which specific details are available in the application packet.

Application Procedures

To be eligible for consideration, organizations must be incorporated in the U.S., have not-for-profit status as determined by the IRS, and be able to demonstrate expertise in a field relevant to the theme of the project. Organizations with less than four years' experience in international exchange will not be eligible to compete for these grants. Experience in programming exchange visitors is desirable.

Interested organizations should write or call the Group Projects Division (address provided above) to request application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

Following are the preliminary project summaries for each project

Title: Ethnicity and Pluralism in American Politics
Type: EU Regional (English)
Dates: February 22–March 18, 1994
Proposal Due: November 9, 1993

Project Goals

—To demonstrate the role, influence and contributions of various minority groups in the American political process;
—To present a discussion of current issues confronting Americans as they attempt to accommodate the demands of a pluralistic and ethnically diverse society;
—To introduce participants to the rich diversity of American culture, including ethnic, religious, linguistic and racial groups.

Participants

This project is intended for government officials, journalists, politicians, academics and others with a professional interest in and responsibility for immigration, ethnicity and assimilation concerns, and the social welfare and political integration of minority groups.

Summary

For many countries in Europe, the ongoing international economic integration brings with it the need to accommodate the special needs and interests of newly-arrived immigrant groups and increasingly diversified populations. The solutions to be sought will affect such diverse areas as social welfare, the movement of labor across borders, national economies, investment, and political power shift. Throughout its history, the U.S. has faced such challenges and continues to address the dilemma of incorporating into the social and political fabric of the country an ever increasing number of special interest groups. The strength and resilience of the American political system rests in its reliance on a pluralistic structure. This project will explore the historical, political and cultural bases of American pluralism as well as current issues such as education, social welfare, political activism, and affirmative action. Participants will learn about the efforts of groups to pursue their particular economic, social and political agendas, while maintaining their cultural distinctiveness, and about the political environment that not only allows but encourages them to do so.

The program will open in Washington with an introduction to American politics, emphasizing the role played by a variety of interest groups in influencing domestic as well as foreign policy. The opening session will provide an academic perspective on American political thought and practice. A specialist in demographics will give an overview of historical immigration and current population trends in the U.S. and their significance in the political process. Participants will then meet with representatives of Congressional Committees to discuss legislation such as the Immigration and Naturalization Control Act of 1990; with appropriate officials at the Departments of State, Health and Human Services, Justice and Labor; and with independent agencies such as the U.S. Commission on Civil Rights and the Equal Employment Opportunity Commission. They will also have the opportunity to discuss issues with association representatives, lobbyists and think tank scholars.

Outside Washington, the group's itinerary, reflecting regional balance, will take them to locations across the country in order to demonstrate the practical side of theoretical topics introduced in the Nation's Capital. They will have the chance to observe and discuss issues of political access and activism related to ethnic, religious, racial and linguistic affiliation. The program will address topics such as the bilingual education/multicultural curriculum debate, grassroots political organizing, the civil rights movement, gay rights issues, and immigration and the ethnic composition of communities.

Title: Debt and U.S. Capital Markets
Type: Multi-Regional
Dates: March 7–April 1, 1994
Proposal Due: November 30, 1993

Project Goals

—To highlight U.S. initiatives in working with developing nations to meet financial obligations;
—To enhance understanding of the U.S. economic system and the decision-making process in formulating U.S. economic assistance policy;
—To clarify U.S. perspectives on international economic relations and to provide an appreciation for the impact which U.S. domestic economic activities have on the world economic system.

Participants

This project is designed for government finance and trade officials, economic planners, private industry representatives, bankers, Chamber of Commerce officials, economics professors, and journalists who specialize in international, comparative, or U.S. economic policies and issues.

Summary

This program will give participants an in-depth look at U.S. policy toward debt reduction and private foreign investment, especially the Administration's efforts to reduce national debt and to provide debt relief to those nations willing to develop effective free-market reforms. Participants will learn about U.S.

domestic economic policies, especially measures taken to deal with trade and budget deficits. Also explored will be U.S. efforts to achieve international economic coordination and resolve current economic imbalances in the global system.

Initially, participants will receive an update from senior officials at the Department of the Treasury, Office of the Trade Negotiator, the Federal Reserve Bank and the Council of Economic Advisors on the status of the Uruguay round of GATT and on the progress of Third World debt negotiations through such vehicles as the Brady Plan. A briefing at the Agency for International Development will explain the objectives of U.S. assistance in general and provide insight into the complexities of resource allocation in the foreign aid process, emphasizing U.S. support for the structural adjustment process and discouragement of debt repudiation. Briefings by officials at OPIC will provide information on practical applications of privatization efforts worldwide and the role U.S. investment plays in helping these efforts succeed. At the World Bank, participants will look at U.S. assistance provided through multilateral organizations and discuss the range of available debt relief mechanisms, including debt swaps. A senior official will discuss factors inhibiting multinational consensus on international debt problems.

During group and small-team travel to different regions of the country, participants will visit regional economic development authorities and state-financed business incubators to see examples of practical, relevant U.S. experience in aiding small and medium enterprise development, credit financing, and job creation. In an academic setting, leading economists will discuss factors promoting stability in international economic relations and how market economics and privatization contribute to economic development. A technical seminar will provide participants with practical information on creating conditions to attract foreign capital and on dealing with those factors discourage foreign investors.

Home hospitality will be provided at several stops during the program.

Title: The Fourth Estate: The Media
Type: Young African Leaders (English/Portuguese)
Dates: March 7–April 15, 1994
Proposal Due: November 30, 1993

Project Goals

—To deepen understanding of the Constitutional, political, social and technical principles of journalism in the U.S.;
—To examine the impact of the media on the formulation and implementation of key U.S. foreign and domestic policies;
—To analyze the ethical issues inherent in reporting, the right to privacy, and balanced and accurate reporting; and
—To promote an appreciation of American culture and pluralism.

Participants

This project is designed for young African journalists (between 25 and 35 years of age) whose emerging talents and potential are recognized and who are expected to be influential in shaping the perceptions of and attitudes toward the U.S. in their home countries. The project is for Portuguese- and English-speaking editors, writers, announcers, producers, and instructors of mass communications. The project is not designed for filing of stories.

Summary

The project will be six weeks in length and will consist of six distinct program segments, including an initial week of orientation in Washington, DC, a week of regionally balanced team city visits, a week-long practicum with professional counterparts around the country, a week-long university-based seminar, a second week of team city visits, and a final week which will include a synthesis discussion and a final evaluation session.

The project will open in Washington with orientation briefings to introduce participants to American government, economy, society and culture. The week will also consist of introductory sessions on the role of a free press, journalistic ethics, the economics of mass media, and the international news flow. Meetings will be arranged to discuss the impact of the media on decision-making in U.S. foreign policy, especially American foreign policy towards Africa. Participants will meet with government officials to discuss media relations at the federal level and with representatives from the commercial and non-profit media.

Professional appointments will include VOA, WORLDNET, and the Washington Foreign Press Center. Other media organizations will include Accuracy in Media and the Reporters Committee for Freedom of the Press. A workshop should be scheduled at the Center for Foreign Journalists in Reston.

One week should involve visits to capital cities to examine policy-making at the state and local levels, and to examine relations between journalists and local government. In addition to large metropolitan newspapers, visits to small and medium sized operations will be arranged to allow interaction with local reports, editorial staff, administrators and readers.

Another week should be devoted to "shadowing" experiences with American counterparts in both print and broadcast media. This is an extremely important part of the program. The Portuguese-speaking participants should be in a city with a large Portuguese-speaking population which will allow them to have a one-on-one practicum. This period will also allow each visitor to have an opportunity to address an American audience about his/her country which is a vital part of the program.

A university week will permit the participants to delve into current issues and trends in mass communications. Topics will include curriculum design, new technologies, desktop publishing, mass communications in multilingual societies, programming for minorities, and media innovations. They will also participate in campus activities and interact with faculty and students.

One week will take participants in small teams to medium-sized cities to explore the wide variety of radio and TV specialized programs, including all talk, religious, special language, and ethnic groups. The visitors should have the opportunity to attend a popular TV talk show. Relevant discussions should be arranged with major advertising agencies and audience research organizations.

Cultural events and home hospitality will be provided as often as possible.

Title: Environmental Protection and Sustainable Economic Development in the U.S.
Type: American Republics Regional (Spanish)
Dates: March 28–April 22, 1994
Proposal Due: December 21, 1993

Project Goals

—To familiarize participants with key environmental concerns as they relate to local economic and development issues in the U.S.;
—To introduce participants to public and private efforts in the U.S. to protect and sustain the environment;
—To enhance participants' understanding of the U.S. experience in developing standards and programs which address the problems of deforestation, water and air pollution, soil conservation, and uncontrolled urbanization;
—To acquaint participants with U.S. efforts to transcend national borders to improve levels of cooperation in protecting global resources.

Participants

This project is intended for public and private officials working in the environmental field, as well as academics, journalists. This project is intended for Spanish-speaking visitors.

Summary

Through site visits and discussions with public and private environmental officials, academics, business representatives, researchers, and media representatives, this project will provide participants with an overview of the efforts expended by Americans to protect and sustain the environment in light of economic development concerns, as well as efforts to expand cooperation with other countries. In addition to reviewing the U.S. experience, participants will have opportunities to exchange ideas concerning the issues of most concern in their countries. Participants will, throughout this project, look at efforts to correct errors of the past as well as plan for regenerative development for the future. Participants will look at new technologies and review methods, techniques and materials used in educating the public about development and the environment.

The project will open in Washington, DC with an introduction to the U.S. federal system of government and the roles played by federal, state and local governments in natural resource management, policy formulation and implementation. The opening week will also provide an overview of the role of national and international non-governmental organizations.

Outside of Washington, DC participants will travel to five distinctly different ecological regions, including one rural area, for a closer look at programs which address the problems of deforestation, water and air pollution, soil conservation, and uncontrolled urbanization. Through discussions with representatives of universities, advocacy groups and the media, participants will enhance their understanding of efforts to educate the public about problems as well as solutions to preserving the environment and sustaining development. There will be opportunities to discuss the business view of growth and environmental protection. National park management, ecotourism, energy conservation will also be reviewed. Participants will meet with state and local government representatives to learn of cooperative efforts with local citizens.

The project will provide a variety of formats, including panel discussions, for the exchange of ideas. The project will provide opportunities for participants to share issues and concerns in their countries. Home hospitality, sightseeing, and cultural activities will also be included.

Title: Museums and Art Centers in the U.S.
Type: Multi-Regional
Dates: March 28–April 29, 1994
Proposal Due: December 21, 1993

Project Goals

—To explore the traditional and current roles played by museums and art and science centers in American society and culture;
—To provide participants with exposure to current techniques and approaches to museum management in the United States;
—To provide opportunities for discussion aimed at increasing international cooperation and exchange of staff, publications, and exhibits.

Participants

The project is designed for museum and art exhibition professionals, including those who work in management positions involving administration, collections, conservation, exhibits, public relations, and education. It is also appropriate for artists and critics whose professional interests include the role of museums in society.

Summary

The rich and varied museum and gallery collections and resources in the nation's capital make Washington, DC the appropriate place to begin this project. By meeting with museum professionals from the Smithsonian Institution and other area museums, galleries, associations, artists, and art critics and writers, participants will gain an overview of the role of museums and art centers in American society as well as current trends in American art. Experts in various fields will lead discussions on: The functions of museums; U.S. government policies towards museums; the role of the government and the private sector in funding and promoting museums; training docents and other volunteers; new technologies used in museum management; education and public programs; curatorship; acquisitions; and collections preservation. Meetings with appropriate USIA officials involved in issues such as the protection and repatriation of cultural property will be included. There will be a special session to allow participants to discuss and show slides of their home institutions.

The group will then travel to regional art and science centers in a variety of cities and towns throughout the United States. Participants will observe the relationship between regional and ethnic museum collections and programs and the communities they are designed to serve. The variety of ways in which small museums raise funds, the recruitment and training of volunteer docents, and the design and implementation of community outreach programs will be explored. A discussion of the new wave of participatory, "hands-on" museums and science centers will be included since these new centers of learning are developing rapidly in the U.S. and throughout the world. An appropriate balance should be struck between the attention given to contemporary and more traditional museum collections and concerns. Discussions with local museum professionals will focus on topics such as management techniques, procurement, conservation public relations and education, exhibit design, security, and community programs. Participants will also visit several university museums and art departments in order to explore the roles played by academic institutions in promoting the arts in the community.

The itinerary will include New York for visits to some of the major museums there, as well as corporate collections and foundations which support the arts. Depending on the interests of participants, a university seminar on the role of art in society will be included.

This project will conclude in Seattle, Washington, with participation in the American Association of Museums annual conference, April 24–28, 1994. This fifth week of the program will be optional, so that these participants who need to return home after the fourth week will be able to do so without having missed any of the significant cities, cultural centers and collections scheduled to be visited prior to Seattle. The addition of this fifth week of programming should also help to slow the pace of this project and thus, create a less frantic sense of travel.

Home hospitality should be organized in each distinct region of the U.S. visited. A variety of hosts, including those in similar professions to the visitors and some representing entirely different lifestyles and concerns should be incorporated into this critical element of the program. All of these opportunities should provide informal settings which might encourage and foster discussions about everyday life in this country, the cultural values that shape our society, and the American approach to dealing with them.

Title: State and Local Government in the U.S.
Type: Multi-Regional
Dates: April 18–May 13, 1994
Proposal Due: January 11, 1994

Project Goals

—To increase understanding of the U.S. federal system of government;
—To outline how local and state governments function in the U.S. and how they interact with the federal government;
—To examine the separation of powers in state and local government and the division of authority and responsibility between the two levels of government;

Participants

This project is intended for elected officials, academicians, journalists and career civil servants interested in local government and public administration.

Summary

This project is designed to allow participants to observe and compare local and state governmental structures as well as the legislative and executive processes at the two levels of government. Participants in this project will be provided with an overview of the principal institutions of American government. The history and cultural context of governmental responsibilities, the interrelationships among national, state and local levels of government, and the separation of powers between the executive, legislative, and judicial branches will be carefully delineated.

The project will open in Washington, DC with lectures and discussions on U.S. Federalism, particularly the evolution of federal, state and local government relationships. The group should meet with representatives of the White House, the Congress, and the Departments of Commerce and of Housing and Urban Development to discuss liaison between those federal agencies and local government. Meetings may also be arranged at the Advisory Commission on Intergovernmental Relations, the National Academy of Public Administration and groups lobbying Federal agencies and Congress on behalf of local governments. The proximity of Annapolis, the historic capital of Maryland, provides an opportunity to combine professional appointments, recreation and sightseeing.

During travel around the U.S., the group will explore intergovernmental relationships through discussions and site visits to various forms of local government entities in geographically and socially diverse locales, allowing participants to understand the responsibilities of state and local governments and to see the range of configurations such governments may take. The itinerary will include visits to large urban areas, medium-sized cities and small towns in several different regions to meet with a variety of local authorities including city managers, fire and police officers, budget directors, waste management experts and health care providers. Emphasis will be placed on innovative and creative methods local governments have developed, including volunteerism, to provide services. A period of travel in small teams should be included.

At a state legislature, participants should sit in on discussions of key issues in local politics. Meetings with elected municipal officials will allow participants to contrast their role with that of the state-wide elected officials and to underscore the decentralization of the U.S. political system. Participants should meet with a range of leaders, including those representing non-governmental organizations, who influence local decision-making. In a rural state, such as Iowa, the group will learn about programs like Iowa's Farm Family Assistance Program and the potent influence of agricultural interests on state and national politics.

The project should include several days at an academic institution with strong programs on state and local government. For example, previous versions of this project have included very useful discussions at the Center for the Study of Federalism, Temple University.

Home hospitality will be emphasized to provide the participants with the maximum opportunity to meet with citizens from all walks of life and to hear their views on government. Participants will have opportunities to talk informally to local civic and professional groups, and to visit schools to talk with groups of teachers and students.

Title: U.S. Agriculture
Type: Multi-Regional
Dates: May 9–June 3, 1994
Proposal Due: February 8, 1994

Project Goals

—To highlight the roots of the U.S. economy which lie in the agricultural sector and the importance of the agrarian lifestyle to many U.S. citizens;
—To expose participants to domestic political, social and economic forces that influence U.S. agricultural trade and production policies;
—To explore initiatives designed to promote sustainable agriculture and conservation of resources;
—To analyze U.S. positions on key current world agricultural and trade issues in order to explain the U.S. decision-making process.

Participants

This project is designed for agricultural leaders, including government officials, agricultural researchers, farmers' union representatives and others in policy positions dealing with agriculture or agricultural trade.

Summary

Many Americans, regardless of their current occupation or lifestyle, have antecedents in the rural farmland of this country and maintain strong attachments to the land. Much of the strength of the nation stems from its self-sufficiency in feeding and clothing the population from the successful production of fibers and foodstuffs in the agricultural belt. This project will explore the current state of agriculture in the U.S. and afford participants opportunity to meet not only with agricultural policymakers, but also with present day practitioners of a proud and historic vocation.

In Washington, DC, the group will hear discussions reflecting the American perspective on major current agricultural issues, including farm subsidies, current bilateral and multilateral agricultural trade negotiations, and agricultural environmental problems. From meetings with Department of Agriculture officials, Congressional staff, the American Farm Bureau Federation, environmental advocates, trade policy experts, and representatives from the private sector and agribusiness associations, participants will hear in detail assessments of the present state of the American agricultural economy and its future prospects.

During travel throughout the country, participants will learn of the diversity of the U.S. agricultural sector and the many forms which farming takes in the U.S. from the vast tracts of grain in the "breadbasket" of America to the many belt farms surrounding metropolitan areas operated by "gentleman farmers" to the city gardenspaces and farmers' markets found in densely populated areas.

Participants will meet with farmers and their families, as well as with officials at cooperatives, farm bureaus, rural banks, and with journalists specializing in farming issues in order to learn how regional agricultural

problems influence federal agricultural policy and, ultimately, national foreign policy. Meetings will also be arranged with local elected officials, at state departments of agriculture, with experts at key universities and agricultural research stations, and with representatives of agribusiness. The program will include at least one opportunity to visit an institution involved in developing sustainable farming techniques such as the Land Institute or the Institute for Alternative Agriculture. Issues surrounding use of chemical fertilizers and pesticides, as well as irrigation methods and the importance of soil conservation will receive thorough examination.

Home hospitality and home stays will be emphasized in order to give participants multiple opportunities to meet with farmers and their families and to observe firsthand the impact which agriculture and the international trade in agricultural products have on agrarian families in this country and the way they voice their concerns to national policymakers.

Title: Entrepreneurship in the U.S.
Type: Multi-Regional
Dates: May 31–June 24, 1994
Proposal Due: March 1, 1994

Project Goals

—To further understanding of the social, economic, and political factors which influence and encourage private enterprise;
—To present the U.S. economy as one developed historically through equal access to economic opportunity;
—To provide examples of both large and small successful entrepreneurial efforts in the U.S.

Participants

This project is designed for private businesspersons, elected and appointed government officials, academics, and journalists with an interest in the American free market system.

Summary

Participants will survey current U.S. economic conditions and factors which influence and encourage private enterprise. Illustrative appointments, including site visits, lectures, and panel discussions should provide examples of the influence of labor, immigration, and private and public cooperation, as well as the successes and struggles facing small and large business. One case study providing an inside look at the historical development of a successful, well-known business venture would provide a more realistic view of the various challenges with which the typical American entrepreneur has been or is likely to be met.

In Washington, DC, participants will receive an overview of the structure of American government, the history and philosophy of the American free market system, federal economic policies, and current issues in entrepreneurship and the creation of small businesses. Participants will meet with representatives from the Departments of Commerce and Treasury, Congress, the U.S. Chamber of Commerce, the National Federation of Independent Businesses, the Small Business Administration, trade associations and think tanks, to learn about the growing importance of privatization in the U.S. economy. In addressing these stated objectives, to the extent that it is possible, appointments should be tailored to address specific economic issues and concerns relevant to the countries group participants represent.

Participants should be exposed to the most recent research focusing on what individual psychological characteristics contribute to successful entrepreneurship and discuss current theories on how to achieve business success. A specialist will be asked to illustrate the parallels between greater individual freedom in the market place and increased economic growth.

Beyond Washington, the group will observe examples of successful entrepreneurial efforts in other geographic regions of the U.S. A very successful appointment in previous projects has been a visit to a recipient of the Malcolm Baldrige Award for Excellence in American Business, and this should be incorporated into this program as well. Visits to state-sponsored small business "incubators", to learn more about this example of public and private cooperation were very well-received in past years. One program segment should be devoted to the process of financing, tax incentives for small business development, as well as the role of banks and venture capitalists. Participants should also be given exposure to the ways that the U.S. federal, state, and local governments attempt to foster the growth of small business. Opportunities to observe programs designed to assist women and other minorities start up a business should be included, but should not dominate the essence of this project. With the scaling down of the U.S. defense industry and in its place, the rapid growth of the high-tech electronic and bio-tech manufacturing industries, the participants should be exposed to what is current in these arenas, as well as their implications for future business concerns both in the U.S. and abroad. Lastly, since many successful businesses are often not an entrepreneur's first attempt, discussions and analyses of failed efforts should also be reviewed.

For a more individualized, small-group experience, the visitors will be divided into teams at some juncture during the course of the program. Cities of equal character and size will be visited by each team, where similar aspects of the program topic will be covered. Team travel would also be the appropriate point for each participant to be given the opportunity for a "career shadowing" experience. Every effort should be made to identify an appropriate business contact with concerns similar to each visitor's interest or profession. In addition to having as individually tailored an experience as possible while still under the auspices of a group project, each visitor will also have information to share and contrast with that of fellow colleagues in the group.

Home hospitality should be organized in each distinct region of the U.S. visited. A variety of hosts, including those in similar professions to the visitors and some representing entirely different lifestyles and concerns should be incorporated into this critical element of the program. All of these opportunities should provide informal settings which might encourage and foster discussions about everyday life in this country, the cultural values that shape our society, and the American approach to dealing with them.

Title: Grassroots Democracy in the U.S.
Type: Multi-Regional
Dates: June 20–July 15, 1994
Proposal Due: March 29, 1994

Project Goals

—To provide a greater understanding of the democratic form of government in the U.S. and of citizens' involvement in their own governance;
—To observe the variety of citizen groups which interact with American elected officials at all levels to address legitimate, divergent interests;
—To illustrate the diversity of viewpoints held by Americans and how this diversity contributes to a dynamic and resilient pluralistic political system.

Participants

This project is intended for civic and community leaders, political party leaders, local government officials, journalists and educators.

Summary

The aim of this project is to demonstrate that citizen participation in

the political process is a means of harnessing the power of constructive criticism to effect change and to ensure stability in government. Participants will encounter a wide variety of special interest and citizen action groups which have arisen in the U.S. to articulate the social and economic pressures inherent in a multi-ethnic, market-oriented society.

The group will visit different geographic regions to see grassroots political organizing firsthand and to observe local citizens contributing to the debate on national and international concerns, including world peace, immigration, the environment, human rights, economic revitalization, consumer protection and accountability in government. Discussions will include voters' expectations for elected officials at all levels of government.

In cities and small towns located in diverse economic regions of the country, participants will meet with a wide variety of grassroots organizations such as neighborhood boards, professional associations, citizen action leagues, church groups and local chapters of single-issue advocacy organizations such as Mothers Against Drunk Driving or Sane/Freeze. They will observe the extensive range of ways in which American citizens can become involved in the political process and advocate their particular cause or viewpoint. Additionally local leaders of demographic groups such as AARP, the NAACP, and the National Organization of Women will address the group on their grassroots activities to promote policies beneficial to their members.

In a state capital with a sitting legislature, participants will attend a public hearing on bills being considered by lawmakers and meet with elected officials to hear about their efforts to ensure that all viewpoints are accommodated during the policy making process. The group will observe the input citizens can make on public policy through the processes of initiative and referendum, as well as through use of the media, both free and paid. Home hospitality will be a major component of this project.

In Washington, DC, meetings with academics and think tank specialists will center on factors that shape the participatory nature of democracy in a pluralistic society. At the national headquarters of selected special interest groups, participants will learn the impact that local and regional outlooks have on national policy-making and they will learn more about the philosophy and techniques of citizen action groups, including those related to coalition-building, fund-raising, lobbying Congress and other government officials, and to drafting legislation. The group will meet with members of Congress or staff to discuss the pressures on Congress from its various constituencies and the means by which the conflicting demands of these groups are accommodated. The participants will be briefed at federal agencies such as the Environmental Protection Agency and the Consumer Product Safety Commission, bodies formed as government's response to civic action and advocacy.

Title: Community Service in the U.S.
Type: Multi-Regional
Dates: July 18–August 12, 1994
Proposal Due: April 26, 1994

Project Goals

—To illustrate how the values of fairness and equal opportunity underlie American society and contribute to a widespread commitment to volunteer service;
—To explore the role of voluntary service as a way of addressing the many social problems faced by a rapidly changing society;
—To provide information on planning, designing, managing and developing volunteer programs;
—To facilitate the exchange of ideas and experiences between volunteer organizations in the U.S. and those in participants' home countries.

Participants

This project is intended for community leaders who are active in volunteer work, administrators of volunteer programs, and scholars and professionals who are interested in citizen activities and community development.

Summary

This project is designed to illustrate how strong ethical, social, and moral values form the basis for the vast array of human services offered in America through the efforts of unpaid individuals. Additionally, emphasis will be placed on the non-monetary benefits which these individuals realize through their volunteer efforts such as enhanced self esteem and greater social awareness.

In Washington, DC, the program will provide an overview of the American tradition of volunteerism, government and corporate efforts to promote voluntary service in community development, and the many types of private volunteer programs throughout the country. The overview will also provide background on the educational, political, economic and social systems of the U.S., with an emphasis on how they encourage volunteer service. Appointments will be scheduled at Vista, the Peace Corps, and the President's Commission on Volunteerism, as well as possible visits to programs for the homeless or people living with AIDS. A specialist in the field will describe how U.S. tax incentives stimulate charitable donations by both corporations and individuals and how laws encourage tax-exempt organizations to exist for the public benefit.

Beyond Washington, the participants should discuss issues involved in creating and administering volunteer programs, with special emphasis on fund-raising and volunteer recruitment and training; the benefits which voluntary service contributes to community and personal development, emphasizing the creation of community partnerships that cross racial, cultural and religious lines; the skills which individuals acquire in the areas of teamwork and goal-setting; skills which contribute directly to advancement in paid positions, especially for women and minorities. Participants should have opportunities to share information on volunteer efforts in their home countries with their colleagues and American counterparts. During the visits to cities and small towns in different regions of the country, participants should have opportunities to work side-by-side with American volunteers and become familiar with the daily operations of volunteer organizations. Participants will also learn about the role volunteer organizations such as Common Cause and League of Women Voters play in providing avenues for citizen participation in the political process and in increasing governmental accountability. Participants should also visit a public action lobbying office.

For a more individualized, small group experience, the visitors will be divided into teams at some point during the course of this program. Cities equal in character and size will be visited by each team and similar aspects of the program topic will be covered. In this way, participants will have new experiences to share with their fellow colleagues when the teams are reunited, and they will have the opportunity to compare and contrast how certain subject areas are addressed in these different locations.

As the NCIV network is so fundamental to the USIA IV program, the importance of this organization will be highlighted as the project unfolds across the country. In addition, home hospitality invitations with professional colleagues and Americans from all walks of life will provide informal

settings for further discussions of legal and social issues and the American approaches in dealing with them.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines herein and in the application packet. Eligible proposals will be forwarded to panels of expert USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. *Quality of program idea:* Proposals should exhibit originality, substance, rigor, and relevance to Agency mission.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity. Program Agency and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet with program's objectives and plan.

4. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Value to U.S.-Partner Country Relations:* Assessments will be made by USIA's geographic area desks and overseas officers of the needs, potential impact and significance in the partner country(ies).

6. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. *Institution's Track Record/Ability:* Proposals should demonstrate a track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). The Agency will consider the past performance of prior grantees and the demonstrated potential of new applicants.

8. *Cost-effectiveness:* The overhead and administrative components of grants, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

Notice: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the government. Final awards cannot be made until funds have been fully appropriated by Congress, allocated and committed through USIA procedures.

Notification

All applicants will be notified of the results of the review process approximately six weeks prior to the project's opening date. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: September 3, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–22266 Filed 9–10–93; 8:45 am]

BILLING CODE 8230–01–M

[Announcement Number E/P–94–9]

Secondary School Exchange Initiative; Academic Year Inbound

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The United States Information Agency (USIA) invites applications from U.S. educational, cultural, and other not-for-profit institutions to arrange school placements, homestays and programming for high school students from the Newly Independent States of the former Soviet Union (NIS) and to supervise them during academic year 1994–95. This program is sponsored under the Secondary School Exchange Initiative as originally authorized under the Freedom Support Act of 1992. Funding for the program is subject to the availability of a Congressional authorization and appropriation.

This is a request for proposals for two categories: (1) The academic year program inbound only; (2) intensive English training. Organizations may submit proposals for either category or both. Requests for proposals in support of other youth exchange programs with the NIS are being published separately

DATES: Deadline for proposals: All copies of proposals for grants under this request must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, November 19, 1993.

Faxed documents will not be accepted, nor will documents postmarked on November 19 but received at a later date. It is the responsibility of each grant applicant to ensure that its proposal is received by the above deadlines. Grant funding should be available after March 1, 1994 in support of a program in which participants will be arriving in July.

ADDRESSES: The original, 4 fully tabbed copies and 10 copies (Tabs A–D) of the completed application, including required forms, should be submitted in the format described in the Bureau's application package and mailed to: U.S. Information Agency, Ref: Secondary School Initiative—Academic Year Inbound, Grants Management Division, E/XE, 301 4th Street SW., rm. 336, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions should contact David Dallas, Division for the Secondary School Initiative, E/PY, room 357, (202) 619–6299; FAX (202) 619–5311, to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Overall authority for these exchanges is contained in the Freedom Support Act (Pub. L. 102–391).

Overview

Grant funding is intended to provide an opportunity for students aged 15 to 18½ from the following countries to live with a host family, attend high school, and experience community life in the United States: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Students will be selected through a process administered and funded separately.

This grant competition does not include a provision for the placement organization to recruit and select participants. Proposals are also invited

for intensive English training for a portion of the students.

Guidelines

The purposes of this program are: To place pre-selected high school students from NIS countries in the U.S. to study and live for up to one academic year; to place the students in qualified host families and welcoming schools; to provide English and intercultural training to ensure that all students are able to function in their host communities; to enable participants to have program enhancements that give them a broader view of the society and culture of the U.S.; and to promote mutual understanding between the people of the NIS and the U.S.

The administration of this program has been divided into four parts: 1. Recruitment, selection, pre-departure logistics, international travel and orientation; 2. Placement, supervision and program enhancements during the school year; 3. intensive English and intercultural training for some participants; 4. Washington, DC enhancement program. Grants to organizations to administer components one and four are being awarded separately.

Note: Each student will have a 7-day Washington, DC enhancement program scheduled during the months of November through February for all students. Placement organizations need not plan a mid-year program nor budget for the Washington program.)

A. Placement, Supervision and Programming

The following factors should be considered in preparing proposals:

—Placements will be for one full academic year. It is anticipated that approximately 20 organizations will be funded to provide placement for at least 1,100 students. The final number of participants is subject to the availability of funding.

—Organizations may bid on placing no fewer than 15 students. There is no maximum number of placement slots; however, organizations must demonstrate the capacity to secure quality homestays and school placements for the number of students on which they are bidding in conformance with the regulations governing J visas for secondary school students.

The proposal should include a description of the process your organization uses to identify and screen potential host families, as well as your system for making school placements.

—Placements will be spread all across the U.S. Organizations have the option to (a) disperse students widely or (b) concentrate groups of students in clusters who will live within a two-hour driving radius of each other. The purpose of clustering is to facilitate periodic gatherings for ongoing orientation, excursions and cultural programming, as well as supervision and feedback. All proposals should identify the target regions, states and/or communities in which placements will be sought.

Proposals using option (a) should include a justification for not using the cluster model and explain your placement philosophy. Proposals using option (b) should: Specify the cluster size; specify likely locations; and include a description of how clustering will affect the program, such as scheduling periodic gatherings of the students. In the latter case, a sample schedule of gatherings and topics or themes to be addressed should be included.

—Organizations, regardless of the placement plan, may propose periodic gatherings of students locally, regionally, or nationally for ongoing orientation, excursions and cultural programming, and supervision and feedback. The proposal should include a tentative itinerary for a sample meeting.

The organization's approach to orientation once the students are in the US and for re-entry training should be described. (**Note:** Pre-departure orientation is being administered under the separate recruitment/selection grant noted above.)

B. Intensive English and Cross-Cultural Training

Organizations are invited to submit proposals to provide a 4-week intensive course in English as a second language and an introduction to US society and culture. It is anticipated that at least 300 students will require this training. Organizations may bid on a portion or all of these students. USIA will likely award more than one grant for this purpose. The following factors should be discussed in the proposal:

—The proposal should describe: your organization's approach to and design for the training; the mix of classroom and extracurricular activities; and the use of dormstays vs. homestays.

—Testing instruments should be used when the students arrive and at the completion of their program. Other methods of measuring the students' progress should be described.

—Describe the criteria for selecting teaching staff.

—Describe how students will be supervised. It is the responsibility of the training organization to communicate with each student's placement organization on matters relating to the student's welfare and possible placement issues.

Airfare to and from the language training site will be paid under the separate grants to the organizations administering recruitment and selection.

Proposed Budget

Organizations must submit a comprehensive line item budget. Details are available in the application packet. Grants awarded to eligible organizations with fewer than four years of experience in conducting international exchange programs will be limited to $60,000. Organizations should be familiar with OMB Circulars A110, A122 and A133 on cost accounting principles. Organizations bidding on both categories—placement and ESL training—must submit separate budgets and proposals for each.

Cost sharing is encouraged. Cost sharing may be in the form of allowable direct or indirect costs. The recipient must maintain written records to support all allowable costs which are claimed as being its contribution to cost participation, as well as cost to be paid by the federal government. Such records are subject to audit.

The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A110, Attachment E. Cost Sharing and Matching should be described in the proposal. In the event the recipient does not provide the minimum amount of cost sharing as stipulated in the recipient's budget, the Agency's contribution will be reduced in proportion to the recipient's contribution.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contract offices. Proposals may also be reviewed by the Agency's Office of the General Counsel.

Funding decisions are at the discretion of the Associate Director of Educational and Cultural Affairs.

Final technical authority for grant awards resides with the Agency's Office of Contracts.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Quality of the Program Idea: Proposals should exhibit originality, substance, rigor and relevance to Agency mission and adherence to the criteria and conditions described above.

2. Reasonable, Feasible, and Flexible Objectives: Proposals should clearly demonstrate how the institution will meet the program's purposes as outlined in this RFP.

3. Multiplier Effect/Impact: Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual linkages.

4. Cost Effectiveness: The overhead and administrative components of grants, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

5. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

6. Institution's Track Record/Ability: Proposals should demonstrate a track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). The Agency will consider the past performance of prior grantees and the demonstrated potential new applicants.

7. Follow-on Activities: Proposals should be provided a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

8. Evaluation Plan: Proposals should provide a plan for evaluation by the grantee institution.

9. Geographic Diversity: The Agency will seek to provide geographic diversity within the NIS and the U.S. through this program.

10. Organizational Restrictions: The Agency will need to consider any restrictions an organization may have on their acceptance of students for the placement program. If no restrictions are mentioned and explained in the proposal, the organization is obligated to accept any participant assigned by the Agency.

11. Organizational Standing: An organization submitting a proposal should be in good standing with USIA and the Council on Standards for International Educational Travel.

12. English Training: The quality of the program proposed and the cost will be judged.

13. Re-entry Training: The proposal should demonstrate the organization's understanding of the importance of re-entry training and describe the content of the proposed program.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about March 1, 1994. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: September 3, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–22265 Filed 9–10–93; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 58, No. 175
Monday, September 13, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), U.S.C. 552b:

DATE AND TIME: September 15, 1993, 10:00 a.m.

PLACE: 825 North Capitol Street NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro 985th Meeting—September 15, 1993 Regular Meeting (10:00 a.m.)

CAH–1.
Project No. 7274–023, Town of Wells, New York
CAH–2.
Project No. 6624–008, Alfred D. Huey
CAH–3.
Project No. 9732–009, Brookside Hydroelectric Company, Inc.
CAH–4.
Docket No. RM93–17–000, License Termination
CAH–5.
Project No. 3258–002, Joseph M. Keating
CAH–6.
Omitted
CAH–7.
Project No. 2741–007, Kings River Conservation District

Consent Agenda—Electric

CAE–1.
Docket No. ER93–493–000, Milford Power Limited Partnership
CAE–2.
Docket No. EF93–5011–000, United States Department of Energy—Western Area Power Administration (Central Valley Project)
CAE–3.
Docket No. ER93–385–000, Northern States Power Company (Minnesota)
CAE–4.
Docket Nos. ER90–349–000, ER90–406–000 and ER91–21–000, Northern States Power Company (Minnesota and Wisconsin)
CAE–5.
Docket No. ER93–160–001, Puget Sound Power & Light Company
CAE–6.
Docket Nos. ER92–436–004 and EL92–29–003, Florida Power Corporation
CAE–7.
Docket No. EL92–22–001, City of Lebanon, Ohio v. Cincinnati Gas & Electric Company
CAE–8.
Docket No. ER84–560–033, Union Electric Company
CAE–9.
Docket Nos. ER92–236–004 and EL92–13–003, Delmarva Power & Light Company
CAE–10.
Omitted
CAE–11.
Docket Nos. ER76–205–011 (Phase II), ER79–150–023 (Phase II), ER81–177–017, ER82–427–012, ER84–75–018, ER86–271–004, ER87–483–002, ER91–201–002 and FA85–67–004, Southern California Edison Company
Docket No. ER93–200–001, Appalachian Power Company
Docket No. ER93–191–000, Alabama Power Company
CAE–13.
Docket Nos. ER93–594–001, ER93–595–001 and ER93–604–001, Pennsylvania Power and Light Company
CAE–14.
Omitted
CAE–15.
Docket No. ER91–457–004, Central Maine Power Company
Docket Nos. ER92–286–003, ER92–484–002, ER92–512–002, ER93–130–002, New England Power Company
CAE–16.
Docket No. EL92–38–001, Villages of Andover, Bergen, Bonnville, Fairport, Freeport, Greenport, Lake Placid, Penn Yan, Rockville Centre, Solvay, and Westfield, City of Jamestown, and Town of Massena, New York v. Power Authority of the State of New York
CAE–17.
Docket No. AC92–163–001, Wisconsin Electric Power Company
CAE–18.
Docket Nos. ER92–2–001, ER92–3–001, ER92–4–001, ER92–7–001, ER92–14–001, ER92–27–001 and ER92–443–001, United Illuminating Company
Docket No. ER92–110–002, PacifiCorp Electric Operations
Docket No. ER92–361–003, Green Mountain Power Corporation
Docket No. ER93–413–001, Niagara Mohawk Power Corporation
Docket No. ER92–544–001, Montaup Electric Company
Docket No. ER92–601–001, Entergy Power, Inc.
Docket Nos. ER92–770–001 and ER92–771–001, Interstate Power Company
Docket No. ER93–222–001, Northeast Utilities Service Company
Docket No. ER93–224–001, Public Service Company of New Hampshire
Docket No. ER93–338–001, Rochester Gas & Electric Company
Docket Nos. ER93–491–001 and ER93–513–002, Idaho Power Company
CAE–19.
Docket Nos. EC92–21–003 and ER92–806–003, Entergy Services, Inc. and Gulf States Utilities Company
CAE–20.
Docket No. EG93–62–000, Lakewood Cogeneration, L.P.
CAE–21.
Docket No. EG93–60–000, Dominion Management Argentina S.A.
CAE–22.
Docket No. EG93–61–000, Hidroelectrica El Chocon S.A.
CAE–23.
Docket No. EG93–59–000, Blue Diamond Power Partners L.P.
CAE–24.
Docket No. EL91–28–000, Carolina Power & Light Company
CAE–25.
Docket No. RM93–18–000, Ratemaking Treatment of Special Assessments Levied Under the Atomic Energy Act of 1954, as Amended by Title XI of the Energy Policy Act of 1992
CAE–26.
Docket No. RM93–18–001, Accounting Treatment of Special Assessments Levied Under the Atomic Energy Act of 1954, as Amended by Title XI of the Energy Policy Act of 1992
CAE–27.
Docket No. RM87–12–000, Cogeneration; Small Power Production—Notice of Public Conference and Request for Comments
Docket No. RM88–4–000, Regulations Governing Independent Power Producers
Docket No. RM88–5–000, Regulations Governing Bidding Programs
Docket No. RM88–17–000, Regulations Governing the Public Utility Regulatory Policies Act of 1978
CAE–28.
Docket No. RM93–24–000, Revision of Fuel Adjustment Clause Regulations Relating to Fuel Purchases From Company-Owned of Controlled Source
CAE–29.
Docket Nos. EL92–25–000 and EL93–30–000, Cities and Villages of Albany and

Hanover, Illinois; Alta Vista, Bellevue, Fairbank, Fredericksburg, Grafton, Guttenburg, Readlyn, Sabula and Strawberry Point, Iowa; and Rushford and St. Charles, Minnesota v. Interstate Power Company

CAE–30.
Docket Nos. EL91–56–000 and ER92–774–000, Maine Public Service Company

CAE–31.
Docket No. ER85–477–014, Southwestern Public Service Company

Consent Agenda—Oil and Gas

CAG–1.
Docket No. RP93–174–000, Northwest Pipeline Corporation

CAG–2.
Docket No. RP93–99–000, Colorado Interstate Gas Company

CAG–3.
Docket No. RP93–14–000, Algonquin Gas Transmission Company

CAG–4.
Docket No. FA91–34–001, Tennessee Gas Pipeline Company

CAG–5.
Docket No. RP93–106–002, Texas Gas Transmission Corporation

CAG–6.
Docket No. TA91–1–31–002, Arkla Energy Resources Company, a Division of Arkla, Inc.

CAG–7.
Docket No. RP85–122–021, Colorado Interstate Gas Company

CAG–8.
Docket Nos. RP93–56–002, RP93–86–002 and RP93–139–002, Transwestern Pipeline Company

CAG–9.
Docket No. OR89–2–003, *et al.*, Trans Alaska Pipeline System
Docket No. IS89–7–004, *et al.*, Amerada Hess Pipeline Corporation
Docket No. IS89–8–004, *et al.*, ARCO Transportation Alaska, Inc.
Docket No. IS89–9–004, *et al.*, BP Pipeline (Alaska), Inc.
Docket No. IS89–10–004, *et al.*, Exxon Pipeline Company
Docket No. IS89–11–004 *et al.*, Mobil Alaska Pipeline Company
Docket No. IS89–12–004, *et al.*, Phillips Alaska Pipeline Corporation
Docket No. IS89–13–004, *et al.*, Unocal Pipeline Company

CAG–10.
Docket Nos. RP90–137–010 and TM93–6–49–003, Williston Basin Interstate Pipeline Company

CAG–11.
Docket Nos. RM87–34–071, Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (In re Tennessee Gas Pipeline Company)
Docket Nos. TA91–1–21–004 and TM91–8–21–004, Columbia Gas Transmission Corporation
Docket No. RM85–1–185, Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol
Docket Nos. CP87–115–010, Tennessee Gas Pipeline Company

CAG–12.
Omitted

CAG–13.
Omitted

CAG–14.
Docket No. AI93–5–001, Accounting for Income Taxes Under SFAS 109

CAG–15.
Omitted

CAG–16.
Docket Nos. OR92–8–002, OR93–5–000, OR93–6–000, IS92–39–003 and IS92–8–002, SFPP, Inc.

CAG–17.
Docket Nos. RP92–133–000 and RP93–140–000, Gas Research Institute

CAG–18.
Docket No. GP93–6–000, Railroad Commission of Texas, Tight Formation Determination, Unit Petroleum Company, FERC No. JD93–13959

CAG–19.
Docket No. GP93–7–000, Railroad Commission of Texas, Tight Formation Determination, Unit Petroleum Company, FERC No. JD93–13959

CAG–20.
Docket Nos. CI73–334–004, CI73–476–002, CI74–610–002, CI80–133–003 and CI87–746–000, Mobil Exploration and Producing North America, Inc., Mobil Oil Exploration and Producing Southeast, Inc. and ANR Pipeline Company

CAG–21.
Docket No. RS92–9–005, Questar Pipeline Company

CAG–22.
Docket No. RS92–79–002, Sea Robin Pipeline Company

CAG–23.
Docket No. RS92–1–007, ANR Pipeline Company

CAG–24.
Docket No. RS92–25–006, Trunkline Gas Company

CAG–25.
Docket No. RS92–52–004, Viking Gas Transmission Company

CAG–26.
Docket Nos. RS92–86–008, RP92–108–007 and RP92–137–017, Transcontinental Gas Pipe Line Corporation

CAG–27.
Docket No. CP92–186–001, Blue Ridge Pipeline Company
Docket No. CP93–187–001, Transcontinental Gas Pipe Line Corporation

CAG–28.
Docket No. CP92–165–002, Texas Eastern Transmission Corporation

CAG–29.
Docket No. CP87–75–009, Tennessee Gas Pipeline Company

CAG–30.
Docket No. CP92–459–001, Texas Eastern Transmission Corporation
Docket No. CP92–460–001, Trunkline Gas Company

CAG–31.
Docket No. CP86–492–009, Moraine Pipeline Company

CAG–32.
Docket No. CP91–2206–006, Tennessee Gas Pipeline Company

CAG–33.
Docket Nos. CP92–182–004 and 005, Florida Gas Transmission Company
Docket Nos. CP92–415–002 and 003, Transcontinental Gas Pipe Line Corporation and Florida Gas Transmission Company

CAG–34.
Docket Nos. CP89–7–023 and CP89–710–009, Transcontinental Gas Pipe Line Corporation

CAG–35.
Docket No. CP93–283–000, Williston Basin Interstate Pipeline Company

CAG–36.
Docket No. CP93–100–000, Texas Eastern Transmission Corporation

CAG–37.
Docket No. CP93–251–000, Northern Natural Gas Company

CAG–38.
Docket Nos. CP93–303–000 and 001, Transcontinental Gas Pipe Line Corporation

CAG–39.
Omitted

CAG–40.
Docket No. CP93–351–000, Moraine Pipeline Company and Natural Gas Pipeline Company of America
Docket No. RS92–44–000, Moraine Pipeline Company

CAG–41.
Docket No. RP93–3–004, Arkla Energy Resources Company

CAG–42.
Docket Nos. CP93–574–000, Mid-Louisiana Gas Company

Hydro Agenda

H–1.
Docket No. RM93–23–000, Project Decommissioning at Relicensing. Notice of inquiry.

H–2.
Docket No. RM93–25–000, Use of Reserved Authority in Hydropower Licenses to Ameliorate Cumulative Impacts. Notice of proposed policy statement.

Electric Agenda

E–1.
Omitted

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
Reserved

II. Restructuring Matters

RS–1.
Omitted

RS–2.
Docket Nos. RS92–64–001, 002, 003, and 004, High Island Offshore System
Docket Nos. RS92–88–001, 002, 005 and 006, U–T Offshore System. Order on compliance and rehearing.

RS–3.
Omitted

RS–4.
Docket Nos. RS92–48–000 and 001, Riverside Pipeline Company, L.P. Order on compliance and rehearing.

RS–5.
Omitted

RS–6.
Docket Nos. RS92–43–000, 002, 004, 005 and RP93–4–009, Mississippi River

Transmission Corporation. Order on compliance and rehearing.

RS–7.

Docket Nos. RS92–14–005, 006, CP93–39–001, CP93–147–001, CP93–149–001, G–1391–001, RP93–72–001, CP88–197–006, CP88–388–006, CP87–5–029, CP87–312–017, CP87–313–004, CP87–314–004, CP84–306–005, CP80–223–005, CP92–397–002, CP91–554–009, CP92–491–005, CP61–198–001, RP89–124–006, RP91–51–011, RP91–98–007, RP91–125–004, TM91–5–22–002, TM91–6–22–005, TM91–7–22–003, TM91–9–22–003, TM92–1–22–004, RP91–222–004, RP92–7–001, TM92–3–22–002, TM92–4–22–001, TM92–5–22–003, TM92–7–22–001, TM92–10–22–002, RP93–69–002, TM93–3–22–001, TQ93–3–22–002, TQ93–4–22–002, TQ93–3–22–001, TF93–3–22–001, TF92–22–001, TF93–1–22–002, TQ93–1–22–001, TA92–1–22–003, TQ92–2–22–002, TQ92–3–22–001, TQ92–4–22–002, TQ92–1–22–002, TA91–1–22–007, TQ91–3–22–003, TQ91–4–22–001, TF91–2–22–001, TF91–1–22–001, TQ91–1–22–003 and TF91–2–22–002, CNG Transmission Corporation. Order on compliance and rehearing.

RS–8.

Docket No. RS92–83–002, Tarpon Transmission Company. Order on compliance and rehearing.

RS–9.

Docket Nos. RS92–16–002, 003, RP91–187–010 and CP91–2448–004, Florida Gas Transmission Company. Order on compliance and rehearing.

RS–10.

Docket Nos. RS92–13–002, CP82–487–041, RP86–10–021, RP89–34–007, RP92–163–005, RP92–170–005 and RP92–236–003, Williston Basin Interstate Pipeline Company. Order on compliance and rehearing.

RS–11.

Docket No. RS92–18–004, Kentucky West Virginia Gas Company. Order on compliance and waiver.

RS–12.

Docket Nos. RS92–90–003 and 004, Wyoming Interstate Company, Ltd. Order on compliance and rehearing.

RS–13.

Omitted

RS–14.

Docket Nos. RS92–45–000, 001, 002 and 004 and 006, Natural Gas Pipeline Company of America. Order on compliance and rehearing.

RS–15.

Omitted

RS–16.

Docket Nos. RS92–72–001, 002 and 003, Ozark Gas Transmission System. Order on compliance and rehearing.

RS–17.

Docket Nos. RS92–11–000, 009, 010, 012, 013, RP88–67–068, *et al.* (Phase I/Rates), RP92–234–003, RP85–177–106, RP93–13–003, RP93–22–002, CP90–2154–005, RP88–81–022, RP88–221–016, RP89–255–005, RP90–15–003, RP90–119–016 and RP91–4–004, Texas Eastern Transmission Corporation

Docket No. RP93–65–001, Public Service Electric and Gas Company v. Texas Eastern Transmission Corporation. Order on compliance and rehearing.

III. Pipeline Certificate Matters

PC–1.

Reserved

Lois D. Cashell,

Secretary.

[FR Doc. 93–22397 Filed 9–9–93; 11:33 am]

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federal register

Monday
September 13, 1993

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

Funding Availability for FY 1993: Invitation for Applications; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–93–3658; FR–3530–N–01]

Funding Availability (NOFA) for FY 1993; Invitation for Applications: Public Housing Development—MROP Activities

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 1993 for Public Housing Development—MROP activities; invitation for applications.

SUMMARY: This NOFA announces the availability for FY 1993 funding, and invites eligible public housing agencies (PHAs) to submit development applications for MROP activities. ("MROP" stands for Major Reconstruction of Obsolete Public Housing.) No other types of applications will be accepted under this NOFA; a separate NOFA, applicable to the public housing development program, was published in the **Federal Register** on June 28, 1993 (58 FR 34670). This Public Housing Development—MROP Activities NOFA also provides instructions regarding the preparation and processing of applications. This NOFA is NOT applicable to the Indian housing program.

DATES: Applications are due at the HUD Field Office on or before 4:30 p.m., local time, on October 28, 1993. See Section III of this NOFA for further information on application submission. If an application is mailed to the Field Office, the PHA must clearly write "PUBLIC HOUSING DEVELOPMENT—MROP ACTIVITIES APPLICATION" on the outside of the envelope and obtain a return receipt indicating the date and time of delivery. The application deadline is firm as to date and hour. In the interest of fairness to all applicants, HUD will not consider any application that is received after the deadline. PHAs should take this into account and submit applications as early as possible to avoid risk of application ineligibility brought about by unanticipated delays or delivery-related problems. In particular, PHAs intending to mail applications must provide sufficient time to permit delivery on or before the deadline date. Acceptance by a Post Office or private mailer does not constitute delivery. Facsimile (Fax), COD, and postage due applications will NOT be accepted.

FOR FURTHER INFORMATION CONTACT: Janice Rattley, Office of Construction, Rehabilitation and Maintenance, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4136, Washington, DC 20410. Telephone (202) 708–1800 (voice) or (202) 708–4595 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the OMB under the Paperwork Reduction Act of 1980 and have been assigned OMB control numbers 2577–0033, 2577–0036, and 2577–0044.

I. Introduction

A. Authority

Section 5 of the United States Housing Act of 1937 (42 U.S.C. 1437c); and sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). Public housing development regulations are published at 24 CFR part 941. The Catalog of Federal Domestic Assistance Program number is 14.850.

B. Fund Availability

In accordance with the Joint Statement of the Managers in Explanation of the Conference Agreement (see H.R. Rep. 103–165, pg. 31) on the Supplemental Appropriations Act of 1993 (Pub. L. 103–50, approved July 2, 1993), the Department is making available, through this NOFA, $60 million of the FY 1993 public housing development funds provided in the FY 1993 HUD Appropriation Act (Pub. L. 102–389, approved October 6, 1992) for MROP activities consistent with section 111 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992). The Department is to make these funds available on an expedited basis through notice in the **Federal Register**.

C. Fund Assignments

Section 213(d) of the Housing and Community Development Act of 1974 (HCD Act of 1974) requires that funds be allocated on a fair share basis, but this requirement does not apply to appropriations determined incapable of geographic allocation. Since the purpose of the allocation for public housing development—MROP activities is to reconstruct existing public housing for which the extent of need is not predictable by formula, the Department does not intend to fair share these funds. This determination was made on the basis of the exclusion of funds described in Operating Plans as incapable of geographic allocation, pursuant to the amendment of 24 CFR 791.403(b) published in the **Federal Register** on August 4, 1993 (cite to be inserted). Field Offices will rate threshold-approvable applications based on the criteria in Section IV.D of this NOFA. The Regional Offices shall rank applications in accordance with Field Office ratings and provide Headquarters a list, in rank order, reflecting Field Office ratings. Headquarters will minimize the effect of Field Office rating bias by using standard statistical techniques to adjust the rating scores within each Field Office and using the adjusted scores in the selection process. The Department, in its discretion, may choose to select a lower-rated application in order to increase national geographic diversity, and/or to increase the diversity of development types (high-rise buildings of five or more stories and those which include only low-rise buildings).

D. Eligibility

Applications for public housing development—MROP activities must be submitted by PHAs eligible for development funding which have the required local cooperation and legal authority to develop, own and operate public housing projects. Both Comprehensive Improvement Assistance Program (CIAP)-eligible and Comprehensive Grant Program-eligible PHAs may apply for these funds. The CIAP and Comprehensive Grant Programs are hereinafter referred to as "modernization." Applications will be determined eligible using the CIAP procedures outlined in Handbook 7485.1 REV–4, Chapter 3 (as modified by this NOFA). Applications must meet the threshold approvability requirements in Section IV.B of this NOFA, and will be rated on the Technical Review Factors listed on Section IV.D of this NOFA. In addition:

1. A development project for MROP activities must have long-term viability after completion and the annual contributions contract (ACC) for the project must remain in effect for 40 years. In determining viability, the PHA must have a comprehensive plan for MROP activities at the development for which the development funds for MROP activities are being requested.

2. A proposed MROP activities project must be a rental (not homeownership) project.

3. An "obsolete project or building" is one that has design or marketability problems that have resulted in:

a. Current vacancies of more than 25 percent of the units available for occupancy; or

b. (1) Estimated costs of the project (including any costs for lead-based paint abatement activities) that exceed 70 percent of the total current development cost limits for new construction of similar units in the area; and

(2) An occupancy density or a building height that is significantly in excess of that which prevails in the neighborhood in which the project is located, a bedroom configuration that could be altered to better serve the needs of families seeking occupancy to dwellings of the PHA, significant security problems in and around the project, or significant physical deterioration or inefficient energy and utility systems; and

c. The need to go to Step 3 of the viability review of the CIAP program (see paragraph 3–9c of CIAP Handbook 7485.1 REV–4).

4. A combination of MROP activities and modernization funds may be used within a project, but may not be used within the same units (or buildings, as applicable). For example, if an existing project consists of low-rise, row, and elevator buildings, an MROP activities development project could be approved to include all or some of the row units; with the balance of units included in a modernization project.

5. Management improvements are an eligible cost under MROP activities to the extent that such improvements are necessary to maintain the physical improvements resulting from the proposed redesign, reconstruction, or redevelopment.

F. Restrictions

1. If partial demolition/disposition is required:

a. A demolition/disposition application must have been approved before the MROP activities application may be approved; or

b. The application must have been submitted along with a Local Governing Body resolution approving a replacement housing plan, pursuant to section 18 of the U.S. Housing Act of 1937.

2. Conversion of units (by combining small units to make larger units or vice versa) must either be approved before an MROP activities application involving conversion may be approved, or an application for said conversion must have been submitted.

3. Funding provided for MROP activities at a project may not be used for total demolition/disposition of that project.

II. Application Process Overview

A. PHA application

A PHA applying for development funds for MROP activities shall prepare a CIAP application, as modified by this NOFA. The review process shall follow the CIAP procedures; however, once selected, the application shall be processed under public housing development procedures.

B. Application Processing

The Field Office will screen each application for completeness and will provide the PHA a 14-calendar-day opportunity to furnish missing technical information or exhibits, or to correct technical mistakes. Each application will then be subjected to a "pass/fail" threshold examination. Each passing application will be rated by the Field Office. Regional Offices will verify Field Office actions and rank-order applications for approval based on Field Office ratings.

C. Application Approval

Headquarters will perform a national ranking based on Field Office ratings and select applications for approval to the extent funds are available.

D. Disclosure of Information

The Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) prohibits advance disclosure of funding decisions. (See 24 CFR part 4, and the interim rule amending 24 CFR part 4, published on August 4, 1992, 57 FR 34246). Civil penalties related to advance disclosure are set out in 24 CFR part 30. Application approval/non-approval notifications shall not occur until the congressional notification process is completed.

E. Records Retention

Applications and materials related to applications (e.g., application scoring sheets, and notifications of selection/non-selection) will be retained in the appropriate Field Office for five years, and be available for public inspection in accordance with 24 CFR part 12.

III. Application Requirements

A. All Applicants

No more than one project (or portion of a project) may be proposed for MROP activities per application, although more than one application may be submitted by a PHA. Each application shall consist of an original and two copies, and must include the following:

1. *Cover letter.* The cover letter must identify the project proposed for MROP activities by its original project number (e.g., WY 22–2), and its total number of units (and buildings, if applicable). If fewer than the total number of units are being proposed, the cover letter shall describe the PHA's plans for the remaining units. If more than one application is submitted, the cover letter must state the PHA's priorities for funding. The PHA must include a statement of whether the PHA will accept fewer units.

2. *CIAP application—form HUD 52822.* The application must be signed and dated and include the information as specified in the form. No more than one project number shall be entered in Column 2.

3. *Narrative statement.* The narrative statement must address each of the technical review factors, the rating criteria, and the results of the PHA's viability review, unless the project (or portion) was reviewed previously under a comprehensive plan for modernization. The PHA shall indicate whether any management improvements are necessary for the viability of the project (i.e., necessary to maintain the physical improvements resulting from the proposed MROP activities); if any management improvements are considered necessary, the PHA statement shall address the extent to which such improvement is necessary.

4. *Demolition/disposition or conversion of units.* If, as part of the MROP activities, the PHA intends to demolish/dispose (demo/dispo) of some of the units or to convert units (combine small units to make larger ones, or vice versa), the PHA shall provide the date the demo/dispo or conversion was approved by HUD or the date the demo/dispo or conversion application was submitted. If the demo/dispo application has not yet been approved, the application for MROP activities that involves the demo/dispo of units must be accompanied by a Local Governing Body Resolution approving the replacement housing plan pursuant to section 18 of the Act. Development funds for MROP activities may not be used for total demo/dispo.

5. *PHA local cooperation and legal authority.* The PHA must submit evidence that it has the required local cooperation (copy of Form HUD–52481 covering the original development units) and any other State/local requirements are met, and that it has the required legal authority/is legally organized with a current (applicable) General Certificate (Form HUD–9009).

6. *PHA resolution in support of the application (Form HUD–52471).* Under this resolution, the PHA agrees to comply with all requirements of 24 CFR

part 941. These requirements include, among others: Nondiscrimination under the applicable civil rights laws; the requirements imposed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601–4655); the accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's implementing regulations at 24 CFR part 8; and section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and HUD's implementing regulations at 24 CFR part 135. Additionally, the PHA must include a statement that it will comply with the accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131), and its implementing regulation at 28 CFR part 35.

7. *Local governing body resolution (Form HUD–52472).* If front-end funds are requested, the PHA must submit a Local Governing Body Resolution/ Transcript of Proceedings (Form HUD–52472).

8. *Drug-free workplace.* The PHA must submit the Certification for a Drug-Free Workplace (Form HUD–50070) in accordance with 24 CFR 24.630.

9. *Certification for contracts, grants, loans and cooperative agreements (Form HUD–50071).* In accordance with section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the "Byrd Amendment") and the regulations at 24 CFR part 87, the PHA must certify that no federally appropriated funds have been paid or will be paid, by or on behalf of the PHA for influencing or attempting to influence an officer or employee of any agency, or a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant or loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

10. *Form SF–LLL, disclosure of lobbying activities.* Also, in accordance with the Byrd Amendment and the regulations at 24 CFR part 87, the PHA must complete and submit Form SF–LLL if funds other than federally appropriated funds have been paid or will be paid by or on behalf of the PHA for influencing or attempting to influence an officer or employee of any agency, or a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant or loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modifications of any Federal contract, grant, loan, or cooperative agreement.

11. *Disclosure of government assistance and identity of interested parties (Form HUD 2880).* The PHA must submit the Applicant/Recipient Disclosure/Update Report (Form HUD–2880) in accordance with the requirements of 24 CFR part 12, subpart C.

IV. Field Office Processing of Applications

A. Initial Screening

1. Immediately after the deadline for receipt of applications, the Field Office will screen each application to determine whether all information and exhibits have been submitted.

a. If an application lacks any technical information or exhibit, or contains a technical mistake, the PHA will be advised in writing and will have 14 calendar days from the date of the issuance of HUD's notification to deliver the missing or corrected information or documentation to the Field Office.

b. Curable technical deficiencies relate only to items that would not improve the substantive quality of the application, relative to the ranking factors.

c. If Form HUD 52822 (Application) is missing, the PHA's application will be considered substantively incomplete, and therefore ineligible for further processing. If, for example, Form HUD 50070 (Drug Free Workplace Certification) is missing, or if there is a technical mistake, such as no signature on a submitted form, the PHA will be given an opportunity to correct the deficiency.

2. An application that does not meet the applicable threshold and NOFA requirements after the 14-day technical deficiency period will be rejected from processing and determined to be unapprovable.

3. The responsibility for submitting a complete application rests with the PHA. The failure of the Field Office to identify and provide a notice of deficiency to the PHA shall not relieve the PHA of the consequences of failure to submit a complete application.

B. Application Threshold Approvability

After initial screening and upon expiration of the deficiency "cure" period, applications for which *all* the information, certifications, and documentation required by the NOFA have been received by HUD will be examined for threshold approvability. Applications that fail one or more of the threshold criteria will be rejected from processing and determined to be unapprovable. All applications must meet the following thresholds to be determined approvable:

1. The PHA may not have any litigation pending which would preclude approval of the application. The PHA must be legally eligible to develop, own, and operate public housing under the U.S. Housing Act of 1937 and have:

a. Approved and current PHA organization documents.

b. Local cooperation agreements to cover the units under management, in development, and the units requested (Form HUD 52481), and any other required local authority.

c. A properly executed and complete PHA Resolution (Form HUD 52471) referring to the need for front-end funding, if requested, and a Local Governing Body Resolution (HUD 52472) which approves the request for front-end funds, if front-end funds are requested.

Note: The PHA Resolution certifies to the PHA's intent to comply with all requirements imposed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601–4655; the accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's implementing regulations at 24 CFR part 8; and section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and HUD's implementing regulations at 24 CFR part 135.

2. The Field Office must determine that the PHA has or will have the capability to complete the MROP activities and manage the proposed housing. The Field Office shall determine capability based upon the PHA's overall capability; the PHA's total score under the Public Housing Management Assessment Program (PHMAP) (see 24 CFR part 901); the PHA's most recent fiscal audit; and outstanding HUD monitoring findings.

a. A PHA that has been designated as "troubled" shall be considered eligible if its most recent PHMAP assessment improved by a least 5 points (on a zero-to-one hundred point scale) as compared to the assessment completed on April 16, 1992; or it can demonstrate to the satisfaction of the Field Office that it is making substantial progress by a narrative describing actions that have been taken to address deficiencies identified by PHMAP, by the PHA's Memorandum of Agreement with HUD, or by HUD reviews, audits or surveys; *or* it provides an acceptable binding contract from another public or private entity to act as administrator of the project on behalf of the PHA.

b. A PHA shall not be determined to lack administrative or development capability simply because it has no recent experience in developing or managing public/assisted housing.

c. No application shall be determined to be approvable if the PHA has failed to return excess advances received during development or modernization, or amounts determined by HUD to constitute excess financing based on a HUD-approved Actual Development Cost Certificate (ADCC) or Actual Modernization Cost Certificate (AMCC), unless HUD has approved a pay-back plan.

3. There are no environmental factors precluding the MROP activities.

4. The following certifications are included in the application and have been executed by the appropriate person(s):

a. Form HUD–50070, Drug-Free Workplace;

b. Form HUD–50071, Certification for Contracts, Grants, Loans and Cooperative Agreements;

c. Form SF–LLL, Disclosure of Lobbying Activities, if applicable;

d. Form HUD–2880, Applicant/Recipient Disclosure/Update Report;

5. The PHA Narrative Statement addresses the viability of the proposed MROP activities, including whether there is any need for management improvements and the extent to which such improvements are necessary to maintain the physical improvements resulting from the proposed MROP activities.

6. The PHA must be in compliance with civil rights laws and equal opportunity requirements. A PHA will be considered to be in compliance if (1) as a result of formal administrative proceedings, there are no outstanding findings of noncompliance with civil rights laws unless the PHA is operating in compliance with a HUD-approved compliance agreement designed to correct the area(s) of noncompliance; (2) there is no adjudication of a civil rights violation in a civil action brought against it by a private individual, unless the applicant demonstrates that it is operating in compliance with a court order designed to correct the area(s) of noncompliance; (3) there is no deferral of Federal funding based upon civil rights violations; (4) there is no pending civil rights suit brought against the PHA by the Department of Justice; or (5) there is no unresolved charge of discrimination against the PHA issued by the Secretary under section 810(g) of the Fair Housing Act, as implemented by 24 CFR 103.400.

C. Threshold Approvable Applications

Applications will be determined approvable if they successfully pass the threshold review. Threshold-approvable applications will be rated by the Field Office, using the criteria set out in the following Section D.

D. Rating Criteria

In accordance with the Regional Office designation of projects requiring Joint Reviews, the Field Office will schedule Joint Reviews for eligible MROP activities applications as early as possible. Field Offices will rate and rank threshold-approvable applications as follows:

a. MROP Activities Technical Review Factors:

	Point range
(1) PHA's management capability to carry out the proposed MROP activities	1–30
(2) The expected term of useful life of the project or building after completion of MROP activities	1–30
(3) The likelihood of achieving full occupancy within the project or building after completion of MROP activities	1–30
MROP Activities Total Possible Points	90

b. *MROP activities rating considerations.* A PHA should not be automatically penalized in the rating of the development and management capability factors because it has not previously received funding under MROP or CIAP. In rating these factors, a PHA's expected ability to carry out the proposed MROP activities must be considered in relation to the PHA's proposed MROP activities, staffing and inspection plan. Conversely, a PHA that has modernization experience but missed deadline dates in a Project Implementation Schedule without valid reasons shall receive low ratings for these factors.

c. *Field and regional submissions.* For each approvable application, highest ranked first, the ratings assigned, the number of units and units by bedroom size, structure type(s), cost areas, funding required and the metro/nonmetro area designation must be submitted to Headquarters by each Regional Office. The following must also be prepared and submitted by the Field Office to the Regional Office:

(1) Narrative description of the results of Steps 1, 2 and 3 of the viability review, including the Field Office conclusions regarding project viability;

(2) Final rating of the Technical Review Factors, including the score for each factor and the total project score; and

(3) Review sheet summarizing critical information about the project, including a brief description of proposed MROP activities and their proposed cost including any management improvements and a statement of the determination made as to the extent such improvements are necessary to maintain the physical improvements resulting from the proposed MROP activities, the applicable total development cost limitation, a discussion of the relationship and approval date of any demolition/disposition or conversion, and the feasibility of MROP activities compared to demolition/disposition.

V. MROP Activities Funding and Further Processing

A. Each MROP activities application selected for funding shall:

(1) Have funds reserved in an amount of at least 70 percent of the development cost limitation for the area and:

a. The reservation amount will be "trended".

b. The trend will be calculated by multiplying the percent of development cost by 5.4 percent (1.054), rounded to the nearest $50.

(2) Be assigned a development project number and entered into the appropriate HUD data systems; and

(3) After fund reservation, development procedures shall be followed (24 CFR part 941 and Handbook 7417.1 REV–1) except:

a. MROP activities work must be competitively bid (i.e., turnkey may not be used); and CIAP modernization standards set forth in Handbook 7485.2 REV–1 must be used.

b. The PHA must incorporate its approved MROP activities application into a PHA Proposal (Form HUD–52483A).

c. The special MROP Annual Contributions Contract (Form HUD–53010–I), included in Notice PIH 89–41(HUD), must be used.

d. Neither the Regional Administrator nor the Field Office Manager may increase the original scope of the MROP activities.

VI. Checklist of Application Submission Requirements

A. Application Checklist

PHAs may use the following application checklist, which enumerates the submission requirements of Section III of this NOFA.

(1) Form HUD–52822, CIAP Application;

(2) Evidence of legal eligibility with a current General Certificate (HUD–9009);

(3) Evidence of local cooperation with a copy of the Form HUD–52481 covering the original development units for which funding for MROP activities is requested;

(4) Narrative statement addressing each of the review factors and the results of the PHA's viability review, unless the project (or portion) was reviewed previously under a Comprehensive Plan for Modernization;

(5) Information/certification, as applicable, if the application involves demo/disco or conversion of units;

(6) HUD–52471, PHA Resolution in Support of Public Housing;

(7) HUD–52472, Local Governing Body Resolution, if front-end funds are being requested by the PHA,

Note: If front-end funds are requested, the HUD–52471 must be appropriately modified.

(8) PHA statement identifying its funding preferences if more than one application is being submitted;

(9) HUD–50070, PHA Certification for a Drug-Free Workplace;

(10) HUD–50071, Certification for Contracts, Grants, Loans and Cooperative Agreements;

(11) Form ST–LLL, Byrd Amendment Disclosure and Certification Regarding Lobbying, only if the applicant determines it is applicable;

(12) Form HUD–2880, Disclosure of Government Assistance and Identity of Interested Parties.

B. Application Packets

Forms comprising the application package may be obtained from the HUD Field Office.

VII. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, 451 Seventh Street, SW., Room 10276, Washington, DC 20410.

B. Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA will not have substantial, direct effects on States, on their political subdivisions, or on their relationship with the Federal government, or on the distribution of power and responsibilities between them and other levels of government. The NOFA will provide PHAs with funding for public housing development MROP activities.

C. Family Impact

The General Counsel, as the Designated Official for Executive Order 12606, the Family, has determined that the provisions of this NOFA do not have the potential for significant impact on family formation, maintenance and general well-being within the meaning of the Order. To the extent that the funding provided through this NOFA results in additional or improved housing, the effects on the family will be beneficial.

D. Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. (See Section III of this NOFA.) These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

E. Prohibition Against Lobbying of HUD Personnel

Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department *and* those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

HUD's regulation implementing section 13 is codified at 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule. Appendix A of this rule contains examples of activities covered by this rule.

Any questions concerning the rule should be directed to the Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3815 (voice/TDD). This not a toll-free number. Forms necessary for compliance with the rule may be obtained from the local HUD office.

F. Prohibition Against Advance Information on Funding Decisions

Section 103 of the HUD Reform Act proscribes the communication of certain information by HUD employees to persons not authorized to receive that information during the selection process for the award of assistance. HUD's regulation implementing section 103 is codified at 24 CFR part 4, and was amended by an interim rule published in the **Federal Register** on August 4, 1992 (57 FR 34246). In accordance with the requirements of section 103, HUD employees involved in the review of applications and in the making of funding decisions are restrained by 24 CFR part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted by 24 CFR part 4. Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (voice/TDD). (This is not a toll-free number.)

G. Accountability in the Provision of HUD Assistance

HUD's regulations at 24 CFR part 12 implement section 102 of the HUD Reform Act. Section 102 contains a number of provisions designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. The following requirements concerning documentation and public access disclosures are applicable to assistance awarded under this NOFA.

1. *Documentation and public access.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis

upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

2. *Disclosures.* HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR part 12, subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Dated: September 3, 1993.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 93–22263 Filed 9–10–93; 8:45 am]

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September 13, 1993

Part III

Department Of Health and Human Services

Food and Drug Administration

21 CFR Part 206, et al.

Imprinting of Solid Oral Dosage Form Drug Products for Human Use; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 206, 207, 314, and 330

[Docket Nos. 88P–0380 and 89P–0163]

Imprinting of Solid Oral Dosage Form Drug Products for Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing new regulations that require that human drug products in solid oral dosage form (e.g., tablets and capsules) be imprinted with product-specific identification codes. This rule will serve several public health purposes related to FDA's responsibilities under the Federal Food, Drug, and Cosmetic Act (the Act) and the Public Health Service Act (the PHS Act). Poison control centers use imprinted drug codes to help identify drug products in overdose emergencies. Consumers and health professionals also use imprinted drug codes to recognize whether a different manufacturer's product has been dispensed or whether a prescription has been incorrectly filled. Imprinting can also aid in the prevention of emergencies caused by tampering. Moreover, it can assist law enforcement, regulatory, and other public officials to trace counterfeit and defective drug products. The regulations will provide a national framework within which pharmaceutical corporations can implement their imprinting programs.

DATES: Effective September 13, 1995; written comments on FDA's role to ensure compliance that drug products be uniquely identifiable by November 12, 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: Deborah Wolf, Center for Drug Evaluation and Research (HFD–362), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1046.

SUPPLEMENTARY INFORMATION:

I. Introduction

This final rule establishes a Federal requirement that each solid oral dosage form human drug product distributed in interstate commerce bear a code imprint that, in conjunction with the product's size, shape, and color, permits the identification of the drug product and its manufacturer or distributor. In the Federal Register of May 15, 1991 (56 FR 22370), FDA issued a proposed rule on imprinting. The agency gave interested persons until August 13, 1991, to comment on the proposal. In the Federal Register of August 20, 1991 (56 FR 41313), FDA reopened the comment period until September 19, 1991. In preparing this final rule, FDA carefully reviewed more than 50 comments received from pharmaceutical manufacturers and distributors, trade associations, State legislatures and boards of pharmacy, health professionals, professional societies, consumer organizations, and individual consumers. Thus, the agency has considered the views of persons representing many interests affected by the imprinting requirement.

The rule serves several public health purposes related to FDA's responsibilities under the act and the PHS Act. Poison control centers and others use imprinted drug codes to identify drug products in overdose emergencies. Consumers and health professionals also use imprinted drug codes to recognize whether a pharmacist has dispensed a different manufacturer's product or has incorrectly filled a prescription. Imprinting can also aid in the prevention of emergencies caused by tampering because consumers can detect an imprint on a tablet or capsule that is not identical to a recognized mark. Additionally, it can assist law enforcement, regulatory, and other public officials in tracing counterfeit and defective drug products.

Imprinting is already widely used by the pharmaceutical industry. FDA estimates that between 90 and 95 percent of solid oral dosage form prescription drug products and approximately 70 percent of solid oral dosage form drug products sold over-the-counter (OTC) are now being imprinted. Drug companies select the codes they use on their drug products. These codes allow the products and their manufacturers or distributors to be identified by reference to several commercially available compendia.

Currently, 23 States require imprinting of prescription drug products. Typical State laws require solid oral dosage form prescription drug products to be clearly marked or imprinted with an individual symbol, number, company name, words, letters, marking, or national drug code number identifying the drug product and its manufacturer or distributor. One State, Washington, has enacted a statute to require the imprinting of OTC drugs. The law was originally scheduled to become effective in January 1993, but a later enactment delayed the implementation dates of the statute until 1994 and 1995, respectively, for the manufacture in or the importation into Washington, and the retail sale in Washington of all affected drug products. (State of Washington, Engrossed House Bill 1415, 1993). The Washington law provides that, if and when a Federal imprinting requirement that satisfies the objectives of the Washington law is in place, the State law will be nullified. *Wash. Rev. Code Ann.* § 69.60.010 *et seq.* (1989).

Congress and FDA have periodically considered adopting a Federal drug imprinting requirement. In 1986, the National Association of Pharmaceutical Manufacturers (NAPM), a generic drug industry trade association, submitted a citizen petition (86P–0244) requesting that FDA issue a regulation requiring imprinting of solid oral dosage form prescription drug products. The NAPM petition proposed that imprints identify products by active ingredient. NAPM urged Federal action, arguing that there were conflicting requirements among the State imprinting statutes. FDA denied the NAPM petition in 1987, stating that voluntary drug imprinting was preferable to a Federal requirement. The agency did not find conflicting requirements among the States. In addition, FDA found NAPM's proposed system inadequate because it was not product-specific, i.e., it would not require identification of a specific product or its manufacturer and would not, therefore, meet the requirements imposed by State imprinting laws.

In 1988, two members of Congress wrote a letter urging the agency to require that all drug products be marked to identify the manufacturer and active ingredient. According to the letter, some patients with epilepsy may have received one brand of an anticonvulsive drug in place of another without the knowledge of the patients or their physicians. The letter suggested that the switch may have been responsible for reported breakthrough seizures in these patients and urged that FDA require imprinting so that patients would be better alerted to generic substitutions.

Also in 1988, NAPM resubmitted its petition (88P–0380/CP) and urged FDA to require that drug products bear a product-specific identification code that would identify the active ingredient and manufacturer. In 1989, the Nonprescription Drug Manufacturers Association (NDMA) submitted a citizen petition (89P–0163/CP) asking FDA to require identification of solid oral dosage form drug products and to adopt

a flexible system that would allow manufacturers to continue to use current imprints.

At its 1987 and 1989 annual meetings, the American Medical Association House of Delegates adopted resolutions urging that a coding system be developed for the identification of all solid medication forms. This resolution applied to both prescription and OTC drug products. In a letter to FDA dated July 12, 1989, the American Medical Association urged that FDA mandate such a requirement.

Based on continuing expressions of interest in a federally mandated drug imprinting program, FDA reconsidered its earlier decision not to undertake Federal rulemaking. In 1989, the agency requested data and information from poison control centers, health officials, trade associations, and consumer groups on several issues central to the decision to develop a Federal imprinting requirement: The justification for a Federal imprinting requirement; the information to be revealed by an imprinting code; and the advantages and disadvantages of a uniform imprinting code. While the responses differed with respect to the issue of a uniform code and the information that should be communicated by the imprint, all respondents strongly supported Federal action to require imprinting of solid oral dosage form drug products.

This final rule provides for a flexible drug imprinting system that will enhance the current system and allow drug companies to select the imprints they will use as long as products are properly identified. The rule provides for the exemption of products whose size or physical characteristics make imprinting infeasible or impossible. Drugs intended for use in clinical investigations under section 505(i) of the act (21 U.S.C. 355(i)) and drugs that are extemporaneously compounded by a licensed pharmacist, upon receipt of a valid prescription for an individual patient from a licensed practitioner, to be used solely by the patient for whom they are prescribed, will also be exempt from the requirement. So will drug products, other than reference listed drugs, intended for use in bioequivalence studies. Drugs distributed under treatment IND's (investigational new drug applications) and those distributed in nonconcurrently controlled (parallel track) studies will not, however, be exempt. These products, while considered investigational, are more widely distributed than drugs used in controlled clinical trials, and therefore pose some of the risks that imprinting is meant to address. Radiopharmaceutical drug products will also be exempt from the requirement because of the strict control exercised over their use. The rule provides other mechanisms for case-by-case exemptions in certain circumstances. Finally, the rule permits applicants or firms to report new imprints or changes in imprints through the submission of supplemental applications and annual reports.

II. Highlights of the Final Rule

This final rule creates an effective system in which most solid oral dosage form human drug products will be imprinted in a manner that will facilitate product identification by consumers and health professionals. The rule will enhance an already existing system to make it more effective in providing identification of drug products.

A. Scope of the Final Rule

The rule applies to prescription and OTC human drug products, biological drug products, and homeopathic drug products in solid oral dosage form (e.g., tablets and capsules). The rule does not apply to dosage forms not susceptible to imprinting (e.g., liquid medicine), other dosage forms (e.g., transdermal delivery systems), or animal drug products. Some solid oral dosage form drug products have been categorically exempted from the requirements of the regulation.

B. The Content of the Code Imprint

The final rule requires that the code imprint consist of at least one number, letter, mark, monogram, symbol, or logo. An imprint may be embossed, debossed, engraved, or printed on the surface of the oral solid dosage form.

C. What the Imprint Must Identify

The imprint, in conjunction with the other physical characteristics of the drug product (i.e., its shape, color, and size), must uniquely identify the drug product. This means identifying the drug product's active ingredients, dosage strength, and manufacturer or distributor. The code imprint will thus allow health professionals to identify a product through available references.

D. Exemptions

The rule exempts certain classes of drug products from the imprinting requirement and provides for case-by-case exemptions in particular circumstances. Drugs intended for use in clinical investigations under section 505(i) of the act and drugs that are extemporaneously compounded by a licensed pharmacist, upon receipt of a valid prescription for an individual patient from a practitioner licensed by law to prescribe or administer drugs, to be used solely by the patient for whom they are prescribed will also be exempt from the requirement. So will drug products, other than reference listed drugs, intended for use in bioequivalence studies. Drugs distributed under treatment IND's and those distributed in nonconcurrently controlled (parallel track) studies will not, however, be exempt. These products, while considered investigational, are more widely distributed than drugs used in controlled clinical trials, and therefore pose some of the risks that imprinting is meant to address. Radiopharmaceutical drug products will also be exempt from the requirement because of the strict control exercised over their use. The rule provides other mechanisms for case-by-case exemptions in certain circumstances. In addition, the final rule provides exemptions for drug products whose size or other physical characteristics make imprinting infeasible or impossible, and for products that are administered only in controlled health care facilities, e.g., hospitals, physicians' offices, and medical imaging centers, and not dispensed to patients for self-administration. The final rule outlines the categorical exemptions as well as the procedures for requesting exemptions when appropriate.

E. Reporting Imprints and Changes in Imprints

For drug products subject to premarket approval that were not previously imprinted and whose new imprints will be printed with ink, approval of a supplemental drug application will be required under § 314.70(b) (21 CFR 314.70(b)). However, until this final rule becomes effective, FDA will permit submission of supplements under § 314.70(c), provided that: (1) Any colors used in the imprint meet applicable color additive requirements; (2) the substances used in printing do not interfere with the approved analytical procedures; (3) the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information; (4) the drug product meets all the approved specifications in the drug application (including dissolution specifications and tests; for generic drug products, sponsors should submit completed batch records reflecting the imprinting and a certificate of analysis for the product); and (5) the applicant makes a commitment to place the

marketed drug on appropriate stability studies and withdraw from the market any lots found to fall outside the approved specifications. Manufacturers of biological drug products not previously imprinted should submit product license amendments as required by § 601.12(b) (21 CFR 601.12(b)).

For all products other than modified release dosage form products (e.g., extended and delayed release products) that are subject to premarket approval and whose imprints are embossed, debossed, or engraved rather than printed with ink, the final rule requires that the applicant report the addition of the imprint in the applicant's next annual report under § 314.70(d). In such cases, FDA will not require a supplementary application provided that: (1) The product meets all current specifications; (2) the agency has approved the dissolution specifications and test procedures; (3) the comparative dissolution profiles of the embossed, debossed, or engraved drug product and the nonembossed, nondebossed, or nonengraved drug product are similar (for generic drug products sponsors should submit completed batch records reflecting the new tooling and a certificate of analysis for each product); (4) the newly marketed drug products are placed in appropriate stability studies and the applicant withdraws from the market any lots found to fall outside the approved specifications; and (5) the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information.

For modified release dosage form products subject to premarket approval that are not yet imprinted and whose imprint will be made by embossing, debossing, or engraving, the rule requires that applicants report the addition of the imprint in a supplemental application under § 314.70(b)(2)(xii).

For minor changes to an existing code imprint, the supplementary information would be included in the next annual report under § 314.70(d)(9) provided that the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information.

F. Submitting Imprinting and Identifying Information to FDA

For each drug product listed that is subject to the imprinting requirements, including products that are exempted under § 206.7(b) (21 CFR 206.7(b)), the final rule requires, in § 207.25(c) (21 CFR 207.25(c)), that drug listing information include the name of the product, its active ingredient(s), dosage strength, National Drug Code number, the name of its manufacturer or distributor, its size, shape, color, and code imprint (if any), and any other information that allows the product to be uniquely identified. Companies should not submit the required imprinting information on the Form FDA 2657, but should submit a separate document. The information should be submitted once for all products, and should be updated as described in the procedures in § 207.30 (21 CFR 207.30).

Information about imprinting submitted under § 207.25 will be available for public disclosure under § 207.37(a)(1)(xi) (21 CFR 207.37(a)(1)(xi)).

FDA notes that the proposal indicated that the agency would collect imprinting information on Form FDA 2657, "Drug Product Listing." However, after further consideration, FDA has concluded that this approach would be impractical and result in a cumbersome form. Consequently, the agency, on its own initiative, has added § 207.25(c) to require information about a drug product and its imprint and identifying characteristics on a separate document.

Companies should submit two copies of the information. Information should be submitted to the Drug Listing Branch (HFD–334), Center for Drug Evaluation and Research, 7500 Standish Pl., Rockville, MD 20855.

G. Effective Date

The final rule will become effective September 13, 1995. Any drug product subject to the requirements of this rule that is distributed in interstate commerce after that date will be deemed to be adulterated, misbranded, or an unapproved new drug, unless it is imprinted in compliance with the requirements of new part 206.

III. Comments on the Final Rule

The proposed rule included in its scope the imprinting of both prescription and OTC solid oral dosage form human drug and biological products. The proposal applied to products for which new drug applications (NDA's), product license applications (PLA's), or abbreviated new drug applications (ANDA's) are required, drugs first marketed before 1938 for which NDA's and ANDA's are not currently required, and drugs subject to the OTC drug review. It also applied to biological drug products licensed under section 351 of the PHS Act (42 U.S.C. 262).

1. A few comments suggested that the rule be revised to include animal drug products as well as human drug products because it would enable health care providers to identify, in emergency situations, more products that patients might have used.

FDA has decided that the final rule is limited to human drug products. Although imprinting animal drug products might help health care providers and poison control personnel to identify more products in emergency situations, FDA is not aware that animal drugs pose the problems that the rule was designed to address. Unless such problems are identified, FDA does not believe it appropriate to require imprinting of animal drug products and thereby impose additional costs on the manufacturers and distributors of these products. If FDA finds that animal drug products pose the same problems as human drug products, FDA will reevaluate its decision not to require imprinting of animal drug products.

2. One comment would exclude homeopathic drug products from the final rule. The comment claimed that a homeopathic drug will be effective only when it is administered to a patient who is susceptible to its action: The patient is susceptible only to the action of remedies specifically directed to the patient's conditions or diseases. The comment claimed that incorrectly selected medicines have little or no effect, and that even gross abuse of homeopathic drugs is unlikely to cause harm. The comment asserted that most reasons FDA identified for requiring imprints are not applicable to homeopathic drug products. The comment stated that there is no drug substitution in the dispensing of homeopathic remedies, that homeopathic drugs do not mimic drugs of abuse, that homeopathic drugs are not counterfeited and have not been recalled, and that homeopathic remedies are not used in hospitals and nursing homes to any large extent. The comment asked FDA to consider the remote possibility of harm resulting from homeopathic drug products against the projected economic consequences to the homeopathic drug industry, and to exempt homeopathic remedies categorically from the requirement.

FDA has determined that including homeopathic drug products in the scope of the rule will contribute to its public health and safety goals. FDA recognized in the proposed rule that properly manufactured homeopathic drugs are unlikely to cause overdoses. However, homeopathic drugs require accountability for their manufacture and processing just as other drugs do. In addition, FDA believes that poison control centers should have access to identification information pertaining to homeopathic drugs. Therefore,

homeopathic drug products are included in this final rule. However, FDA has revised proposed § 206.10 to require homeopathic drugs to bear imprints that identify only the manufacturer and their homeopathic nature. To reduce the burden on the homeopathic industry, FDA is not requiring homeopathic drugs to bear product-specific codes. This means that the industry as a whole or each homeopathic manufacturer could select one symbol, mark, or other identifier to indicate that products are homeopathic without having to assign a different identifier to each product. If industry selects one identifier, then an additional identifier would be necessary to identify the product's manufacturer. Manufacturers may decide instead to select one identifier that can identify both the manufacturer and the homeopathic nature of the product.

3. One comment suggested that transdermal delivery systems be included in the scope of this rule so that any imprinting scheme would include as many drug products as possible.

Transdermal delivery products are placed on the skin and provide continuous delivery of drug substances through the skin. FDA has determined that the issue of imprinting transdermal delivery products should be considered separately from that of solid oral dosage form drug products. While the agency recognizes the value of identifying all drug products, this rule is a response to problems that have already been observed with significant frequency. FDA has, therefore, limited the scope of these regulations to solid oral dosage form drug products.

The scope of this final rule thus remains unchanged from that of the proposed rule. This final rule requires imprinting of all prescription and OTC solid oral dosage form human drug and biological products. The requirement applies to products for which NDA's, PLA's, or ANDA's are required, drugs first marketed before 1938 for which NDA's and ANDA's are not currently required, and drugs subject to the OTC drug review. This rule also applies to biological drug products licensed under section 351 of the PHS Act.

4. Many comments addressed the content of the code imprint. Proposed § 206.3 defined the code imprint as "any combination of letters or numbers, including, e.g., words, company name, and National Drug Code, assigned by the drug firm to a specific drug product, or marks, symbols, or monograms unique to the firm, in combination with at least one letter or number." One comment argued that requiring a firm to use a unique logo or symbol would establish FDA as a trademark office and would give FDA improper control over the symbols and imprints selected by drug firms.

The agency has removed the definition of "code imprint" from § 206.3. The requirement for a code imprint is established in § 206.10 and provides for many combinations of letters, numbers, and symbols that would suffice to meet the requirements of the regulation. This final rule does not require that an imprint be unique to a company, but that the imprint, in conjunction with the product's shape, size, and color, uniquely identify a particular drug product and the manufacturer or distributor of the product.

5. The proposal would have required that the imprint contain "at least one letter or number." Letters and numbers are "alphanumeric" components. Several comments stated that a logo or symbol by itself may be sufficient to uniquely identify a drug product. One comment asserted that retrieval of imprints from both computer and manual data bases can be easily accomplished without alphanumeric characters. Another comment said that if FDA requires that an imprint include a letter or number, some firms might have to change their current imprints and delete a symbol, mark, or logo if the limited space on a particular drug product does not allow for both a logo and an alphanumeric character.

FDA has revised this final rule to make the use of a letter or number voluntary. Because of the effectiveness of the current imprinting system and the disruption that could result from requiring specific elements in a code imprint, this final rule does not require an imprint to contain a letter or a number. However, FDA strongly recommends the inclusion of at least one alphanumeric component.

As for automated drug identification systems, FDA has learned that, while it is possible to retrieve an imprint through a description of a mark, monogram, symbol, or logo, retrieval may be more difficult. In emergencies, delays in retrieving information about a drug could have tragic consequences. Thus, FDA has no objection to the use of a logo or symbol, but encourages firms to include at least one letter or number in an imprint. Including one such element will ensure faster access to automated retrieval systems, which poison control centers use extensively.

6. Another comment asked whether a code imprint consisting only of one letter or one number would satisfy the requirements of the regulation.

If the drug product can be uniquely identified by the presence of one letter or number, then such an imprint satisfies the requirements of the regulation. Drug companies may consider the physical characteristics of size, shape, and color in designing a composite that uniquely identifies a particular drug product.

7. Under proposed § 206.10, the strength of any product manufactured in more than one dosage strength would have had to be identified either by its imprint or its physical characteristics, i.e., its color, shape, or size. Some comments understood this to mean that these physical characteristics could be used only to distinguish dosage strengths and not different kinds of drug products. Many comments emphasized the value of a product's physical characteristics in aiding consumer recognition of drug products. They stressed the significance of shape, color, and size as clues to identification and the importance of these factors in promoting the goals of the imprinting requirement.

FDA did not intend for the imprinting regulation to prescribe the shape, size, or color of solid oral dosage form drug products or to minimize the importance of those elements in a product's recognition. However, an imprint provides a more systematic means of product identification. A clear imprint, taken in conjunction with a product's appearance, can provide unique identification of a drug product even if either the imprint or the appearance is duplicated in another product, as long as the composite of the product's physical characteristics and its imprint is unique.

FDA has, therefore, revised this final rule to clarify the agency's intent that an individual product, including each strength of a particular line of drug products, should be identifiable through a composite of its color, shape, size, and imprint.

8. Several comments urged that the code imprint identify the active drug substance or combination in a drug product rather than the distinct drug product. These comments urged the agency to promulgate a uniform active ingredient code consisting of letters and numbers.

As noted in the proposed rule and earlier in the preamble of this document, FDA declined to adopt a uniform code in 1987 when it denied a petition submitted by NAPM. The agency found that such a plan would not distinguish between specific drug products or companies and would therefore not satisfy the State laws that require code imprints to provide such

distinguishing information. Generally, the State statutes on imprinting also include requirements for identifying a product's manufacturer or distributor and for distinguishing between generic substitutes and brand-name products. Codes identifying only active ingredients could not distinguish between different brands of products.

As FDA also stated in its 1987 denial of NAPM's petition, an alphanumeric plan identifying only active ingredients would require FDA to maintain an alphanumeric code system and assign designated codes to each existing drug substance and to any new drug substance developed in the future. New ingredients and combinations, as well as new strengths and dosage forms, would require constant changes in the listing. Maintaining such an identification list would impose a significant and unnecessary burden on FDA's resources.

The final rule requires that drug companies select an imprinting code that will uniquely identify each distinct drug product (as noted above, this includes each separate dosage strength). The code must identify the active ingredients and may also assist in the identification of the product's inactive ingredients. The code must also identify either the manufacturer or the distributor. This will satisfy State requirements. In addition, it ensures that other specific goals of the identification program, discussed earlier in the preamble to this rule, are met.

9. The proposed rule stated that an imprint would have to identify a product's manufacturer or distributor or, for products subject to premarket approval, the holder of an approved application for marketing. FDA specifically requested comments on whether the imprint should identify the holder of an approved NDA. Most comments said that it would be inappropriate to require the identification of a holder of an approved application for marketing because, the comments said, the holder is not necessarily accountable for, or knowledgeable about, the manufacturing process or the quality of specific products or batches of products.

A sponsor is accountable for its product regardless of who manufactures or distributes it. However, as discussed below, the final rule does not require that the holder of an approved application be identified by the imprint.

10. One comment said that, because there is no need to refer inquiries about quality assurance to NDA holders except for adverse experience reporting purposes, the NDA holder does not need to be identified. Immediate inquiries would more appropriately be made to the manufacturer or distributor.

Another comment said that whether a drug is subject to premarket approval is irrelevant to its identification and that separate requirements should therefore not be imposed on drugs subject to such approval.

FDA agrees that, in terms of product source identification, there is no basis for distinguishing between drugs for which premarket approval is required and those for which it is not. In addition, the postmarketing reporting of adverse drug experiences described in 21 CFR 314.80 ensures that the holder of an approved NDA will be informed of adverse drug experiences by manufacturers, packers, and distributors who may be the first to be made aware of them. Immediate reference in an emergency situation or quality assurance inquiry should be made to whoever is in the best position to describe ingredients, the manufacturing process, quality control, and poison antidotes. Thus, the final rule eliminates the requirement that a drug subject to premarket approval identify the holder of the approved application. The final rule requires the imprint of each solid oral dosage drug product to identify either the manufacturer or the distributor.

11. The preamble to the proposed rule stated that, under § 206.7(b), FDA would consider and grant exemptions on a case-by-case basis, upon a showing that a product's size, shape, texture, or other physical characteristics make imprinting impracticable or impossible (56 FR 22370 at 22376). Some comments suggested that FDA establish criteria for such exemptions.

The agency has determined that requests for exemptions for drug products subject to premarket approval will be considered on an individual basis. The regulatory language in proposed § 206.7(b) is retained and incorporated into this final rule insofar as it establishes general parameters for exemptions from the imprinting requirement. However, the final rule does not impose premarket review of exemption requests for those products that are not otherwise subject to premarket approval. Thus, a product subject to the requirements of this rule but not subject to premarket approval under section 505 of the act or section 507 of the act (21 U.S.C. 357) may be marketed without an imprint if its size, shape, texture, or other physical characteristics make it technologically infeasible or impossible to imprint. A marketed product without an imprint whose physical characteristics do not preclude imprinting and that is not otherwise exempt from the imprinting requirement is subject to the pertinent adulteration and misbranding provisions of the act.

For a product that is subject to premarket approval, a request for a waiver of the general imprinting requirement on the basis of a product's physical characteristics should be submitted in writing to the appropriate review division in the Center for Drug Evaluation and Research or the Center for Biologics Evaluation and Research. The division will determine whether to approve a waiver based on the product's physical properties.

FDA will not formally establish or publish other criteria for such exemptions. The agency does not want to discourage innovative attempts to comply with the requirements of the regulation. Additionally, as the proposed rule discussed, FDA understands that very few exemptions have been granted under State statutory imprinting schemes. Therefore, the agency believes that most solid oral dosage form drug products can and should be imprinted.

12. The proposal did not address the timing of exemption requests. One comment suggested that requests for exemption should be handled at the end of Phase 2 or at the beginning of Phase 3 studies.

FDA recognizes that it is important for sponsors to know whether a drug product has to be imprinted because imprinting may affect a product's solubility, stability, or formulation. Requests for exemption for products under development should be submitted as early as possible in the drug development process.

13. A few comments requested exemptions for those drug products for which bona fide requests for exemptions are pending.

This would be an issue only for a transition period for a drug covered by an approved marketing application. Exemption requests for such products are to be submitted within 90 days of the publication of this final rule. The appropriate reviewing division will, as noted above, decide whether to approve the request. If the agency denies the request, the holder of the approved application will have 1 year from the date of a denial by the agency or until September 13, 1995, to imprint the drug product. If the applicant does not submit an exemption request by December 13, 1993, it must imprint the product by the effective date of the rule or be liable for misbranding and adulteration. If FDA does approve an exemption request, the applicant will

not be required to comply with the requirements of this rule.

14. One comment requested an exemption for those products for which a supplemental application is pending under proposed § 314.70(b)(2)(xi). That section, as proposed, would have required a supplement for the printing of an ink imprint on a product that does not currently have such an imprint.

Under § 206.10(b) of this final rule, a holder of an approved application who has, under § 314.70 (b)(2)(xi) or (b)(2)(xii), supplemented its application to provide for a new imprint is not required to bring its product into compliance with new § 206.10(a) during the pendency of the agency's review. Once the review is complete, the drug product is subject to the requirements of the rule.

15. One comment expressed concern that an imprinting requirement would impede innovation in developing new products or dosage forms. The comment was concerned that products whose physical characteristics might offer a health benefit but also make imprinting infeasible would be required to be imprinted and would therefore not be able to be produced.

FDA intends for this regulation not to impede the development of drug products that benefit the public health. The exemption process expressly allows for the manufacture and distribution of drug products whose physical characteristics make imprinting infeasible or impossible.

16. Proposed § 206.7(a)(1) would exempt drugs intended for use in clinical investigations under section 505(i) of the act.

Several comments favored the exemption for investigational drugs, stating that the distribution of such drugs is limited to selected populations and that their use is monitored to a much greater degree than that of marketed approved drugs.

One comment opposed the exemption of all investigational drugs, citing the blurring of lines between investigational and clinical uses of drug products. The objection was also based on the emphasis on shifting clinical trials of pharmaceuticals into the community and the mobility of subjects receiving drugs subject to IND's, who may commingle the investigational drugs and may not be in the presence of an investigator when the need for identification arises.

FDA has decided to exempt investigational drugs because investigators exercise control over their distribution and there is, therefore, less danger of overdose emergencies or most of the other dangers that are meant to be addressed by the regulation.

17. FDA had sought comment on whether to include within the exemption for investigational drugs those drugs approved for distribution under treatment IND's. One comment favored exempting drugs distributed under treatment IND's, saying that such drugs are often developed at a rapid pace and that final product characteristics may not always be in place when they are distributed. If such a product is otherwise ready and available for distribution, the comment indicated that the lack of an imprint should not prevent its distribution.

However, a few comments opposed a categorical exclusion for such products on the ground that a drug covered under a treatment IND may be widely distributed and will not have received as complete an evaluation for safety as an approved drug, so imprinting a treatment IND drug is even more important.

FDA has decided not to exempt drugs distributed under treatment IND's from the requirements of the rule. Drug products are generally approved for treatment IND distribution close to the time that they receive approval for general marketing. Imprinting them will not, therefore, create a large additional burden for industry. Because such products have a potential for wider distribution than drugs in earlier investigational stages, FDA has decided that imprinting them is necessary to further the objectives of this rule.

Products approved for testing in a nonconcurrently controlled (parallel track) study will be treated the same way as those distributed under treatment IND's. FDA established the parallel track mechanism to make promising investigational drugs for acquired immunodeficiency syndrome (AIDS) and other diseases related to the human immunodeficiency virus (HIV) more widely available to those who cannot participate in controlled clinical trials. These investigational drugs are available very early in the stages of product development and expose those patients taking them to greater uncertainty and risk than drugs being tested in controlled studies. The drug products must bear imprints because they are administered in a manner that more closely resembles that of treatment IND's than that of standard and early phase investigational drugs.

18. One comment asked how the rule would apply to placebos.

Placebos intended for use in clinical investigations will not be subject to the requirements of this rule if they are designed to copy the active drug products used in that investigation. This exemption is included so as not to destroy double-blind studies by allowing participants or investigators to distinguish between the active and inactive products. Similarly, if an investigational drug is imprinted, a placebo made to copy it may be imprinted.

In addition, if a placebo is designed to replace a drug product that has a high abuse potential so that it can be used in the treatment of a drug dependency, it should resemble as closely as possible the drug it is designed to replace, and should bear an imprint if necessary.

19. Some comments asked whether the inert tablet in a package of oral contraceptives would be required to be imprinted with a code different from that of the active tablets.

Inert tablets may bear the same imprint as the active tablets in a package of contraceptives as long as they are distinguishable by their color or shape.

20. Several comments asked FDA to exempt all diagnostic radiopharmaceutical products. The comments cited the strict control exercised over these products by health care facilities and stated that the goals of the imprinting requirement do not apply to radiopharmaceutical products.

FDA has decided to exempt all radiopharmaceutical drug products from the requirements of this rule. There are very few solid oral dosage form radiopharmaceutical products; most are parenteral drugs. Most radiopharmaceutical products are administered to patients only when a diagnostic procedure is performed and under the supervision of health care personnel authorized to administer them. These products are not dispensed for home administration and therefore do not pose the important dangers addressed by the imprinting rule. For example, patients will not be able to commingle these products or accidentally or intentionally consume an overdose.

The final rule provides that these drug products are categorically exempt and do not, therefore, require submission of an exemption request.

21. One comment requested an exemption from the imprinting requirement for OTC drug products whose labeling is exempt from the requirement set forth in 21 CFR 330.1(g) regarding accidental overdose.

FDA declines to exempt such drugs from the imprinting requirement. Imprinting drugs that are exempt from the accidental overdose labeling requirement provides information that is helpful in contexts other than cases of overdose. Imprinting can assist in the

detection of counterfeiting and the possible prevention of tragedies caused by tampering. Imprinting can also help eliminate unnecessary or inappropriate emergency intervention. In addition, it serves to further the goals of quality assurance by enabling identification of the manufacturer. All these objectives are furthered by requiring the imprinting of those drugs that are not likely to cause overdose emergencies.

22. Another comment requested clarification of the treatment of physician's samples, particularly samples that a drug company might imprint with the word "SAMPLE" as a voluntary effort to prevent diversion of samples in accordance with the requirements of section 503(c)(1) of the act (21 U.S.C. 353(c)(1)).

FDA has determined that the public safety goals enumerated in this regulation require the imprinting of a unique identifier. The agency notes that imprinting a sample with the word "SAMPLE" is certainly a helpful method of enhancing the effectiveness of section 503(c)(1) of the act. However, the law does not require such an imprint. If a solid oral dosage form drug product can accommodate both an imprint that identifies the drug company and the drug product, and the word "SAMPLE," FDA encourages the imprinting of both pieces of information. If a tablet or capsule can accommodate only one imprint, however, the identifying imprint that is the subject of this regulation is the required one.

23. Several comments requested an exemption for drug products packaged in individually labeled unit-of-use packages. One comment said that the individual packaging has room for more information than the actual dosage form itself.

After careful consideration, FDA has decided to require each dosage unit to be imprinted to satisfy the goals of the regulation. While individually labeled dosage units may be less likely than other products to be removed from their packaging before the time that a consumer takes them, and are therefore less likely to be misidentified by the consumer, the unit of use labeling does not satisfy all the goals of the imprinting rule. Package information does not prevent cases of drug reaction or overdose that occur after the packaging has been discarded. In addition, imprinting aids in quality assurance, counterfeit deterrence, and detection of product tampering.

24. One comment requested an exemption for drugs intended for export.

Section 801(e) of the act (21 U.S.C. 381(e)) declares that a drug intended for export shall not be deemed to be adulterated or misbranded if it meets the specifications of the foreign purchaser, is not in conflict with the laws of the country to which it is intended for export, is labeled that it is intended for export, and is not sold or offered for sale in domestic commerce.

A drug not subject to premarket approval may be exported without an imprint if it complies with the requirements of section 801(e) of the act. For drugs that are subject to premarket approval, FDA will consider supplemental applications under § 314.70(b) that request approval for deviations from a previously approved application. Companies may request approval for drug products that will be changed to delete an imprint or to market a drug without an imprint for the purposes of exporting that product. FDA believes that this takes into consideration the commercial concerns of drug companies and recognizes the possibility that foreign countries may impose conflicting imprinting requirements.

25. The proposed rule contemplated that the final rule would become effective 1 year after its date of publication in the **Federal Register**. Many comments responded that this was insufficient time for industry to develop imprint designs and equipment necessitated by the final rule.

FDA has revised this final rule to designate an effective date of 2 years after the publication of the regulation. After that time, any drug distributed in interstate commerce and not in compliance with the requirements of this rule will be deemed to be adulterated or misbranded or an unapproved new drug.

26. The proposed rule provided that, in general, for drug products subject to premarket approval that were not previously imprinted, approval of a supplemental drug application would be required under § 314.70(b). The proposed rule provided, however, that until the effective date of the final rule, FDA would permit submission of supplements under § 314.70(c), provided that: (1) Any colors used in the imprint meet applicable color additive requirements; (2) the substances used in printing do not interfere with the approved analytical procedures; (3) the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information; (4) the drug product meets all the approved specifications in the drug application (including dissolution specifications and tests); and (5) the applicant makes a commitment to place the marketed drug product on appropriate stability studies and withdraw from the market any lots found to fall outside the approved specifications. The proposal provided that manufacturers of biological drug products which were not previously imprinted should submit a product license amendment as required in § 601.12(b).

The proposal also provided that, if the rule became effective, when a product imprint is embossed or engraved, the applicant would report the addition of the imprint in the applicant's next annual report under § 314.70(d). In such cases, a supplementary application would not be required provided that: (1) The product meets all current specifications; (2) FDA has approved the dissolution specifications and test procedures; (3) the comparative dissolution profiles of the embossed/engraved and nonembossed/nonengraved drug products are similar; (4) the newly marketed drug products are placed in appropriate stability studies and the applicant withdraws from the market any lots found to fall outside the approved specifications; and (5) the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information.

Finally, the proposed rule provided that for minor changes to an existing imprint, e.g., changing the alphanumeric identifiers or substituting a number for a symbol, the supplementary information would be included in the applicant's next annual report under § 314.70(d) provided that the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information.

Several comments requested clarification of the implementation section.

The implementation section of the final rule incorporates all of the provisions of the proposed rule but clarifies them and distinguishes between more categories of drug products. On its own initiative, the agency is clarifying, in this preamble, the intent of the rule to distinguish between products whose imprints are made with ink and products whose imprints are made by processes of embossing, debossing, or engraving. In addition, the rule distinguishes between modified release (delayed and extended release) dosage form drug products and immediate release products.

For all products subject to premarket approval that were not previously imprinted and whose imprints will be

made with ink, the final rule, once it becomes effective, requires approval of a supplemental drug application under § 314.70(b)(2)(xi).

Until the effective date of the final rule, FDA will permit submission of supplements under § 314.70(c), provided that: (1) Any colors used in the imprint meet applicable color additive requirements; (2) the substances used in printing do not interfere with the approved analytical procedures; (3) the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information; (4) the drug product meets all the approved specifications in the drug application (including dissolution profile, specifications, and tests; for generic drug products sponsors should submit completed batch records reflecting the imprinting and a certificate of analysis of the product); and (5) the applicant makes a commitment to place the marketed drug product on appropriate stability studies and withdraw from the market any lots found to fall outside the approved specifications. The rule provides that manufacturers of biological drug products that were not previously imprinted should submit product license amendments as required in § 601.12(b).

The rule treats differently those products whose imprints will be made by embossing, debossing, or engraving. On its own initiative, the agency has added a reference to debossing as a means of product imprinting. The additional reference allows a more precise understanding of the physical method of imprinting. The definitions of debossed, embossed, and engraved have been added to the final rule.

For products subject to premarket approval, other than modified release dosage forms, that were not previously imprinted and whose imprints will be made by embossing, debossing, or engraving, the applicant will report the addition of the imprint in the applicant's next annual report under § 314.70(d)(9). In such cases, a supplementary application will not be required, provided that: (1) The product meets all current specifications; (2) FDA has approved the dissolution specifications and test procedures; (3) the comparative dissolution profiles of the embossed, debossed, or engraved drug product and the nonembossed, nondebossed, or nonengraved drug product are similar (for generic drug products sponsors should submit completed batch records reflecting the new tooling and a certificate of analysis for each product); (4) the newly marketed drug products are placed in appropriate stability studies and the applicant withdraws from the market any lots found to fall outside the approved specifications; and (5) the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information.

For modified release dosage forms that have not been previously imprinted, the final rule requires approval of a supplemental drug application. If the imprint is made with ink, the requirement is contained in the new § 314.70(b)(2)(xi). This is consistent with the requirement described above that all products imprinted with ink require approval of a supplemental application. If the imprint is made by embossing, debossing, or engraving, the requirement is contained in the new § 314.70(b)(2)(xii). The agency determined on its own initiative that it is necessary to approve the imprints of all modified release dosage forms made by embossing, debossing, or engraving because of the effects these processes could have on the dissolution and bioavailability of modified release products.

Finally, the final rule permits minor changes to an existing imprint, e.g., changing the identifier or substituting a number for a symbol, to be reported in the next annual report under § 314.70(d)(9) provided that the "Description" and "How supplied" sections of the package insert are updated to include the appropriate information.

27. Some comments asked whether FDA would seek to approve imprints before companies are allowed to use them to ensure that they uniquely identify the products that bear them.

FDA does not plan to evaluate individual imprints on a premarket basis. Imprints will be approved under § 314.70 as discussed above with reference to the ink used and the effects of embossing, debossing, and engraving on the solubility and stability of the drug product. The selection of an imprint code is left to the manufacturer or distributor. FDA's decision is based, in large part, on the effectiveness of the current system.

28. Some comments asked FDA to compile and distribute a listing of the code imprints submitted by drug companies. Most comments expressed concern that health care practitioners, pharmacists, and poison control center staff need information that is not currently accessible to all such practitioners. The comments noted that many generic drug products are not represented in the available proprietary compendia and that some health care facilities, particularly those that serve the elderly and poor sectors of society, cannot afford all the proprietary publications. In addition, some comments suggested that the existing publications are not an efficient means of identifying drug products.

The agency does not have the resources to manage the administrative burden of maintaining, updating, and distributing such a compilation. As described earlier in the preamble, companies are required to submit imprint identification information to the Center for Drug Evaluation and Research's Drug Listing Branch. This information is available upon request as needed, but the agency will not compile or distribute a listing of the information. FDA urges companies to submit such information to available private data bases to facilitate wide dissemination of the information.

Many comments responded to FDA's request for comments concerning the feasibility of imposing a uniform imprinting code. Most comments advocated a flexible code that would permit manufacturers to choose their own imprints as long as the imprints satisfy the objectives of the regulation.

29. Some comments claimed confusion would result if manufacturers were required to change their imprints to conform to a uniform code. The comments asserted that a uniform code would prevent consumers from using familiar imprints, such as recognizable logos or trademarks, to identify products. The comments said that in the event that a uniform code system were adopted, imprints would have less value as identifiers until new codes were established and had become familiar to consumers.

FDA recognizes the value of permitting companies to continue to use current imprints if they provide the unique identifying information sought by the regulation. Continuity in imprinting is important to several goals of the regulation. Enabling consumers to recognize the products they use will help alert them to tampered drug products. In addition, recognition of product codes assists in the detection of substituted products and counterfeit drug products. Allowing companies to continue to use the imprints they currently use, as long as the imprints satisfy the rule's objectives, will enhance product identification and recognition.

30. Several comments noted that a uniform code would limit many drug companies' ability to use their current imprints because many tablets or capsules could not be imprinted with more than one code, and companies

would therefore have to substitute the uniform identifier for the companies' chosen imprints. Space limitations would result in codes too small to read, and, in many cases, the product's physical properties would make additional embossing or engraving impossible.

In addition, some comments asserted that drug companies would lose the goodwill that they derive from their investment in trademark symbols.

FDA recognizes that drug companies have invested time and capital into the development of legally protected trademarks as well as other marks that identify specific products or companies and is determined to implement these regulations with as little marketplace disruption as possible. As discussed above, FDA has decided not to require a uniform code system, and the flexible code will permit companies to retain, for the most part, the imprints they currently use.

31. Many comments addressed the costs that would be associated with a uniform code. One comment claimed that the rule would require much greater expenditure by industry than FDA had estimated. The comment said that FDA's estimate was flawed because it was based on costs to implement an enhancement of the current system, whereas the rule actually imposed significant changes on the system. The comment estimated that converting to a uniform code system would involve at least $20 million in capital and ongoing costs, which is deemed to be at least one order of magnitude greater than costs to implement a flexible code.

The agency believes that this comment misinterpreted the rule because the original economic estimate was based on FDA's intention to allow a flexible code. As this has been clarified in the final rule, the agency has not changed its estimate of the economic impact of the rule.

32. Some comments did advocate a uniform code. The comments said a uniform code would be easier to administer and would be more effective in meeting the public safety objectives of the regulation.

FDA understands these concerns, but, taking into account the breadth and effectiveness of the current system, has determined that a flexible code would be more effective. However, the agency does not foreclose the possibility of reconsidering a uniform code in the future.

33. A number of comments advocated Federal preemption of the field of drug imprinting. The comments expressed concern that State laws would be in conflict and would leave the drug companies unable to comply with various State requirements.

FDA does not believe that preemption of State laws in this field is necessary. The agency has examined various State laws and has not found their requirements to be in conflict. In general, State laws are, in fact, consistent and require the same information to be identified that this final rule requires. Executive Order No. 12612 on federalism, which the proposed rule discussed, requires Federal agencies to determine whether anticipated regulatory actions will have significant federalism implications. The agency does not believe that the rule is incompatible with any State requirements or that these State laws are an obstacle to the effective implementation of the regulation.

FDA has authority to preempt inconsistent State requirements on imprinting of prescription and OTC drugs, if needed, to enhance the goals of the act. However, FDA believes that requiring imprinting but not preempting State laws on the issue is appropriate, given the extent of State action on this issue and the absence of current conflict between the State and Federal approaches to imprinting. FDA will, however, continue to monitor State imprinting laws for conflicts.

34. One comment expressed concern that the Washington State law requiring imprinting of OTC products has the effect of dictating national regulation or requiring more stringent local rules.

The Washington law, as enacted, is not any more stringent than this final rule. The Washington law requires solid oral dosage form OTC drug products to be imprinted with a symbol, number, company name, words, letters, marking, or national drug code number identifying the medication and the manufacturer or distributor of the medication. A product is in compliance with the law if its color, shape, or size together with a distinctive logo, symbol, product name, letters, or other mark make it identifiable. Thus, the Washington law is consistent with the requirements of this final rule. The Washington law provides that it will cease to exist when a Federal requirement is implemented and the State determines that the Federal requirement is substantially equivalent to the State law.

To clarify the applicability of this regulation to OTC drug products, FDA has added a conforming cross-reference in a new regulatory section, 21 CFR 330.3. This section did not appear in the proposed rule, but has been added to the final rule.

IV. Legal Authority

FDA has concluded that it has sufficient authority to issue regulations under section 701(a) of the act (21 U.S.C. 371(a)), imposing a drug imprinting requirement for the efficient enforcement of various sections of the act, including sections 201(p), 501, 502, 503, and 505 (21 U.S.C. 321(p), 351, 352, 353, and 355).

A drug imprinting requirement permits the efficient enforcement of the safety and effectiveness provisions of sections 201(p) and 505 of the act, and the misbranding provisions in section 502(a) and (f) of the act, in that imprinting: (1) Permits the safe, nonmisleading use of prescription drugs that have been substituted for an original prescription by allowing the identification of the person responsible for marketing the substituted drug; (2) helps to provide adequate directions for use in the event of overdose or drug interaction, and reduces or prevents harm from these adverse events by permitting easier identification of drugs that have been removed from their original packaging and labeling; and (3) may permit detection of certain fraudulent testing procedures.

An imprinting requirement also permits the efficient enforcement of other adulteration and misbranding provisions of the act. A regulation requiring the imprinting of every solid oral dosage form during its manufacture may avert unintentional mix-up and mislabeling of drugs during labeling and packaging. An imprinting requirement thus may be justified to prevent adulteration under section 501(a)(2)(B) of the act as a manufacturing method or control necessary to ensure that a drug product has the identity and strength its labeling represents it to have.

Requiring that solid oral dosage forms be imprinted to identify the drug product and its manufacturer or distributor also furthers the efficient enforcement of section 502(i)(2) of the act, under which a drug is misbranded if it is an imitation of another drug. Imprinting will impede attempts to pass off imprinted drugs as other drugs, by identifying to potential customers the drugs being sold, and would permit investigators to identify drugs found during investigations rather than having to rely on laboratory analysis. Finally, an imprinting requirement may assist in the identification and recall of adulterated and misbranded drug products.

Once this imprinting requirement is effective, a product not properly imprinted can be considered adulterated or misbranded. A drug product whose

approval under section 505 of the act was based in part on its being imprinted could be subject to withdrawal of approval or considered an unapproved new drug if it were manufactured without an imprint. In other words, where FDA determines that a drug product is safe and effective when it is imprinted, a subsequent failure to properly imprint the product could result in a finding that the product is no longer shown to be safe or that the improperly imprinted product is not the subject of the approved application. Any marketed OTC product may be considered adulterated or misbranded if it is not imprinted in compliance with § 206.10. In addition, an oral solid dosage form drug product subject to an OTC monograph could be considered an unapproved new drug, on the ground that it was not generally recognized as safe and effective unless properly imprinted. This requirement for imprinting of solid oral dosage form OTC drug products will be referenced by a new § 330.3. If a drug product marketed without an approved new drug application is not properly imprinted, FDA may consider that fact in exercising its enforcement discretion under section 505 of the act. Those engaged in the sale of imitation drugs who imprint their products with codes copied from other drugs could be subject to criminal prosecution for violating the prohibition against counterfeiting in section 301(i)(3) of the act (21 U.S.C. 331(i)(3)).

V. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Economic Analysis

FDA has carefully considered the economic impact of this final rule and has determined that it requires neither a regulatory impact analysis as specified by Executive Order 12291 nor a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 96–354). The agency anticipates that a regulation that enhances the current system of drug imprinting will have a minimal economic impact on most drug companies. Moreover, FDA believes that the costs of implementing this flexible code will be considerably less than the costs that would have been imposed by requiring a uniform code. For solid oral dosage form drug products subject to the rule and not currently imprinted, it is estimated that the total annual costs of imprinting would be $1.7 million, which includes $1.1 million for prescription drug products and $0.6 million for nonprescription drug products.

The agency recognizes that repeat stability testing of some dosage forms will have to be performed as the result of imprinting. FDA currently estimates $8.3 million in one-time product testing costs. A copy of the agency's assessment of the economic impact is on file with the Dockets Management Branch (address above).

Comments submitted on behalf of the homeopathic drug industry estimated that the costs of imprinting unique product identifiers would be so high as to seriously compromise that industry's viability. One estimate is of a range from $5.7 million to $45 million for a single manufacturer making 5,700 different compressed tablet drug dosage forms. The final rule, however, only requires homeopathic drugs to be imprinted with codes that identify the manufacturer and the homeopathic nature of the drug product. FDA believes that this adjustment will substantially mitigate any excess economic burden on the homeopathic drug industry.

VII. Executive Order 12612: Federalism

Executive Order 12612 requires that Federal agencies carefully examine regulatory actions to determine whether they will have significant federalism implications. As noted above, the proposed rule would require the imprinting of both prescription and OTC human drugs in solid oral dosage form. Currently, 23 States require imprinting of prescription drugs. FDA believes that consistent national requirements for the marketing of drugs is desirable. FDA has authority to preempt inconsistent State requirements on imprinting of prescription and OTC drugs, if needed, to enhance the goals of the Federal Food, Drug, and Cosmetic Act. However, FDA does not believe that the final rule is incompatible with the requirements of any of the State laws or that the State laws stand as an obstacle to the accomplishment and execution of the full purposes and objectives of the agency. For that reason, FDA does not believe that preemption of State laws is necessary at this time. FDA will, however, monitor State imprinting laws for conflicts. For the reasons stated, FDA believes that the federalism effects are not significant and do not require an assessment under Executive Order 12612.

VIII. Paperwork Reduction Act of 1980

This final rule contains information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35). The information collections will not be effective until OMB approval is obtained. The title, description, and respondents of the information collection are shown below with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: Imprinting of Solid Oral Dosage Form Drug Products for Human Use: Final Rule.

Description: FDA is adding new § 207.25(c) for imprinting of solid oral dosage form drug products for human use. The information requirements contained in the final rule require drug companies to submit to FDA a listing, for every solid oral dosage form drug product, that provides the name of the product, its active ingredient(s), dosage strength, and National Drug Code number, the name of its manufacturer or distributor, its size, shape, color, and code imprint (if any), and any other characteristic that identifies the product as unique.

Description of Respondents: Businesses or other for-profit and small businesses or organizations.

ESTIMATED ANNUAL BURDEN FOR REPORTING

21 CFR section 207.25(c)	Annual no. of respondents	Annual no. of responses per respondent	Total annual responses	Hours per response	Total hours
*Initial	1,500	17.9	26,850	0.5	13,425

ESTIMATED ANNUAL BURDEN FOR REPORTING—Continued

21 CFR section 207.25(c)	Annual no. of respondents	Annual no. of responses per respondent	Total annual responses	Hours per response	Total hours
Subsequent	1,500	.33	500	0.5	250

*The information requirements contained in this final rule will be a one-time submission which will be completed in 2 years.

Under OMB information collection No. 0910–0045, an estimated 22,334 burden hours have already been approved for 21 CFR part 207. It will be amended to include the additional hours. The estimated annual burden hours differ from estimates in the proposal. FDA has reestimated the number of drug products and manufacturers affected by the imprinting requirement. The information should be submitted once in any manner that the manufacturers choose for all products. After the initial reporting, only new products or updates as imprints and identifying information change need be reported.

List of Subjects

21 CFR Part 206

Drugs.

21 CFR Part 207

Drugs, Reporting and recordkeeping requirements.

21 CFR Part 314

Administrative practice and procedure, Confidential business information, Drugs, Reporting and recordkeeping requirements.

21 CFR Part 330

Over-the-counter drugs.

Therefore under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, Title 21 of the Code of Federal Regulations is amended as follows:

1. Part 206 is added to read as follows:

PART 206—IMPRINTING OF SOLID ORAL DOSAGE FORM DRUG PRODUCTS FOR HUMAN USE

Sec.
206.1 Scope.
206.3 Definitions.
206.7 Exemptions.
206.10 Code imprint required.

Authority: Secs. 201, 301, 501, 502, 505, 507, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 355, 357, 371); sec. 351 of the Public Health Service Act (42 U.S.C. 262).

§ 206.1 Scope.

This part applies to all solid oral dosage form human drug products, including prescription drug products, over-the-counter drug products, biological drug products, and homeopathic drug products, unless otherwise exempted under § 206.7.

§ 206.3 Definitions.

The following definitions apply to this part:

The act means the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*).

Debossed means imprinted with a mark below the dosage form surface.

Drug product means a finished dosage form, e.g., a tablet or capsule that contains a drug substance, generally, but not necessarily, in association with one or more other ingredients.

Embossed means imprinted with a mark raised above the dosage form surface.

Engraved means imprinted with a code that is cut into the dosage form surface after it has been completed.

Imprinted means marked with an identification code by means of embossing, debossing, engraving, or printing with ink.

Manufacturer means the manufacturer as described in §§ 201.1 and 600.3(t) of this chapter.

Solid oral dosage form means capsules, tablets, or similar drug products intended for oral use.

§ 206.7 Exemptions.

(a) The following classes of drug products are exempt from requirements of this part:

(1) Drug products intended for use in a clinical investigation under section 505(i) of the act, but not including drugs distributed under a treatment IND under part 312 of this chapter or distributed as part of a nonconcurrently controlled study. Placebos intended for use in a clinical investigation are exempt from the requirements of this part if they are designed to copy the active drug products used in that investigation.

(2) Drugs, other than reference listed drugs, intended for use in bioequivalence studies.

(3) Drugs that are extemporaneously compounded by a licensed pharmacist, upon receipt of a valid prescription for an individual patient from a practitioner licensed by law to prescribe or administer drugs, to be used solely by the patient for whom they are prescribed.

(4) Radiopharmaceutical drug products.

(b) Exemption of drugs because of size or unique physical characteristics:

(1) For a drug subject to premarket approval, FDA may provide an exemption from the requirements of § 206.10 upon a showing that the product's size, shape, texture, or other physical characteristics make imprinting technologically infeasible or impossible.

(i) Exemption requests for products with approved applications shall be made in writing to the appropriate review division in the Center for Drug Evaluation and Research (CDER) or the Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. If FDA denies the request, the holder of the approved application will have 1 year after the date of an agency denial to imprint the drug product.

(ii) Exemption requests for products that have not yet received approval shall be made in writing to the appropriate review division in CDER or CBER.

(2) Any product not subject to premarket approval is exempt from the requirement of § 206.10 if, based on the product's size, shape, texture, or other physical characteristics, the manufacturer or distributor of the product is prepared to demonstrate that imprinting the dosage form is technologically infeasible or impossible.

(c) For drugs that are administered solely in controlled health care settings and not provided to patients for self-administration, sponsors may submit requests for exemptions from the requirements of this rule. Controlled settings include physicians' offices and other health care facilities. Exemption requests should be submitted in writing to the appropriate review division in CDER or CBER.

§ 206.10 Code imprint required.

(a) Unless exempted under § 206.7, no drug product in solid oral dosage form may be distributed in interstate commerce unless it is clearly marked or imprinted with a code imprint that, in conjunction with the product's size, shape, and color, permits the unique identification of the drug product and the manufacturer or distributor of the product. Identification of the drug product requires identification of its active ingredients and its dosage strength. Inclusion of a letter or number in the imprint, while not required, is encouraged as a more effective means of identification than a symbol or logo by itself. Homeopathic drug products are required only to bear an imprint that identifies the manufacturer and their homeopathic nature.

(b) A holder of an approved application who has, under § 314.70(b)(2)(xi) or (b)(2)(xii) of this chapter, supplemented its application to provide for a new imprint is not required to bring its product into compliance with this section during the pendency of the agency's review. Once the review is complete, the drug product is subject to the requirements of the rule.

(c) A solid oral dosage form drug product that does not meet the requirement for imprinting in paragraph (a) of this section and is not exempt from the requirement may be considered adulterated and misbranded and may be an unapproved new drug.

(d) For purposes of this section, *code imprint* means any single letter or number or any combination of letters and numbers, including, e.g., words, company name, and National Drug Code, or a mark, symbol, logo, or monogram, or a combination of letters, numbers, and marks or symbols, assigned by a drug firm to a specific drug product.

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

2. The authority citation for 21 CFR part 207 continues to read as follows:

Authority: Secs. 301, 501, 502, 505, 506, 507, 510, 512, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331, 351, 352, 355, 356, 357, 360, 360b, 371, 374); sec. 351 of the Public Health Service Act (42 U.S.C. 262).

3. Section 207.25 is amended by adding new paragraph (c) to read as follows:

§ 207.25 Information required in registration and drug listing.

* * * * *

(c) For each drug product listed that is subject to the imprinting requirements of part 206 of this chapter, including products that are exempted under § 206.7(b), drug companies must submit a document that provides the name of the product, its active ingredient(s), dosage strength, National Drug Code number, the name of its manufacturer or distributor, its size, shape, color, and code imprint (if any), and any other characteristic that identifies the product as unique.

4. Section 207.37 is amended by adding paragraph (a)(1)(xi) to read as follows:

§ 207.37 Inspection of registrations and drug listings.

(a) * * *

(1) * * *

(xi) A list of all code imprints.

* * * * *

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET; A NEW DRUG OR AN ANTIBIOTIC DRUG

5. The authority citation for 21 CFR part 314 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 371, 376).

6. Section 314.70 is amended by adding new paragraphs (b)(2)(xi), (b)(2)(xii), and (d)(9) to read as follows:

§ 314.70 Supplements and other changes to an approved application.

* * * * *

(b) * * *

(2) * * *

(xi) To add a code imprint by printing with ink on a solid oral dosage form drug product.

(xii) To add a code imprint by embossing, debossing, or engraving on a modified release solid oral dosage form drug product.

* * * * *

(d) * * *

(9) The addition by embossing, debossing, or engraving of a code imprint to a solid oral dosage form drug product other than a modified release dosage form, or a minor change in an existing code imprint.

* * * * *

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

7. The authority citation for 21 CFR part 330 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371).

8. New § 330.3 is added to subpart A to read as follows:

§ 330.3 Imprinting of solid oral dosage form drug products.

A requirement to imprint an identification code on solid oral dosage form drug products is set forth under part 206 of this chapter.

Dated: May 21, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93-22282 Filed 09-10-93, 8:45 am]

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federal register

Monday
September 13, 1993

Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 558 and 573

Food Additives Permitted in Feed and Drinking Water of Animals; Selenium; Stay of the 1987 Amendments; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 558 and 573

[Docket No. 86F–0060]

Food Additives Permitted in Feed and Drinking Water of Animals; Selenium; Stay of the 1987 Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is staying the 1987 amendments to the selenium food additive regulations. The amendments provided for an increase in the maximum supplementation level of selenium in animal feeds. This action is being taken in part in response to objections to, and requests for a hearing on or a stay of, the 1987 amendments by a number of organizations because of alleged inadequacies found in the agency's finding of no significant impact and in the petitioner's environmental assessment. FDA has concluded that the finding and the assessment are inadequate and that there is no genuine or substantial issue of fact as to their inadequacy. FDA has also concluded that the information that is available, if accepted as accurate, would not be sufficient to permit an adequate environmental analysis, and that the information that is necessary to do an adequate environmental analysis is unavailable. As a result of the stay of the 1987 amendments, the maximum permitted use levels of selenium in animal feeds will return to those levels permitted before FDA issued the amendments. FDA is also staying the portion of the regulation which provides for the use of a bolus for selenium supplementation at the increased levels.

DATES: Effective September 13, 1993.

ADDRESSES: Submit information to the Dockets Management Branch (HFA–305) Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Information should be identified with docket no. 86F–0060.

FOR FURTHER INFORMATION CONTACT: Woodrow M. Knight, Center for Veterinary Medicine (HFV–226), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1731.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 6, 1987 (52 FR 10887), FDA issued a final rule (the 1987 amendments) amending the agency's selenium food additive regulation to increase the maximum amount of selenium supplementation permitted in animal feeds. Because of alleged inadequacies in FDA's finding of no significant impact and the environmental assessment upon which the agency's finding was based, a number of organizations filed objections to, and requested a hearing on or a stay of, the 1987 amendments.

Selenium is one of the approximately 22 elements that are essential for normal growth and production in animals. The minimum dietary requirement for selenium ranges from 0.1 to 0.5 part per million (ppm) depending upon species, age or level of production, husbandry practices, and other factors. An inadequate intake of selenium may result in a variety of selenium deficiency conditions: White muscle disease, nutritional myodegeneration, exudative diathesis, pancreatic fibrosis, and cardiac myopathy (sudden death). Because an estimated 70 percent of domestic basic feedstuffs (corn and soybeans) contain less selenium than required to meet the nutritional needs of animals, dietary supplementation of the inorganic sources, sodium selenite and sodium selenate, has been widely practiced and is an effective method to reduce the incidence of selenium deficiency diseases. Alternate methods of supplying adequate selenium include blending of feedstuffs that are naturally high in selenium, such as crops grown in seleniferous areas (e.g., South Dakota) and other feed ingredients (e.g., fish meal) with feedstuffs that are naturally low in selenium, and parenteral administration of selenium solutions.

Unlike most other required minerals, selenium is also a highly toxic element, with a narrow margin of safety. For example, in aquatic species, levels as low as 1 part per billion (ppb) of selenium in the water have been associated with adverse biological effects (Ref. 1).

When used in the feed of livestock and poultry, selenium is a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(s)). Accordingly, selenium may not be added to animal feed in the absence of a food additive regulation published in accordance with section 409 of the act (21 U.S.C. 348). (See also sections 301 and 402 of the act (21 U.S.C. 331 and 342).)

Section 409 of the act provides that any person may file a food additive petition with FDA with respect to any intended use of the additive. Under section 409(b) of the act and 21 CFR 571.1(c), a food additive petition is required to include the following: (1) The complete identity of the additive; (2) the amount of the additive intended for use; (3) data to show that the additive will have the intended physical or other technical effect; (4) a description of practicable methods to determine the amount of the additive in food because of its use; (5) full reports of investigations made with respect to the safety of the food additive; (6) a proposed tolerance for the food additive in food if a tolerance is required; and (7) a claim for categorical exclusion under 21 CFR 25.24 or an environmental assessment under 21 CFR 25.31.

Selenium was initially the subject of a food additive regulation in 21 CFR 121.325 (recodified as § 573.920 (21 CFR 573.920)) published in the **Federal Register** of January 8, 1974 (39 FR 1355), providing for its addition to the complete feed of growing chickens and swine at a level of 0.1 ppm and for its addition to the complete feed of turkeys at a level of 0.2 ppm. When the regulation was proposed in 1973 (38 FR 10458, April 27, 1973), there were questions about the possible carcinogenicity of selenium in rodents, and an environmental impact statement (EIS) was prepared for the action. The cancer question was resolved (39 FR 1355), and in the EIS, FDA concluded that when considering the potential value of the addition of selenium to the feed of chickens, turkeys, and swine against possible environmental consequences of such action, selenium could be judiciously used with appropriate quality control procedures in the production of food animals for the benefit of the consumer.

Section 573.920 has been amended a number of times since the food additive regulation was issued in 1974. The 1987 amendments were issued in the **Federal Register** of April 6, 1987 (52 FR 10887) (corrected June 4, 1987, 52 FR 21001), in response to a food additive petition from the American Feed Industry Association (AFIA), 1501 Wilson Blvd., suite 1100, Arlington, VA 22209. (FDA published a notice of filing of the petition in the **Federal Register** of February 21, 1986 (56 FR 6321).)

The 1987 amendments permitted: (1) An increase from 0.1 to 0.3 ppm in the level of selenium (as sodium selenite or sodium selenate) in complete feeds for cattle, sheep, chickens, ducks, and swine (except for weanling swine, which was already approved at 0.3 ppm); (2) an increase from 0.2 to 0.3 ppm for turkeys; (3) a proportional increase in the limit feeding (feed supplements and salt-mineral mixtures) consumption rates for sheep and beef cattle to 0.7 and 3 milligrams (mg) per

head per day, respectively; (4) an increase in the selenium fortification levels for salt-mineral mixtures for sheep and cattle to 90 and 120 ppm, respectively; and (5) more flexibility in certain manufacturing controls by eliminating the requirement for premix manufacturers to analyze each production batch of selenium premix. At the same time, the regulation was amended to include requirements for current good manufacturing practices.

The agency based its decision to amend the selenium food additive regulation on safety, utility, manufacturing, and other data in the petition and data in its files. In issuing the 1987 amendments, FDA determined, based in part on the environmental impact analysis report (now known as an environmental assessment or EA) submitted by AFIA, that selenium supplementation of animal feeds at a level of 0.3 ppm in the total diet would not have a significant impact on the human environment. The agency made that determination in a finding of no significant impact (FONSI).

In accordance with section 409(f)(1) of the act, persons adversely affected by the 1987 amendments were given the opportunity to file objections by May 6, 1987 (52 FR 10887).

In April, May, and July 1987, six organizations filed objections to, or comments on the 1987 amendments. Some of these organizations requested a hearing on their objections, a stay of the 1987 amendments, or both a hearing and a stay on the grounds that the agency had not properly considered the effect of the amendments on the environment, human food safety, target animal safety, manufacturing controls, or the economic viability of a company. There were, in addition, objections based on alleged procedural deficiencies in the proceeding. In addition, one organization objected to the 1987 amendments on the ground that the level of selenium allowed in the selenium premixes was not proportionally increased with the increase in selenium permitted in the feed. The objection was appropriate and the agency corrected the oversight in the June 4, 1987, correction to the amendments.

In response to the June 4, 1987, correction, one organization filed an additional objection and requested that the agency rescind the amendments on the ground that the agency had not properly considered the environmental impact of increasing the potency of selenium premixes and eliminating the requirement that every batch of selenium premix be analyzed.

In the **Federal Register** of July 27, 1992 (57 FR 33244), FDA published a document (the 1992 decision document) denying all requests for a hearing on or a stay of the 1987 amendments and responding to all objections to those amendments insofar as the requests and objections related to human food safety, target animal safety, manufacturing controls, claims of economic harm, and certain alleged procedural deficiencies. The 1992 decision document did not address any of the environmentally based objections lodged in support of requests for a stay of or a hearing on the 1987 amendments. This document addresses those objections. After reviewing the objections, requests, information submitted in support of the objections and requests, and other information (such as that obtained at the August 25, 1992, public hearing), FDA has concluded that the FONSI and the EA for the 1987 amendments are inadequate and that there is no genuine or substantial fact as to their inadequacy. FDA has also concluded that the information that is available, if accepted as accurate, would not be sufficient to permit an adequate environmental analysis, and that the information that is necessary to do an adequate environmental analysis is unavailable. Accordingly, FDA is staying the 1987 amendments. In addition as discussed in section IV.A. of this document the requests for a hearing are denied, and a hearing will not be held on any of the environmentally based objections.

Section 10.35(a) (21 CFR 10.35(a)) of FDA's regulations provides that the Commissioner of Food and Drugs (the Commissioner) may stay or extend the effective date of an action pending or following a decision on any matter. A stay may be granted if the Commissioner determines the stay is in the public interest (§ 10.35(d)(1)). FDA has determined that a stay of the 1987 amendments is a proper course of action because information is inadequate to support a FONSI or EIS. FDA is providing the petitioners and any other interested person the opportunity to collect the required information to support an adequate environmental analysis by staying the 1987 amendments.

The research needed to make an adequate environmental analysis is discussed in section III. of this document. FDA believes that a coordinated effort is needed to gather and assemble the needed information to more carefully evaluate the impacts of selenium in specific sites in the environment.

The agency will reassess the decision to stay the 1987 amendment of the regulation within September 13, 1994, and as needed thereafter. The agency will consider progress made on research required to complete an adequate environmental analysis to determine the continued validity of the stay. If the agency determines that the progress is not adequate, the agency will take the actions necessary to deny the petition and revoke the 1987 amendments. For that reason, the Center for Veterinary Medicine (CVM) should be kept apprised of all research endeavors; including, protocols, contracts, and results. This information should be submitted to the Dockets Management Branch (address above) and identified with the docket no. 86F–0060. Through the contact person listed above, CVM is available to discuss testing plans and protocols to develop the information described in section III. of this document.

As a result of the stay of the 1987 amendments, the maximum permitted use levels of selenium in animal feeds will return to those levels permitted before FDA issued the amendments. To facilitate an orderly implementation of this stay of the 1987 amendments and a smooth transition to the maximum use levels permitted before issuance of the 1987 amendments, the agency will exercise its enforcement discretion for a period of 1 year after the effective date of the stay and will not take regulatory action against feeds complying with the 1987 amendments. This enforcement discretion period provides for the use of existing stocks of feed and mineral mixes and adjustments in manufacturing processes as required to comply with the pre-1987 levels. The 1987 amendments (§ 573.920 introductory text, paragraphs (a) through (e), are stayed on September 13, 1993.

In 1989, the selenium food additive regulation was amended by adding § 573.920(f) to permit selenium supplementation to cattle via a controlled-release bolus (the 1989 amendment), in accordance with the maximum permitted use levels specified in the 1987 amendments (54 FR 14214, April 10, 1989). At the time of the 1989 amendment, the EA prepared by the petitioner (Schering-Plough Animal Health Corp., FAP 2210 (Schering)) addressed only the environmental impact of the manufacture of the bolus. Schering relied upon the EA and FONSI for the 1987 amendments to address the potential environmental impacts due to the use of the increased level of selenium and its subsequent introduction into the environment

through animal wastes. Therefore, the Schering food additive petition also is deficient in this regard. Accordingly, FDA is staying the controlled-release selenium bolus amendment as a result of this staying of the 1987 amendments. Because there were no previously approved levels of selenium for this bolus, there is no food additive regulation providing for use of the bolus. The 1989 amendment (§ 573.920(f)) is stayed on September 13, 1993. Consistent with FDA action with regard to feeds, the agency will exercise its enforcement discretion and will not take regulatory action against the sale and/or use of the bolus complying with the 1989 amendments for 8 months after the effective date of the stay. The bolus provides selenium for a 4-month period at levels permitted by the 1987 amendments.

FDA recognizes that its decision to stay the 1987 amendments reflects a change of position on the adequacy of the FONSI and the EA. But, the FONSI and EA were prepared in the mid-1980's (see section II.A. of this document), and to the extent that there could have been any confusion about FDA's reconsideration of the adequacy of the environmental analysis, that confusion was eliminated by the agency in its June 26, 1992, notice (57 FR 28606) (discussed in detail in sections II. and III. of this document) concerning the actual and potential adverse environmental effects of the 1987 amendments. In that notice (57 FR 28606 and 28610), FDA indicated that environmental concerns could lead to further agency action.

II. Environmental Concerns 1986–1989

A. FONSI and EA

Before amending the selenium food additive regulation in 1987, FDA evaluated the EA prepared by AFIA and determined the proposed increase in the level of selenium supplementation to animal diets was not expected to result in a significant adverse environmental impact. FDA prepared a FONSI for the action. The FONSI included a section that attempted to identify missing and incomplete information. In order to compensate for the incomplete data, the FONSI also included a worst-case analysis using what the agency considered to be extremely conservative assumptions.

From the model (FONSI, p. 9) it was estimated that, on a local basis, as a result of the 1987 amendments, the worst-case increase in concentration of selenium in agricultural soils amended with manure from animals receiving selenium supplementation would be about 2 ppb per application. Further, in a modelled 10-hectare watershed where all the runoff would be carried into a 1-hectare pond, it was estimated that there would be an increase of 0.02 to 0.24 ppb of selenium per year in the pond. Those estimates were based upon the following assumptions: (1) The maximum amounts of selenium would be used in feeds, mineral mixes, and feed supplements; (2) all the supplemented selenium would be excreted directly into the animals' waste and then onto the soil; (3) the animal waste would be applied to the soil at the maximum practical rate; (4) all the excreted selenium would be in a chemical form readily soluble in water; (5) up to 10 percent of the selenium in the waste-amended soil would be lost to runoff from a single, large rainfall (soil-incorporated pesticides show losses to runoff of no more than 0.5 to 1.5 percent (FONSI, p. 9)); and (6) all the runoff from the large rainfall of a 10-hectare watershed would be carried into a 1-hectare farm pond and would constitute 20 percent of all the water in the pond.

B. Objections and Requests

The only substantial requests for a stay or a hearing on the 1987 amendments were grounded in objections to the EA submitted by AFIA and the FONSI prepared by the agency. Those requests were based on the potential for significant adverse environmental effects to occur from selenium environmental introductions and the asserted inadequacy of the EA and FONSI to predict the seriousness of the selenium environmental introductions expected from the 1987 amendments.

Six organizations filed objections to or comments on the 1987 amendments within the 30-day comment period. Five of these organizations, the American Council of Independent Laboratories, the State of California Health and Welfare Agency, Micro Tracers, Inc., the National Mixer-Feeder Association, and the Natural Resources Defense Council, requested a hearing on their objections, a stay of the 1987 amendments, or both a hearing and a stay on the grounds that AFIA's EA and the agency's FONSI did not adequately address the environmental impact of increasing the permitted amount of supplemental selenium in animal feeds.

These organizations argued that the literature demonstrates that selenium bioconcentrates, bioaccumulates, and biomagnifies and that these processes were not considered by the FONSI to estimate the possible buildup of selenium from its continued use in animal feeds. Moreover, these processes can create environmental problems, particularly in aquatic ecosystems, that could threaten the health of fish and wildlife.

More than 50 references were submitted by the five organizations identified above. For the most part, the references discussed the selenium toxicity problems that have occurred at the Kesterson Reservoir in California. None of the references submitted by any of the organizations discussed the relevance of this information in terms of whether the addition of selenium to animal feeds and its consequent disposal through animal wastes would be of adequate quantity and bioavailability to cause a significant adverse environmental impact.

C. The 1989 Notice

CVM set out tentative responses to the environmentally based objections in a notice published in the **Federal Register** of July 11, 1989 (54 FR 29019) (the 1989 notice). The 1989 notice updated the existing environmental analysis with additional information obtained from the scientific literature and discussed CVM's understanding of the selenium cycle in the environment, the interconversion of selenium from one chemical form to another by the action of living organisms and chemical and geological processes, and the factors that affect selenium concentrations found in the food chain. CVM reevaluated the worst-case analysis in the FONSI and tentatively concluded that the model was conservative enough to account for the uncertainties and local variations involved in the environmental fate and effects of selenium introduced into the environment as a result of the 1987 amendments (54 FR 29019 at 29022).

During the 60-day comment period for the 1989 notice, the agency received 20 comments from scientists in other Federal and State governmental agencies, representatives from conservation and environmental organizations, industry consultants, and U.S. Congressmen. Eight comments provided additional information for consideration. These comments took the position that more precise scientific data were needed to support the assumptions used in the model for the worst-case analysis. Comments from three scientists in the Department of the Interior (DOI) criticized the assumptions in the worst-case analysis as based upon limited field data on: (1) The various forms of selenium excreted in animal wastes; (2) the rates of weathering of animal waste; and (3) the effect of weathering on the conversion of selenium to different forms and resulting selenium concentrations in

animal wastes, soils, leachate, and receiving waters. Lemly (Fish and Wildlife Service) commented that although the forms of selenium excreted by animals may not be bioavailable to terrestrial ecosystems, they may be bioavailable in aquatic ecosystems. He suggested that certain areas of the United States, where soil selenium levels are relatively high, are incapable of sustaining even small increases of selenium in the aqueous environment (Ref. 2, p. 2). Further information submitted by Skorupa (Fish and Wildlife Service) showed that selenium from agricultural irrigation return waters may contribute to problems in various areas throughout the Western United States, and that the long-term safety of aquatic systems containing 2 to 5 ppb of total waterborne selenium can be questioned (Ref. 3, p. 3). Sylvester (Geological Survey) contended that selenium in manure spread on farm land in semi-arid to arid areas in the Western United States would most likely be oxidized to the selenate form which is very mobile; therefore, the assumption used in the worst-case analysis that a maximum of 10 percent of the selenium in waste-amended soil would be lost to runoff is unreasonable (Ref. 4).

CVM met with the three scientists from DOI on May 31, 1990, to discuss their concerns. These scientists stated that research in progress indicates that the specific form of selenium is critical in determining the potential for selenium toxicity because amino forms of selenium may bioconcentrate to toxic levels in fish and birds even when concentrations in water are less than 1 microgram per liter (1 ppb). According to the DOI scientists, information, as opposed to the assumptions used in the worst-case analysis of the FONSI and the 1989 notice, is needed on the specific forms of selenium entering the environment through animal wastes and the fate of these forms (Ref. 1). DOI supported the comments of the three scientists in an August 31, 1992, letter to FDA (Ref. 5).

Based on the information received following the 1989 notice, the consultations with the DOI scientists studying selenium in the environment, and information in the scientific literature, FDA tentatively concluded that, in areas of the Western United States, in particular, where geological sources of selenium are abundant in the soil profile and bioavailable to ecosystems, the worst-case assumptions in the FONSI might not be adequate to assess the environmental safety of the additional introductions of selenium resulting from the 1987 amendments. In the **Federal Register** of June 26, 1992 (57 FR 28606) (the June 1992 notice), FDA outlined information needed to more thoroughly assess the environmental impact of the 1987 amendments, and invited persons to provide that information, their views, and analyses in a legislative-type public hearing, which was held on August 25, 1992. In addition to requesting environmental information, the June 1992 notice outlined several possible courses of action that the agency would consider in response to the environmental concerns.

III. Environmental Information Sought Through the Public Hearing

FDA sought additional information on: (1) The environmental introductions of selenium from each supplemented animal species and waste management system; (2) the environmental fate of selenium introduced into agricultural and aquatic ecosystems; (3) the effects caused by the various selenium compounds and the concentrations at which those effects are expected to be manifested for exposed organisms in the environment; and (4) a manner in which to integrate this information into a predictive model for watersheds (as, presumably, there are locations where it is undesirable to introduce additional selenium from animal supplementation) (57 FR 28606 at 28609 and 28610).

A. Environmental Introductions

When selenium, as sodium selenite or selenate, is consumed by animals, it is converted into any one of a number of organic forms that are utilized in metabolism and excreted or exhaled, retained in the body, or secreted in milk or eggs. FDA sought information on how much selenium is retained and excreted in wastes from poultry, swine, and ruminants, and secreted in milk by dairy cattle or in eggs by laying hens. The chemical forms of selenium introduced into wastes are also unknown and it is thought that the various chemical forms might have different environmental fates.

A variety of animal waste management practices are in use, including anaerobic lagoons, oxidation ditches, and storage followed by direct application to agricultural soils. Since some selenium compounds are sensitive to changes in both the pH and the amount of oxygen present (redox potential), the selenium excreted in animal wastes might be converted to other chemical forms with their own environmental mobility, persistence, and toxicity.

In short, in order to define the scope of environmental impacts due to selenium introduced as a result of supplementation of animal feeds, it is necessary to know what forms of selenium are being introduced and the concentrations of each. The forms and concentrations are thought to vary between animal species and growth stage and among alternate waste management systems and, therefore, appear to present more complex questions for selenium than for carbon-based products included in animal feeds.

The FONSI and EA for the 1987 amendments made assumptions for the amounts and forms of selenium introduced and their bioavailability. These assumptions were thought to result in worst-case estimates. These estimates resulted in calculated environmental concentrations that, according to some Federal scientists, suggest adverse potential environmental impacts for some locations (Refs. 2, 3, and 4) for which restrictive measures would be needed. On the other hand, use of overly restrictive measures in areas with selenium deficiencies could lead to adverse effects on domestic animals with no environmental benefits. In sum, worst-case assumptions are not sufficient to predict selenium environmental introductions, and detailed environmental introduction, as well as fate and effects, information is needed to provide a basis to identify and assess impacts and to identify areas where additional selenium introductions should be limited or avoided altogether and other areas where current supplementation practices are environmentally acceptable.

In the August 1992 public hearing and in comments submitted after the hearing, information presented by representatives from the American Society for Animal Science compared the total quantities of selenium used for animal supplementation to other sources of selenium entering the environment (Refs. 6, 7, and 8). Ullrey argued that, based on calculations of the amount of selenium entering the atmosphere from natural and anthropogenic sources, the selenium used in animal feed would account for less than 0.5 percent of the total selenium entering the environment and thus would be unlikely to cause a significant impact (Ref. 6). Oldfield (Refs. 7 and 8) compared possible environmental introductions resulting from selenium supplementation of feeds with introductions resulting from the use of selenate-containing fertilizers, which are used in some countries as a means of increasing the selenium status of forages. He also noted the extensive

areas where selenium deficiencies occur in the United States. Representing himself, Norman (Ref. 9) presented the results of a field study where selenium supplementation was practiced in cattle. The general conclusions of Ullrey, Oldfield, and Norman were that: (1) The quantities of selenium used in animal feed supplementation are small compared to other natural and industrial introductions into the environment; (2) there are very few areas of the country where excessive selenium occurs in forages; and (3) the fact that domesticated animals continue to respond to selenium supplementation, even though selenium has been used in animal feed for 17 years in the United States, indirectly argues against any residual buildup of selenium from animal manure in the environment or toxicity problems resulting from animal feed use of selenium. For example, if there were a buildup of selenium in the soil, this would result in higher concentrations in forages and plant products harvested and used as animal feed, and therefore, less selenium supplementation should be needed to prevent selenium deficiencies in livestock.

This information suggests that selenium supplementation of animal feeds is not currently causing environmental problems, but it does not provide a scientific basis to evaluate the potential effects of selenium supplementation through time and in the many environmental conditions present in the United States. As DOI has pointed out, the selenium in animal manure would not be equally distributed across the United States but would be locally concentrated in the areas of animal production (Ref. 10). Runoff from this waste and waste amended soil could pose a problem in aquatic systems in certain areas of the country since any increase could result in adverse biological effects, e.g., the amino forms of selenium may bioconcentrate to toxic levels in fish and aquatic birds even when concentrations in water are less than 1 ppb (Ref. 1). Further, the lack of any known environmental problems directly resulting from animal feed use may be simply because there is a lack of research in this area (Refs. 10 and 11). Information sufficient to test these opposing viewpoints and hypotheses is missing for the specific level of selenium supplementation provided for in the 1987 amendments. Specific information applicable to individual sites is also missing. Such information is needed in order to prepare an adequate evaluation of the long term environmental effects of selenium supplementation of domesticated animals at the 1987 levels.

In the June 1992 notice (57 FR 28606), FDA requested information on the amount(s) and form(s) of selenium in manure from animals fed supplemental sodium selenite or sodium selenate. Information was also requested on the effects of the type of waste management system on biotransformation of selenium to different inorganic and organic forms. The information submitted to the agency and other relevant information in the scientific literature is summarized below for ruminants, swine, and poultry.

1. Dairy and Beef Cattle and Sheep

i. *Excretion.* Ullrey provided information on the amount of selenium in dairy and beef cattle manure (Ref. 6). From unpublished research conducted at Michigan State University, Ullrey reported that lactating Holstein cows consuming 10.2 to 12.0 mg of supplemental selenium per day as sodium selenite excreted an average of 6.2 kilograms per day of fecal dry matter containing 4.5 mg of selenium (0.73 ppm of selenium, dry matter basis), representing about 40 percent of the selenium ingested. Feces was the main route of selenium excretion, which is an observation supported by peer-reviewed scientific literature (Refs. 12 through 17). The same lactating cows excreted an average of 20 liters of urine per day containing 1.8 mg of selenium (0.09 ppm of selenium), representing about 16 percent of the selenium ingested. A portion of the remaining ingested selenium would be secreted into milk, which contains from 0.02 to 0.06 ppm of selenium (Refs. 18 through 20). The remaining amount of ingested selenium could be retained by the tissues to maintain selenium status (Ref. 21) or, some studies show, could be converted to selenide and expired by the lungs (Ref. 22). However, information is inadequate to determine the amount of selenium lost to the environment through respiration.

There was no information provided at the hearing or submitted to the docket on the specific forms of selenium in beef or dairy cattle manure. Previous studies by Butler and Peterson (Ref. 12) and Ehlig et al. (Ref. 16) were cited by Ullrey (Ref. 6), Oldfield (Ref. 7), and Norman (Ref. 9), as suggesting that highly water-insoluble forms of selenium, such as elemental selenium and metal selenides, are the primary forms found in the feces, whereas primarily methylated forms are excreted in the urine. However, the forms of selenium present in urine are still uncertain; in the August 1992 hearing, Sunde stated that the forms of selenium excreted in the urine are at this time uncharacterized when dietary selenium levels are in the deficient to adequate range (Ref. 21). Without more and better information on the forms of selenium in beef and dairy cattle manure and urine, the potential environmental impact of selenium cannot be adequately evaluated.

The two studies cited above (Refs. 12 and 16) broadly characterize the forms of selenium in sheep feces. FDA previously considered the study by Butler and Peterson (Ref. 12) (54 FR 29019 at 29022, July 11, 1989). Sheep were dosed with ^{75}Se-selenious acid, and the feces were collected over a 72-hour period. The amount of radioactivity in the feces was 51 percent after 72 hours. Chemical fractionation of the feces showed that most of the selenium was present in water-insoluble inorganic forms, but the specific forms could not be determined. Protein-bound forms were also detected using protease digests. The study by Ehlig et al. (Ref. 16) attempted to characterize the forms of selenium in feces of sheep supplemented with sodium selenite. Using ^{75}Se as a tracer, 10 to 20 percent of the selenium in the feces was in water-soluble forms (selenate and selenite). When the water-insoluble selenium was hydrolyzed with pronase, a proteolytic enzyme, 10 percent was found to be protein-bound. The remaining 70 to 80 percent was solubilized by nitric acid, indicating the presence of elemental selenium and selenide forms. Based on studies on the metabolism of selenium by rumen microorganisms, it appears that the protein bound forms of selenium would most likely be selenocysteine, since rumen microorganisms incorporate selenite and selenate into selenocysteine (Refs. 23 and 24). Part of the protein bound selenium in the feces could also be unabsorbed dietary selenomethionine, the primary amino acid form in plants (Ref. 25).

Other studies in the literature support the hypothesis that the forms of selenium in the feces are primarily water-insoluble and inorganic (Refs. 13 and 14), but do not provide enough information to sufficiently characterize those forms to permit evaluation of their potential impact on the environment.

ii. *Effects of waste management.* One method of managing dairy cattle manure is as a slurry stored in pits or lagoons. Ullrey (Ref. 26) reported that the selenium concentration of dairy cattle manure taken from pits under slatted floors of cattle fed 0.3 ppm of supplemental selenium since 1987 ranged from 0.070 to 0.088 ppm, with

an average of 0.08 ppm, wet basis (0.9 ppm, dry basis). Eisenberg reported values of 0.063 ppm selenium in samples taken from the top of a pond containing dairy cattle manure and 0.20 ppm from the bottom of the pond (average value of 0.13 ppm, wet basis or 3.4 ppm, dry basis) located on a farm in Pennsylvania (Ref. 27). Ullrey also reported on work conducted by Stowe at Michigan State University on the selenium concentration of beef cattle manure stored as a liquid manure slurry in a pit below slatted floor pens where beef cattle had been housed and fed diets supplemented with 0.1 to 0.2 ppm of selenium (Ref. 6). Samples were taken from the top, middle, and bottom of the pit in three locations. Concentrations ranged from 0.055 to 0.071 ppm, wet basis, with an average of 0.062 ppm (0.59 ppm, dry basis) (Ref. 6).

This type of sampling represents limited surveys of the selenium concentration in manure and is not sufficient to determine how much selenium enters the environment through animal waste. No information was submitted on how much selenium accumulates in these systems over time and how much may have been lost to air, ground water, removed sludge, or liquid effluent. In order to develop a model for selenium in various waste management systems, more specific information on selenium inputs and outputs is needed, such as number of animals, lagoon size, partitioning between sludge and liquid phases, and rates of transformation of excreted selenium to different forms.

2. Growing Swine

i. *Excretion.* Ullrey cited studies with growing swine fed corn-soybean meal diets containing 0.04 ppm of selenium and supplemented with 0.0, 0.05, 0.1, 0.2, or 0.5 ppm of selenium in the form of sodium selenite (Ref. 6). The amount of selenium excreted in the feces for the 0.0, 0.05, 0.1, 0.2, and 0.5 ppm supplemental selenium diets was 42, 38, 27, 33, and 24 percent of the selenium intake, respectively; the amount of selenium excreted in the urine represented 10, 9, 13, 26, and 61 percent of the intake for the same respective diets. Ullrey noted that absolute retention of selenium by pigs was the greatest at the 0.2 ppm supplemental selenium level, which is the closest level to the 0.3 ppm supplemental selenium level permitted by the 1987 amendments. Going from the 0.2 to 0.5 ppm level resulted in a large increase in the amount of selenium excreted in the urine. Based on this information, growing swine retain 41 percent of the selenium ingested and excrete 33 percent in the feces and 26 percent in the urine. The data presented by Ullrey correlate well with those found in the literature on growing swine fed 0.3 ppm of selenium from sodium selenite and are most likely representative of the amount of selenium found in swine fecal and urinary excretion (Refs. 28 through 30). For example, Mahan reported growing swine retained 44 percent of the selenium ingested with 30 percent excreted in the feces and 25 percent in the urine (Ref. 28).

Ullrey commented that evidence to date suggests that highly insoluble forms of selenium, such as elemental selenium and metal selenides, predominate in the feces (Ref. 6), and that recent data (Ref. 31) from rats show that 50 percent or more of the selenium in the urine is present as monomethylated selenium at normal levels of selenium intake. Trimethylselenonium and dimethylselenide forms are the major urine metabolites at selenium intakes higher than what is required by the animals (Ref. 6). FDA, on the contrary, found no information in the literature that specifically characterizes the individual forms of selenium in manure from selenium-supplemented swine; and Sunde (Ref. 21) reported that the forms in the urine are still uncharacterized in animals fed adequate dietary selenium. Without specific information on the forms and amounts of selenium in swine manure, the fate of selenium in swine manure in the environment cannot be determined.

ii. *Effects of waste management.* Further information supplied by Ullrey included selenium analysis of swine manure taken from manure pits under slatted floors from the Michigan Swine Teaching and Research Farm (Ref. 26). Pigs in this facility had been supplemented with 0.3 ppm selenium since 1987. Selenium values taken from four different manure pits were 0.133, 0.108, 0.088, and 0.085 ppm, wet basis (1.8, 2.7, 3.8, and 3.7 ppm, dry basis, respectively). The selenium levels in samples taken from the east and west halves of the manure lagoon, which the manure pits are emptied into, were 0.006 and 0.005 ppm, wet basis (2.5 and 3.0 ppm, dry basis, respectively). Eisenberg also reported average values for four samples of sow urine, three samples of sow feces, and three samples of grower pig feces obtained from a farm in the San Joaquin Valley of California were, respectively, 0.106 ppm, 0.328 ppm, and 0.157 ppm, wet basis (Ref. 27). (Values were not reported on a dry matter basis.) As discussed above in section III.A.1. of this document, this type of sampling represents limited surveys of the selenium concentration in manure and is not sufficient to determine how much selenium enters the environment through animal waste. More specific information on selenium inputs and outputs is needed for the various types of waste management systems, including information on the forms of selenium in swine manure and the effect of waste management practices on the conversion of excreted selenium to different forms.

3. Poultry

i. *Excretion.* No information was provided regarding the amount or form of selenium in poultry manure. Oldfield reported that, generally, in monogastrics the pathway for excretion is the urine rather than the feces, and that a major form of selenium in the urine and thus poultry manure is trimethylselenonium (Ref. 7). Based on information in the literature, poultry excrete in both the feces and urine an average of 40 percent of the selenium ingested. Latshaw and Osman (Ref. 32) fed laying hens practical diets containing 0.27 ppm of supplemental selenium as sodium selenite and found that hens consumed an average of 127 grams (g) of feed/day and excreted 36 g of dry manure/day. The selenium concentration of the dry manure was 0.47 ppm and selenium retention (i.e., not appearing in feces) was calculated to be 62 percent. Eggs contain 0.4 to 0.5 ppm of selenium, dry basis, which is approximately 50 percent of the selenium ingested. The disposition of the remaining 12 percent of the amount retained by the bird was not determined but was most likely used to meet metabolic requirements, stored, or exhaled.

The selenium content of caged layer waste was reported by the National Research Council (Ref. 33) to be 0.56 ppm selenium, dry basis, which is slightly higher than the above value reported by Latshaw and Osman. Helmer (Ref. 34) recently reported that values for caged layer waste varied from 0.06 to 0.75 ppm, dry basis. Caged layer waste also contains shed feathers, spilled feed, and broken eggs that can contribute to variability in selenium levels in poultry waste.

It appears that broilers do not retain as much selenium as laying hens. Based on a study by Scott and Thompson (Ref. 35), Cantor (Ref. 36) calculated that growing chicks retained 23 percent of the selenium ingested. Miller et al. (Ref. 37) also reported that growing chicks retained 27 percent of the selenium ingested when diets were supplemented with 0.125 ppm selenium from sodium selenite and 14 percent when supplementation was increased to 0.5

ppm. Thus, the selenium content of broiler manure may be higher than that for laying hens (since laying hens deposit a proportion of administered selenium in eggs).

ii. *Effects of waste management.* No data were submitted concerning the forms of selenium found in poultry waste or the rates of conversion of the forms that are excreted. Therefore, the forms of selenium in poultry manure and the effect of waste management practices on the conversion of excreted selenium to different forms cannot be determined.

4. Environmental Introductions Summarized

Significant animal metabolism and excretion information is still missing. Some species apparently are capable of expiring a portion of the selenium dose; the conditions under which this might be an important loss are poorly defined. No information was provided or found on the chemical forms of selenium in manure under different waste management systems. This information is critical in predicting the environmental fate of selenium from animal manure.

B. Environmental Fate

There are a number of possible organic and inorganic forms of selenium introduced into the environment as an indirect result of supplementing animal feed with sodium selenite or selenate. It is important to predict the environmental fate of each of these compounds in order to determine exposures that might occur. Environmental fate information includes the transformation of introduced selenium compounds to other forms, the mobility of each form through various soil profiles and into ground and surface waters, and the potential for each form to bioaccumulate in biota and to be biomagnified through food webs. Soil type, pH, redox potential, presence of organic matter, and microbial activity all influence the forms of selenium expected to predominate, but the effect of these factors on the rates of chemical and biological transformation of the various introduced forms is unknown. Given that the chemical forms derived from animals and animal waste management systems have been characterized in only the most general terms (see section III.A. of this document), their environmental fate cannot be predicted with confidence.

1. Transformations and Mobility

Selenium is a dynamic element that is transformed in the environment by physical, chemical, and biological mechanisms. Under common environmental conditions, four principal inorganic species of selenium are found: Selenide (−2), elemental selenium (0), selenite (+4), and selenate (+6). Partitioning among the inorganic forms in the environment depends largely on pH and redox conditions, solubilities, the complexing ability of soluble and solid ligands, and reaction kinetics. Biological activity can alter inorganic forms and produce organoselenium compounds. For example, selenate and selenite can be reduced to elemental selenium by numerous bacteria (Ref. 38), and inorganic selenium species can be incorporated into selenoamino acids and derivative proteins (Ref. 39), or reduced organoselenium compounds such as volatile dimethyl selenide (Refs. 40 and 41).

Although there is a general understanding of factors that control the transformation of inorganic and organic selenium compounds, little is known about pathways and reaction kinetics. This type of information is especially important for selenium transformations in microbially active environments such as animal wastes and manured agricultural soils. The transformation kinetics among inorganic selenium forms is important for our understanding of the formation of biologically available and mobile forms of selenium.

According to pH and reduction potential (Eh) diagrams (for example, Ref. 42), several generalizations can be made about the major inorganic selenium species expected in soils. In alkaline and well-oxidized soils, selenate is thermodynamically stable. Selenate salts are very soluble in water, and selenate is poorly sorbed to soil surfaces. Selenate is one of the most mobile forms of selenium and can be leached from soils and transported to groundwater and surface water. In sediments, selenate is reduced to elemental selenium by anaerobic bacteria (Ref. 38). In addition, selenate appears to be the form most readily taken up by plants (Ref. 43). Under mildly oxidizing neutral pH environments, selenite is the predominant form. Selenite forms relatively insoluble complexes with iron and aluminum sesquioxides in certain soil environments. Oxidation of selenite to selenate in alkaline and well-oxidized soils, although slow, can increase the mobility of selenium. $MnSeO_3$ is the only selenite mineral that might persist in strongly acid soils. Eh-pH diagrams indicate that elemental selenium is stable in reducing environments. All crystalline forms are very insoluble in water and oxidation or reduction kinetics would be expected to be very sluggish. Selenide should exist in reducing conditions as H_2Se and as metal selenides. As a rule, the mobility of selenide minerals is extremely low in soils under reducing conditions (Ref. 42). (Microbial processes that occur in both oxidizing and reducing soils can produce organic selenide compounds such as dimethyl diselenide or selenomethionine.)

In agricultural soils that are amended with animal wastes, elevated organic matter levels and microbial activities would complicate this analysis. Agricultural soils are highly manipulated oxidized systems that tend to favor the formation of selenite and selenate and stimulate microbial activities. Biological, chemical, and physical transformations take place when wastes containing selenium are initially applied to soils. As organic levels diminish and microbial populations stabilize, the contribution of biological transformations may be reduced. Information concerning the relative contribution and rates of each of these processes is lacking.

2. Bioaccumulation/Biomagnification

i. *Crop plant species.* The oxidation state of selenium is of primary importance in determining its availability to crops (Ref. 44). For most crop plants, soil selenate is the most available inorganic form. Selenite is also absorbed, but the decreased solubility of this species generally makes it less available for plant uptake. Selenium is incorporated into organic constituents in the plant after conversion to selenite primarily in the form of selenoether amino acids (R-Se-R'). These amino acids include methylselenocystine, selenocystathionone and methylselenomethionine (Ref. 45), which are incorporated into plant protein. In addition, plants form volatile organic selenium compounds from selenium forms and concentrations that can be found in and absorbed from soils (Refs. 46 and 47).

Soil factors that govern the availability of selenium include soil pH and Eh, soil texture and mineralogy, organic matter levels and competitive ions such as SO_4^{2-} and PO_4^{3-}. Plants may compete with soil microorganisms for available water soluble selenium.

Thus, phytoavailable selenium in agricultural soils amended with animal wastes may be absorbed and converted to organic forms, including volatile forms that are released to the atmosphere. The rates of uptake and conversion of inorganic selenium to

organic forms depend on a variety of factors including selenium concentrations, soil conditions, crop species and growth rates. Rates of formation and estimates of release are not available. No models are available for describing the metabolism of selenium in crop plants.

ii. *Pasture ecosystems.* A field study submitted by Norman et al. (Refs. 9 and 48) attempted to address the environmental fate of selenium in a cattle pasture setting. Interpretation of the results to yield a general understanding of selenium dynamics in pasture settings is inappropriate, due to the limited experimental design. The field study utilized elemental selenium pellets placed in the rumen of cattle for sustained release. This is not the form of selenium or the manner of administration permitted by the selenium food additive regulation, before or after issuance of the 1987 amendments. There is inadequate information to compare the quantities and chemical form of selenium excreted by cows treated with the sustained-release elemental selenium pellets with those supplemented with the permitted selenium forms, sodium selenite and sodium selenate. Additionally, the experimental design included sampling for total selenium in soils and sediments rather than including a characterization of the various selenium forms present. The study was also conducted at a site with an elevated selenium background, which might obscure the selenium introductions from the treated animals. Site characterization as to soil pH, Eh, organic matter content and the like was also incomplete.

iii. *Food chain bioconcentration.* Food chain bioconcentration of selenium, the conditions under which it occurs, the forms of selenium involved and the significance of its occurrence are the focus of very different viewpoints (see Refs. 10, 11, 21, 49, 50, 51, and 52). Selenium is a rare, required element for life, and most biota appear to possess enzyme pathways for selenium bioaccumulation and storage (Ref. 21). Moller presented evidence suggesting that selenium bioaccumulation was a normal response when animals are under oxidative stress from other metals as a means to counter metal toxicity (Refs. 10 and 49).

The effects of other metals and metalloids on the bioavailability and toxicity of various selenium forms are not well known. It has been suggested that sulfur, phosphate, iron, and manganese, among others, must all be considered when evaluating selenium availability, bioaccumulation, and toxicity (Refs. 42, 49, and 50).

Skorupa, on the other hand, stated that his research on birds in the Kesterson Reservoir area indicated that selenium was the cause of the observed toxic effects, and that exposures to other metals or combinations of metals could not account for the observations (Ref. 10). Lemly's research in eastern U.S. reservoirs (Ref. 11) also implicates selenium (accumulated through the food chain) as the cause of the observed toxic effects; his research does not suggest that selenium was bioaccumulated by stressed organisms as the result of other toxic exposures. Peterson (Refs. 51 and 52), in his modeling of selenium risks to wildlife and in extrapolating a safe water concentration for selenium for use as a water quality criterion under the Clean Water Act, appears to ignore the requirement for selenium by most, if not all, biota and instead uses bioconcentration factors as one would for xenobiotic compounds whose only potential environmental effects are adverse.

The basis for extrapolating bioaccumulation information from the Kesterson Reservoir area to other freshwater ecosystems across the United States is questionable, given the evident importance of biogeochemistry in controlling the environmental fate of selenium. The Kesterson Reservoir and its watershed are saline, alkaline, eutrophic waters containing not only excessive levels of selenium but also other elements, such as boron and molybdenum, that have their own bioactivity and effects on aquatic populations that may live in these systems (Refs. 53 and 54). Although the biogeochemistry of the Kesterson Reservoir area may be representative of certain other watersheds in the western United States that received runoff water from agricultural irrigation, it is not representative of most of the surface waters in the United States. The impact of biogeochemistry on the bioaccumulation of selenium is not well characterized or known in the quantitive manner required for extrapolation from one site to another. Neither Peterson's model nor FDA's FONSI addresses this issue. Use of partitioning models for predicting bioaccumulation (as are used for xenobiotics) is also questionable for modeling selenium compound bioaccumulation, because selenium accumulation could be active, enzyme-mediated, and subject to regulation by feedback systems.

Peterson's empirical approach is similar to the worst-case approach used by FDA in its FONSI for the 1987 amendments. Both approaches attempt to compensate for the lack of information about the biogeochemistry of selenium by making assumptions that are questionable. Both approaches make predictions that are too weakly supported given the importance of selenium compounds both as a benefit and as a detriment to the health of organisms in the environment.

It should be noted that none of the field studies or models presented in the record, as discussed in section III. of this document, was based on environmental introductions due to use of sodium selenate or selenite as an animal feed supplement. Moreover, field conditions in areas where very high concentrations of selenium were present and where one set of soil and rainfall conditions occurs may not be applicable to other sites where biogeochemistry favors lower concentrations and fewer bioavailable forms. Those submitting information to the record neither showed the applicability nor inapplicability of selenium environmental effects findings from heavily impacted sites, such as Kesterson Reservoir, to other sites that do not appear to be experiencing selenium excess-related effects. Predictive models, including the worst-case analysis in the FONSI, likewise make assumptions to make up for the lack of data about biogeochemistry and bioconcentration rather than address the environmental fate of selenium from a mechanistic viewpoint.

C. Environmental Effects

As explained in sections III.A. and B. of this document, information to determine exposure to various selenium chemical forms and their concentrations is not available for environmental introductions, transport, or transformations of selenium resulting from the supplementation of animal feeds. Additionally, both the laboratory and field data bases on effects of selenium are of limited usefulness. Few studies control for the identity of the form of selenium evaluated. The limited available information suggests that various chemical forms of selenium have not been tested at all. Selenomethionine is commonly used as a surrogate of undefined organoselenium exposures, even though the literature indicates that there are many selenium-containing amino acids and, further, that most dietary exposures to organoselenium forms in the environment would be as selenium-containing proteins (Ref. 55).

Peterson's (Refs. 51 and 52) and Skorupa's (Ref. 10) approaches to setting selenium water quality criteria for total selenium concentrations protective of wildlife are unsatisfactory, in light of

the requirement for selenium shown in freshwater invertebrates, fish and waterfowl, and the variable bioavailability of the various selenium forms. Approaches used to set water quality goals for xenobiotic compounds, such as polychlorinated biphenyls (PCB's), might be misleading or simply wrong for selenium. In the case of selenium, it appears that the water quality criteria being considered, perhaps less than 1 ppb (Ref. 10), may be below the selenium nutritional requirement for the optimum health of some freshwater creatures (Ref. 56). In addition, this level is lower than the amounts of selenium found in rainwater (Ref. 6). Attempting to set a water concentration based on a measurement of total selenium that will provide for safety of the entire ecosystem has questionable merit, as water concentration would appear to correlate poorly with the total quantities of selenium moving through the ecosystem. This selenium flux and accumulation in various environmental compartments is controlled by both inorganic and biologic factors. Lastly, the use of Kesterson Reservoir data as the predominant basis for preparing water quality goals for the nation as a whole ignores the unique biological and geological characteristics of that watershed and evaporation pond systems.

In sum, both field and laboratory data on selenium are sufficient to show the deficiencies in the approaches used by the Environmental Protection Agency (EPA) and the Fish and Wildlife Service as well as FDA in trying to evaluate the potential environmental impact of various selenium introductions. The current data base is inadequate to evaluate the safety of such introductions.

D. Predictive Model

Integration of the above three areas (environmental introductions, fates, and effects) to make predictions based on relatively simple starting information for conditions in local watersheds-ecosystems should be a goal for management of selenium introductions. Although several reviews have attempted a qualitative synthesis, FDA is unaware of any quantitive selenium cycling model, for organic or inorganic forms of selenium, that is in existence or under development. Quantitative models are necessary to predict the concentrations and forms of selenium that can be expected under a variety of environmental conditions. This type of predictive model can then be used to identify areas sensitive to selenium introductions. A predictive model must adequately describe the environmental concentrations of inorganic, organic, and volatile forms of selenium.

The Center for Exposure Assessment Modeling (CEAM) of EPA has available environmental software for exposure assessment modeling (Ref. 57) that could be useful in developing a complete quantitative selenium cycling model. The Metals Speciation Model or MINTEQA2 is an equilibrium chemical speciation model for dilute aqueous systems and can be used to calculate the mass distribution at equilibrium among dissolved, adsorbed and solid phase systems under a variety of water and soil conditions. The chemical species distribution within each phase is also calculated. MINTEQA2 can be used for both surface water and ground water problems where speciation and mobility are of concern. Equilibrium thermodynamic calculations, however, do not accurately predict the chemical speciation of selenium because of the influence of biological processes. As discussed in sections III.A. and B. of this document, the forms of organic selenium in animal wastes and the subsequent microbial conversions of selenium in animal wastes and manured agricultural fields are expected to be significant. Due to the very limited data on the forms and reaction kinetics of organic selenium species, the use of equilibrium thermodynamics to model the speciation of selenium from the use as animal supplements is questionable. The MINTEQA2 model could be useful only if it assumed that selenium in animal wastes and soils are present as inorganic forms and that the biological conversions of selenium is negligible. Without additional data on the contribution of organic forms of selenium and information on the reaction kinetics of organic selenium species, this model cannot be validated.

EPA's Exposure Analysis Modeling System (EXAMS) is an interactive modeling system that conducts evaluation and error analysis of the probable aquatic fate of synthetic organic chemicals. It can handle inorganic species to a limited extent. The validity of the model is dependent on providing accurate input parameters (chemical loading, molecular weight, solubility, sediment-sorption and biosorption, volatilization, photolysis, hydrolysis, oxidation, biotransformation, system geometry, and hydrology). EXAMS accepts standard water quality parameters and system characteristics and chemical datasets.

EXAMS has been designed to provide information on trace-level contamination of aquatic ecosystems that result from long-term chemical loading and thus could be of value in modeling the fate of selenium in aquatic systems from runoff or soil leachate. As indicated above, however, the validity of the model is dependent on providing accurate input parameters for organic selenium forms. There is a general lack of information on not only the type of organic forms that enter the environment but also on the reactions and transformations that alter the forms and concentrations.

Thus, there are two major limitations that must be addressed in order to adequately use models for describing the cycling of selenium in the environment. There is a lack of data on reaction kinetics and transformations of selenium species among organic forms and between organic and inorganic forms. Second, there is little if any information on the forms and concentrations of selenium that are present in animal wastes from animals receiving selenium supplementation and the waste management systems used to treat these wastes. This information is critical for the development of accurate predictions.

E. Summary

The worst-case analysis employed by FDA in predicting the potential environmental impacts of the 1987 amendments is inadequate because it cannot be validated, i.e., it may either be correct or incorrect. A more detailed analysis, based on more data and fewer assumptions and calculations is needed. The information submitted to FDA as part of this proceeding and the information that FDA found in the scientific literature are inadequate to determine the concentrations and forms of selenium compounds introduced into the environment in waste from animals receiving selenium supplements, inadequate to predict the effect of animal waste management practices on the concentrations and forms of selenium present, and inadequate to predict the environmental fate of various selenium compounds under the variety of biogeochemical conditions experienced in the United States. Thus, an exposure assessment for various environmental conditions cannot be prepared. Environmental toxicology data that control for all the chemical forms of selenium that may be introduced into the environment were not submitted. The applicability of field studies in areas affected by large quantities of geological or anthropogenic selenium (not from animal wastes) to areas currently producing selenium-deficient crops is questionable. A predictive model that

could be used to identify areas sensitive to selenium introductions and facilitate management of selenium introductions from all sources, including animal waste, cannot be prepared and validated with the current scientific data base. Mitigations designed to avoid selenium introductions into selenium-sensitive ecosystems or watersheds can therefore not be effectively implemented in a manner that also ensures appropriate selenium use in deficient areas.

A basic problem with the available environmental introductions, fate, and effects studies for selenium is the apparent absence of a consistent, reliable analytical method or methods that can be used to detect the various selenium chemical species, both inorganic and organic, in environmental media. Methods reported do not appear to be validated, and there does not appear to be a basis for comparing values obtained using different methods. Analytical methodology needs must be convincingly addressed before much of the necessary environmental research can be undertaken.

FDA's evaluation of the available information is consistent with the official position on the matter received from DOI (Ref. 5). Although EPA did not provide its evaluation of the 1987 FONSI and EA to the record, EPA completed an evaluation (Ref. 58) on December 10, 1992, in response to a request by Congressman John Dingell, Chairman of the House Subcommittee on Oversight and Investigations. EPA's findings support gathering additional information and reevaluation of the environmental documents for the 1987 amendments. Therefore, the decision in this document is consistent with the findings of EPA as well as DOI.

IV. Other Alternatives Considered

Objections to the 1987 amendments and comments on the 1989 notice included requests that FDA hold a formal evidentiary hearing on the environmental issues, stay the 1987 amendments, and/or prepare an EIS. These requests were considered by FDA in determining the appropriate course of action to resolve the environmental issues raised. In addition, as discussed in the June 1992 notice, FDA considered a partial stay of the 1987 amendments in so far as they permitted an increase to 0.3 ppm of selenium supplementation in the Western United States (states west of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas). Each of the alternatives to stay the 1987 amendments is moot. Additional reasons for rejecting the alternatives are set out below.

A. Hearing

The criteria for deciding whether to grant or deny a hearing in a food additive proceeding are set out and discussed in detail in the 1992 decision document (57 FR 33244 at 33245). In essence, those criteria provide that a hearing is not required where there is no material factual dispute over which a meaningful hearing might be held. *Pineapple Growers Ass'n* v. *FDA*, 673 F.2d 1083, 1085 (9th Cir. 1982). That is the case here. As a legal matter, the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* supplements the act (*Environmental Defense Fund* v. *Mathews*, 410 F. Supp. 336 (D.D.C. 1976); see *Marshall Minerals, Inc.* v. *FDA*, 661 F.2d 409, 424 (5th Cir. 1981)), and an agency's FONSI and the EA on which the FONSI is based must be adequate (see *Foundation on Economic Trends* v. *Heckler*, 756 F.2d 143 (D.C. Cir. 1985)). As a factual matter, there is no genuine and substantial dispute that the FONSI and the EA for the 1987 amendments are inadequate. Moreover, the data and information that are available, if accepted as accurate, would not be sufficient to permit an adequate environmental analysis (§ 12.24(b)(3)), and the data and information that are necessary to do an adequate environmental analysis, though identifiable, are not available (§ 12.24(b)(2) (21 CFR 12.24(b)(2)). Therefore, the requests for a hearing are denied.

B. Preparation of an EIS

Preparation of an EIS without improved selenium environmental information would not be expected to yield improved decisionmaking, consistent with the goals of the National Environmental Policy Act. The information in the record demonstrates that using the current data base and making assumptions where data are missing leads to interpretations of potential environmental impact across the entire spectrum from no impacts expected to significant impacts expected. Consequently, FDA has determined that the preparation of an EIS would not be helpful at this time.

C. Stay of the 1987 Amendments in the Western United States

In the June 1992 notice (57 FR 28606 at 28608), FDA discussed the geological factors present in the Western United States that favor the conversion of selenium to more bioavailable and potentially more toxic forms. FDA believed that the worst-case assumptions in the FONSI and the EA might not be adequate to assess the environmental safety of additional introductions of selenium into ecosystems where selenium is already abundant and bioavailable. Conversely, FDA suggested that the potential for an adverse environmental impact as a result of selenium supplementation might be low in the Eastern United States because geological factors present there favor the formation of selenium forms that are generally water insoluble and of low bioavailability. In these areas, FDA tentatively concluded that the worst-case analysis might be adequate to assess the environmental impact.

However, after reviewing the information submitted in response to the June 1992 notice, the agency has concluded that there is insufficient information to address the potential for significant impacts in the Eastern United States as well as the Western United States. The amount and type of missing information, as discussed in section III. of this document, preclude the agency from preparing a new EA and FONSI for the Eastern United States or accepting as adequate for the Eastern United States the EA and FONSI prepared for the 1987 amendments.

V. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

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VI. Agency Action

For the reasons discussed previously in this document, the 1987 amendments, the 1989 amendment, and corresponding cross-references are stayed. As a result of the stay of the 1987 amendments, the maximum permitted use levels of selenium in animal feeds will return to those levels permitted before FDA issued the amendments. FDA is exercising

enforcement discretion and will not take regulatory action against feeds marketed in compliance with the 1987 amendments for a period of 1 year to facilitate an orderly implementation of the stay of the 1987 amendments and a smooth transition to the maximum use levels permitted before issuance of the 1987 amendments. Consistent with this, the agency will exercise its enforcement discretion and not take regulatory action against the sale or use of selenium bolus which complies with the 1989 amendments for a period of 8 months. The 1987 and 1989 amendments to § 573.920 are stayed on September 13, 1993. Conforming amendments in §§ 558.258 and 558.311 are also being stayed to reflect the changes in § 573.920.

List of Subjects

21 CFR Part 558

Animal drugs, Animal feeds.

21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the National Environmental Policy Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 558 and 573 are amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.258 [Amended]

2. Section 558.258 *Fenbendazole* is amended in paragraph (c)(3)(iv)(C) by removing the last sentence.

§ 558.311 [Amended]

3. Section 558.311 *Lasalocid* is amended in paragraph (e)(2)(i), in the footnote to the table by removing the fourth sentence.

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

4. The authority citation for 21 CFR part 573 continues to read as follows:

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

5. The amendments to § 573.920 that were published in the **Federal Register** of April 6, 1987 (52 FR 10887); June 4, 1987 (52 FR 21001); and April 10, 1989 (54 FR 14214), respectively are stayed until further notice.

Dated: September 3, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–22277 Filed 9–10–93; 8:45 am]

BILLING CODE 4160–01–P

federal register

Monday
September 13, 1993

Part V

Department of Justice

Bureau of Prisons

28 CFR Part 527
Transfer of Offenders To or From Foreign Countries; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 527

RIN 1120–AA08

Control, Custody, Care, Treatment and Instruction of Inmates; Transfer of Offenders to or From Foreign Countries

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document amends Bureau of Prisons regulations on Transfer of Offenders to or from Foreign Countries by making nomenclature changes regarding office designations and court officials, by making various editorial or organizational changes, by clarifying procedures regarding hearings before the Parole Commission, by designating the authorizing official for the selection of escorts, and by incorporating statutory changes regarding parole eligibility and the establishment of release dates. These amendments are necessary to update Bureau regulations with respect to agency procedures and department organization and to clarify the statutory requirement that American inmates returning from other countries who committed their offense on or after November 1, 1987 are not immediately eligible for parole but, rather, are entitled to have release dates set by the Parole Commission upon application of the guidelines promulgated by the United States Sentencing Commission.

EFFECTIVE DATE: September 13, 1993.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations published on December 4, 1981 (46 FR 59507) and amended on January 19, 1983 (48 FR 2502) on the transfer of inmates to or from foreign countries. Specifically, a foreign inmate's request for transfer to another country was previously reviewed by the Office of International Affairs, Criminal Division, Department of Justice. These requests are now being handled by the Office of Enforcement Operations, Criminal Division, International Prisoner Transfer Unit, Department of Justice. Examples of required documentation accompanying inmates being transported to other countries have been revised to reflect agency procedures for management of paperwork. Prior to the inmate's transfer, he or she shall receive a verification hearing before a U.S. Magistrate or U.S. District Court Judge. Formerly, the regulations in § 527.45 used the word "transport" or "transported" throughout; as revised, this section now also uses the word "escort" or "escorted". This change is editorial in nature, and represents no change in policy.

Previously, U.S. citizen inmates transferred from a foreign country to the U.S. were by law immediately eligible for parole. The regulations now reflect that only those U.S. citizen inmates transferred from a foreign country to the U.S. who committed their offense before November 1, 1987, are by law immediately eligible for parole. Those U.S. citizen inmates returning to the U.S. who committed their offenses on or after November 1, 1987, are to receive a hearing before the Parole Commission within 120 days of entry into the United States, or as soon as practicable, pursuant to 18 U.S.C. § 4106A and 28 CFR 2.62.

The authorizing official for the selection of escorts for offenders being received from other countries had been the Warden. As amended, newly designated § 527.46 now designates the Assistant Director, Correctional Programs Division, as the authorizing official. This is intended to allow for the more efficient use of staff.

In addition, various editorial amendments have been made for stylistic or organizational reasons. Former § 527.46 has been redesignated as § 527.42, and former §§ 527.42 through 527.45 have been accordingly redesignated as §§ 527.43 through 527.46. Minor changes in wording or punctuation have been made in the introductory text of § 527.41 and in paragraphs (c), (d), (e), (g), (h) of newly designated § 527.44.

Because these amendments pertain to agency management or are editorial in nature, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 527

Prisoners; Aliens.

Kathleen M. Hawk,

Director, Federal Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 527 in subchapter B of 28 CFR, chapter V is amended as follows:

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 527—TRANSFERS

1. The authority citation for 28 CFR part 527 is revised to read as follows, and all other authority citations in the part are removed:

Authority: 5 U.S.C. 301; 10 U.S.C. 858; 18 U.S.C. 3565, 3569, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4100–4115, 4161–4166, 4201–4218, 5003, 5006–5024 (repealed October 12, 1984 as to offenses committed after that date); 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 527.41, the introductory text is revised to read as follows:

§ 527.41 Definitions.

For the purpose of this rule the following definitions apply.

* * * * *

§§ 527.42 through 527.46 [Redesignated as §§ 527.43–527.46 and 527.42.]

3. Sections 527.42, 527.43, 527.44, 527.45, and 527.46 are redesignated respectively as §§ 527.43, 527.44, 527.45, 527.46, and 527.42.

4. In newly designated § 527.44, amend paragraph (h)(2) by revising the second sentence and amend paragraph (g) by revising the third sentence to read as set forth below, and make the following nomenclature changes:

(a) In paragraph (c), remove the words "Office of International Affairs (OIA), Criminal Division" and add, in their place, the words "Office of Enforcement Operations (OEO), Criminal Division, International Prisoner Transfer Unit,".

(b) In paragraphs (c), (d) introductory text, (d)(1), (d)(2), and (e), revise the phrase "Correctional Programs Division" to read "Correctional Programs Division,".

(c) In paragraphs (d) introductory text, (d)(1), and (e), remove "OIA" and add, in its place, "OEO".

(d) In paragraph (g), remove the words "U.S. Magistrate or U.S. Judge or other appointed U.S. official" and in their place, add "U.S. Magistrate Judge or U.S. District Court Judge".

§ 527.44 Transfer of Bureau of Prisons inmates to other countries.

* * * * *

(g) * * * When requested, the Warden shall allow counsel to interview the inmate prior to the hearing.

(h) * * *

(2) * * * The Warden shall assure that required documentation (for example, proof of citizenship and appropriate travel documents) accompanies each inmate transported.

5. In newly designated § 527.46, paragraphs (b) and (c)(3) are revised to read as follows:

§ 527.46 Receiving United States citizens from other countries.

* * * * *

(b) The Assistant Director, Correctional Programs Division, shall direct, in writing, specific staff, preferably staff who speak the language of the treaty nation, to escort the offender from the transporting country to the admission institution. The directive shall cite 28 CFR 0.96b as the authority to escort the offender. When the admission institution is not able to accept the inmate (for example, a female inmate escorted to a male institution), the Warden shall make appropriate housing requirements with a nearby jail.

(c) * * *

(3) Notify the U.S. Parole Commission of the inmate's arrival. Inmates returning from other countries are by law immediately eligible for parole if they committed their offense prior to November 1, 1987. Prisoners who committed their foreign offense on or after November 1, 1987 are to receive a hearing before the Parole Commission within 120 days of entry into the United States, or as soon as practicable, pursuant to 18 U.S.C. 4106A and 28 CFR 2.62. Staff at the admission institution shall determine if each inmate received at that institution should be retained at the admission institution for the initial hearing before the Parole Commission or promptly transferred to a more appropriate institution.

* * * * *

[FR Doc. 93–22336 Filed 9–10–93; 8:45 am]

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federal register

Monday
September 13, 1993

Part VI

The President

Proclamation 6588—National D.A.R.E. Day, 1993 and 1994

Federal Register
Vol. 58, No. 175
Monday, September 13, 1993

Presidential Documents

Title 3—

The President

Proclamation 6588 of September 9, 1993

National D.A.R.E. Day, 1993 and 1994

By the President of the United States of America

A Proclamation

America's young people face some daunting challenges. One of the most difficult decisions they have to make is whether or not to use drugs. The signals they receive in this country, where only 5 percent of the world's population consumes approximately 50 percent of the world's illegal drugs, often encourage them to gamble away their future on the false security of momentary escape.

In the knowledge-based world of today, their future, as well as the future of America, rests on education. The successes in Europe and Asia have taught us that the nation most equipped to compete in the 21st century will be the nation that can best educate its children. Our students must be properly prepared to enter school and encouraged to complete their studies. They must be taught responsibility for themselves and their community. They must be first in math and science, as well as in literacy and vocational skills. Perhaps most important, they must be given safe classrooms, where they are free to hope for a bright future and where they are not bound in fear to a dark present.

Our National Education Goals were formulated to give America's educators, parents, and students solid objectives in the field of education. Goal 6 of the National Education Goals demands that we develop safe, disciplined, and drug-free schools by the year 2000. My Goals 2000: Educate America Act provides the framework for our educators to reach all of these goals, but until we are successful at achieving Goal 6, we will be unable to implement any of our other education objectives.

Drug Abuse Resistance Education (D.A.R.E.), a program developed by the Los Angeles Police Department and the Los Angeles Unified School District to prevent drug use, now reaches 25 million students from Kindergarten to 12th grade in all 50 states. This program also touches youth in Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense Dependent Schools worldwide.

Taught by veteran police officers, D.A.R.E. aims to prevent substance abuse among school-age children by providing accurate information about alcohol and drugs, by teaching decision-making skills, by educating students about the consequences of their actions, and by building self-esteem. Our students often need the influence and attention of these dedicated officers to combat the peer pressure they face every day on the streets.

In recognition of this anti-drug program's promotion of cooperation among law enforcement, schools, officials, students, and parents, the Congress, by Senate Joint Resolution 99, has designated September 9, 1993, and April 21, 1994, as "National D.A.R.E. Day" and has requested the President to issue a proclamation in observance of these days.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 9, 1993, and April 21, 1994, as National D.A.R.E. Day. I call upon the people of the United States, government officials, educators, and volunteers to observe the day with appropriate programs, ceremonies, and activities.

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

William J. Clinton

[FR Doc. 93–22517
Filed 9–10–93; 11:08 am]
Billing code 3195–01–P

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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1, 2 (2 Reserved)	(869–019–00001–1)	$15.00	Jan. 1, 1993
3 (1992 Compilation and Parts 100 and 101)	(869–019–00002–0)	17.00	[1] Jan. 1, 1993
4	(869–019–00003–8)	5.50	Jan. 1, 1993
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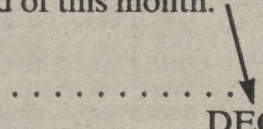

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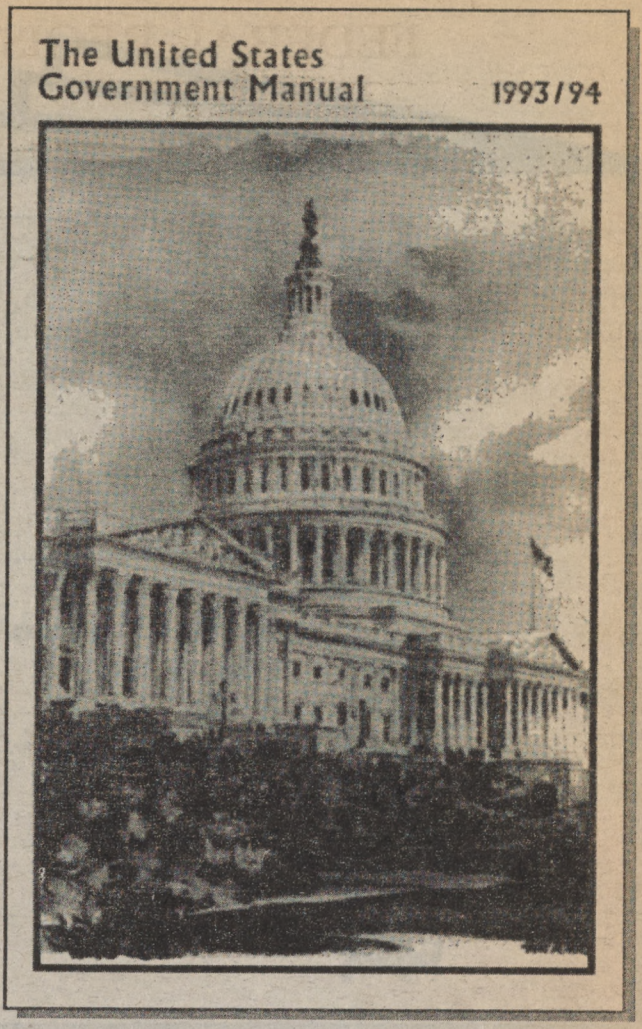

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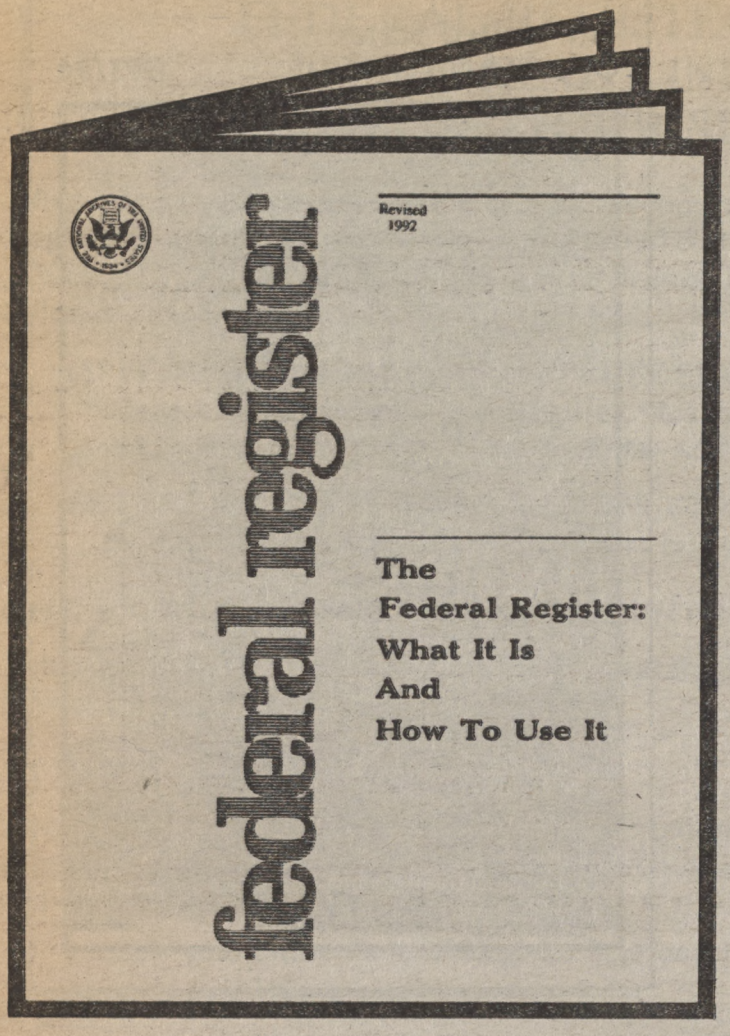

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