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Contents

Federal Register
Vol. 58, No. 200
Tuesday, October 19, 1993

Agriculture Department
See Farmers Home Administration
See FoodSafety and Inspection Service
See Foreign Agricultural Service
See Forest Service
See Rural Electrification Administration
NOTICES
Senior Executive Service:
Performance Review Boards; membership, 53910

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Meetings:
Vital and Health Statistics National Committee, 53936

Coast Guard
RULES
Ports and waterways safety:
East River, NY; safety zone, 53884
PROPOSED RULES
Drawbridge operations:
California, 53896
NOTICES
Meetings:
Navigation Safety Advisory Council, 53987
National preparedness for response exercise program; guidelines availability, 53990

Commerce Department
See Economic Development Administration
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Defense Department
See Navy Department
NOTICES
Agency information collection activities under OMB review, 53918, 53926

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Takos, Robert, M.D., 53940

Economic Development Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Economic development assistance programs, 54008

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
National Institute on Disability and Rehabilitation Research—
Rehabilitation research and training centers, 54004
Talent search and educational opportunity centers programs; technical assistance workshops, 53926

Employment and Training Administration
NOTICES
Adjustment assistance:
G&L Machine, 53942
Leviton Manufacturing, 53942
Sonny Styles, Inc., 53942
Winters Industries, 53943
Labor surplus areas classifications:
Annual list, 53943

Energy Department
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department
NOTICES
Meetings:
Basic Energy Sciences Advisory Committee, 53931

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Pennsylvania, 53885
Air quality planning purposes; designation of areas:
Montana, 53886
Montana et al., 53888
PROPOSED RULES
Air pollutants, hazardous; national emission standards:
Perchlorethylene emissions from dry cleaning facilities Meeting, 53900
NOTICES
Drinking water:
Public water supply supervision program—Minnesota, 53932
Meetings:
Ozone Transport Commission, 53933
Waste minimization and combustion strategy, 53933
National preparedness for response exercise program; guidelines availability, 53990
Pesticide registration, cancellation, etc.:
Health Care Products, Inc., 53934
Pseudomonas cepacia; genetic manipulation; research assistance request, 53934
Superfund; response and remedial actions, proposed settlements, etc.:
Walled Lake Mercury Site, MI, 53935
Toxic and hazardous substances control:
Premanufacture notices; monthly status reports, 54000

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Farmers Home Administration
PROPOSED RULES
Program regulation:
Property management—
Indian trust lands; security interests transfer and inventory sales, 53891

Federal Aviation Administration
RULES
Airworthiness directives:
Aerospatiale, 53853

Boeing, 53855
Fokker, 53852
McDonnell Douglas, 53857
Class E airspace, 53859
IFR altitudes; miscellaneous amendments, 53860
Standard instrument approach procedures:
Miscellaneous amendments, 53863
PROPOSED RULES
Airworthiness directives:
General Electric Co., 53893
NOTICES
Advisory circulars; availability, etc.:
Transport category airplanes—
Damage-tolerance and fatigue evaluation of structure, 53987
Meetings:
RTCA, Inc., 53988
Passenger facility charges; applications, etc.:
Long Beach Municipal Airport, CA, 53989
Palm Beach International Airport/North County General Aviation Airport, FL, 53989

Federal Communications Commission
PROPOSED RULES
Television broadcasting:
Commercial programming practices, 53902
NOTICES
Meetings; Sunshine Act, 53996

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 53996

Federal Energy Regulatory Commission
PROPOSED RULES
Practice and procedure:
Electronic bulletin boards standards required by agency regulations, 53895
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Montana Power Co. et al., 53927
Environmental statements; availability, etc.:
Michiana Hydro-electric Power Corp, 53929
Natural Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
Land Management Bureau, 53929
Oklahoma Corporation Commission, 53929, 53930
Railroad Commission of Texas, 53930
Applications, hearings, determinations, etc.:
CNG Transmission Corp., 53930
Electric Energy, Inc., 53930
Williston Basin Interstate Pipeline Co., 53931

Federal Maritime Commission
NOTICES
Investigations, hearings, petitions, etc.:
Tropical Shipping & Construction Co., Ltd., et al., 53935

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 53996

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 53996
Applications, hearings, determinations, etc.:
Lee County Bancshares, Inc., et al., 53935
MBNA Corp., 53935
Resource Bancshares Corp., 53936

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Small whorled pogonia, 53904
NOTICES
Agency information collection activities under OMB review, 53938

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Monensin, 53882

Food Safety and Inspection Service
PROPOSED RULES
Meat and poultry inspection:
Export certification process centralization and automation, 54012

Foreign Agricultural Service
NOTICES
Meetings:
Emerging Democracies Advisory Committee, 53911

Foreign Assets Control Office
RULES
Haitian transaction regulations, 54024

Forest Service
NOTICES
Appeal exemptions; timber sales:
Colville National Forest, WA, 53912
Boundary establishment, descriptions, etc.:
Coeur D'Alene Purchase Unit, ID, 53912
Environmental statements; availability, etc.:
Idaho Panhandle National Forests, ID, 53913
Wallowa-Whitman National Forest, OR, 53913

General Services Administration
RULES
Federal property management:
Aviation, transportation, and motor vehicles—
Household goods transportation, 53889

Government Ethics Office
NOTICES
International Conference on Government Ethics; request for support, 53994

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration

Health Resources and Services Administration
NOTICES
Meetings; advisory committees:
November, 53937

Hearings and Appeals Office, Energy Department
NOTICES
Decisions and orders, 53931

Housing and Urban Development Department
NOTICES
Committees; establishment, renewal, termination, etc.:
Occupancy Standards in Public and Assisted Housing Task Force, 53937

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See National Park Service

Internal Revenue Service
NOTICES
Privacy Act:
Computer matching programs, 53991

International Trade Administration
NOTICES
Antidumping:
Antifriction bearings (other than tapered roller bearings) and parts from—
Italy, 53914
Helical spring lock washers from—
China, 53914
United States-Canada free-trade agreement; binational panel reviews:
Pure magnesium from—
Canada, 53915

Justice Department
See Drug Enforcement Administration

Labor Department
See Employment and Training Administration
See Pension and Welfare Benefits Administration
NOTICES
Agency information collection activities under OMB review, 53941
Senior Executive Service:
Performance Review Board; membership, 53942

Land Management Bureau
NOTICES
Goshute Indian Reservation, UT; public lands and interest; correction, 53937
Oil and gas leases:
Wyoming, 53937
Realty actions; sales, leases, etc.:
Nevada, 53938

Minerals Management Service
NOTICES
Meetings:
Seismic Reassessment of Offshore Platforms, 53938
National preparedness for response exercise program; guidelines availability, 53990

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Music Advisory Panel, 53956

National Institute of Standards and Technology
NOTICES
Meetings:
Malcolm Baldrige National Quality Awards—Board of Overseers, 53916

National Oceanic and Atmospheric Administration
RULES
Marine sanctuaries:
Stellwagen Bank National Marine Sanctuary, MA, 53865
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 53916
Pacific Fishery Management Council, 53916

National Park Service
NOTICES
Meetings:
Gates of the Arctic National Park Subsistence Resource Commission, 53939
National Register of Historic Places:
Pending nominations, 53939

National Science Foundation
NOTICES
Antarctic Conservation Act of 1978; permit applications, etc., 53957

National Transportation Safety Board
NOTICES
Meetings; Sunshine Act, 53997
Railroad accidents; hearings, etc.:
Mobile, AL; AMTRAK Sunset Limited derailment, 53959

Navy Department
RULES
Release of official information for litigation, 53883

Nuclear Regulatory Commission
NOTICES
Meetings:
Medical Uses of Isotopes Advisory Committee, 53957
Nuclear Waste Advisory Committee, 53958
Meetings; Sunshine Act, 53997
Petitions; Director's decisions:
Vermont Yankee Nuclear Power Station, 53958
Applications, hearings, determinations, etc.:
Power Authority of State of New York, 53959

Occupational Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 53997

Office of United States Trade Representative
See Trade Representative, Office of United States

Panama Canal Commission
PROPOSED RULES
Privacy Act; implementation, 53897
NOTICES
Privacy Act:
Systems of records, 53966

Patent and Trademark Office
NOTICES
National information infrastructure initiative; intellectual property issues; hearing and comment request, 53917

Pension and Welfare Benefits Administration
NOTICES
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 53955, 53956

Presidential Documents
PROCLAMATIONS
Special observances:
White Cane Safety Day (Proc. 6612), 53833

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration

Research and Special Programs Administration
NOTICES
National preparedness for response exercise program; guidelines availability, 53990

Rural Electrification Administration
RULES
Electric loans:
Lien accommodations and subordinations, 53835

Securities and Exchange Commission
NOTICES
Agency information collection activities under OMB review, 53969, 53970
Self-regulatory organizations; unlisted trading privileges:
Boston Stock Exchange, Inc., 53970
Chicago Stock Exchange, Inc., 53970
Cincinnati Stock Exchange, Inc., 53971
Pacific Stock Exchange, Inc., 53971
Philadelphia Stock Exchange, Inc., 53971
Applications, hearings, determinations, etc.:
American Skandia Life Assurance Corp. et al., 53972, 53973
Hanover Funds, Inc., et al., 53977
One Group et al., 53981
State Street Bank & Trust Co., 53983

Small Business Administration
NOTICES
Agency information collection activities under OMB review, 53984, 53985
Meetings; district and regional advisory councils:
Georgia, 53985
West Virginia, 53985

Thrift Depositor Protection Oversight Board
NOTICES
Meetings; regional advisory boards:
Regions I through VI, 53985

Thrift Supervision Office
NOTICES
Receiver appointments:
First American Federal Savings Bank, 53992
Palm Beach Federal Savings Association, 53992
Surety Federal Savings & Loan Association, 53992
Applications, hearings, determinations, etc.:
Astoria Federal Savings & Loan Association, 53993
Chase Federal Bank, a Federal Savings Bank, 53993
Crossland Federal Savings Bank, 53993
Equitable Federal Savings Bank, 53993
Financial Federal Savings & Loan Association, 53993
Greater Boston Bank, A Co-operative Bank, 53993

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
Annual review (1993); petitions accepted, 53959

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Research and Special Programs Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 53986
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 53986

Treasury Department
See Foreign Assets Control Office
See Internal Revenue Service
See Thrift Supervision Office

United States Information Agency
NOTICES
International Conference on Government Ethics; request for support, 53994

Veterans Affairs Department
NOTICES
Meetings:
Former Prisoners of War Advisory Committee, 53995

Separate Parts In This Issue

Part II
Environmental Protection Agency, 54000

Part III
Department of Education, 54004

Part IV
Department of Commerce, Economic Development Administration, 54008

Part V
Department of Agriculture, Food Safety and Inspection Service, 54012

Part VI
Department of the Treasury, Office of Foreign Assets Control, 54024

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers and Federal Register finding aids is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
6612.....53833

7 CFR
1717.....53835
Proposed Rules:
1955.....53891
1965.....53891

9 CFR
Proposed Rules:
301.....54012
312.....54012
322.....54012
350.....54012
362.....54012
381.....54012
391.....54012

14 CFR
39 (4 documents).....53852, 53853, 53855, 53857
71.....53859
95.....53860
97.....53863
Proposed Rules:
39.....53893

15 CFR
940.....53865

18 CFR
Proposed Rules:
284.....53895

21 CFR
558.....53882

31 CFR
580.....54024

32 CFR
725.....53883

33 CFR
165.....53884
Proposed Rules:
117.....53896

35 CFR
Proposed Rules:
10.....53897

40 CFR
52.....53885
81 (2 documents).....53886, 53888
Proposed Rules:
63.....53900

41 CFR
101–40.....53889

47 CFR
Proposed Rules:
73.....53902

50 CFR
Proposed Rules:
17.....53904

Federal Register
Vol. 58, No. 200
Tuesday, October 19, 1993

Presidential Documents

Title 3—

The President

Proclamation 6612 of October 15, 1993

White Cane Safety Day, 1993

By the President of the United States of America

A Proclamation

To thousands of visually impaired Americans the white cane means freedom—freedom to move safely and independently through their daily lives, participating fully in the activities of their homes, places of employment, and communities. White Cane Safety Day not only celebrates the accomplishments of the visually impaired, but also recognizes our Nation's commitment to remove any physical or attitudinal barriers that Americans with disabilities may still face.

This commitment underscores our continuing efforts to implement fully the provisions of the Americans with Disabilities Act of 1990, which prohibits discrimination against persons with disabilities in such areas as employment, public accommodations, telecommunications, and transportation.

In tribute to the white cane and all that it symbolizes for our society, the Congress, by Joint Resolution approved in 1964, has designated October 15 of each year as "White Cane Safety Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 15, 1993, as White Cane Safety Day. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, 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

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Rules and Regulations

Federal Register
Vol. 58, No. 200
Tuesday, October 19, 1993

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

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1717

Lien Accommodations and Subordinations

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby sets forth its policies, requirements and procedures governing the accommodation and subordination of the Government's lien on electric borrowers' systems in order to facilitate non-REA financing of borrower investments.

EFFECTIVE DATE: This rule is effective on November 18, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. John Arnesen, Assistant Administrator—Electric, U.S. Department of Agriculture, Rural Electrification Administration, room 4037-S, 14th Street & Independence Avenue, SW., Washington, DC 20250–1500. Telephone: 202–720–9545.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation as established by the Executive Order.

Regulatory Flexibility Act Certification

The Administrator of REA has determined that the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this final rule.

National Environmental Policy Act Certification

The Administrator of REA has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850 Rural Electrification Loan and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A Notice of Final Rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA electric loans and loan guarantees from coverage under this Order.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule:

(1) Will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule;

(2) Will not have any retroactive effect; and

(3) Will not require administrative proceedings before any parties may file suit challenging the provisions of this rule.

Information Collection and Recordkeeping Requirements

The existing recordkeeping and reporting burdens contained in this rule have been approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), under control numbers 0572–0017, 0572–0032, and 0572–0100.

Send questions or comments regarding these burdens or any other aspect of these collections of information, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for USDA, room 3201, New Executive Office Building, Washington, DC 20503.

Background

For the past several months, REA has been working on revising its mortgage and loan agreement, and its policies and procedures governing the granting of an accommodation or subordination of the Government's lien on electric borrowers' systems. The objectives of these proposed revisions are to facilitate and support borrowers' efforts to obtain private sector financing of their capital needs, to allow borrowers greater flexibility in the management of their business affairs without compromising REA loan security, and to reduce the cost to borrowers, in terms of time, expense and paper work, of obtaining lien accommodations and subordinations. The objectives will be accomplished by updating REA's policies, requirements, and documents to bring them more in line with private commercial practice, and to clarify and streamline REA's procedures relating to loan security documents and the granting of lien accommodations and subordinations.

Because of the magnitude and complexity of the task, the effort has been divided into several phases. The first phase has concentrated on updating and streamlining REA's policies and procedures for granting a lien accommodation or subordination under the current mortgage for electric borrowers. Later phases will focus on developing one or more new standard forms of the mortgage and loan agreement.

On December 2, 1991, REA published an advance notice of proposed rulemaking in the Federal Register (56 FR 61201) inviting comments on possible changes to REA's loan security documents and its policies and procedures governing lien accommodations and subordinations. Comments were received from 42 organizations. Most of these organizations offered comments on lien accommodations and subordinations, the subject of this rule.

On June 30, 1992, REA held a public meeting on REA policies and

procedures for granting lien accommodations and subordinations under the electric mortgage. Eighteen organizations, including distribution and power supply borrowers and their representatives, the National Rural Electric Cooperative Association, the National Rural Utilities Cooperative Finance Corporation, CoBank, and First Boston Corporation, attended the meeting, gave testimony and responded to questions from a panel consisting of representatives from REA and the Department of Agriculture's Office of General Counsel. Written comments were also received following the public meeting from several participants and 14 other organizations, mostly borrowers.

On March 5, 1993, REA published a proposed rule on lien accommodations and subordinations in the **Federal Register**, at 58 FR 12552. Comments were received from 32 commenters, which included individual distribution and power supply borrowers, groups of borrowers and their legal representatives, the National Rural Electric Cooperative Association, the National G&T Managers Association, the National Rural Utilities Cooperative Finance Corporation, CoBank, and several members of Congress from Indiana.

In general, commenters were supportive of the objectives of the proposed rule and the overall approach taken. A large number of comments were received, however, regarding individual provisions, requirements, procedures, and criteria. All comments received have been considered by REA. The more significant and more frequently received comments are discussed below.

This final rule, as was the proposed rule, is divided into two subparts: subpart R dealing with lien accommodations and subordinations for 100 percent private financing of electric facilities and other purposes, and subpart S dealing with lien accommodations for concurrent supplemental loans required in connection with REA insured loans.

Subpart R

The large majority of comments received pertained to subpart R. These comments are addressed below section by section. Throughout the following discussion of comments, the term, lien accommodation, is used in its generic sense and may refer to both the sharing of the Government's lien and the subordination of the Government's lien.

Section 1717.850 General.

One commenter suggested that the scope of the rule be clarified in § 1717.850(a) by including other approvals related to lien accommodations and subordinations. REA agrees, to the extent such approvals relate to supporting documents and associated loan security documents, and has so revised the paragraph.

One commenter suggested that REA should formally state that "(i) the accommodation or subordination of the Government's lien which results in private financing for REA borrowers; and (ii) in certain circumstances, the reduction of interest expense to an REA borrower are in themselves 'compensating benefits'." REA believes the proposed set of conditions are too broad and would not under all circumstances establish a prima facie case of adequate compensating benefits. The proposed conditions seem to embrace any and all loan purposes, whereas a compensating benefit is required if the lien accommodation is not made under Section 306 of the RE Act for purposes which REA is authorized to finance. Also, a reduction in interest expense may not be an adequate compensating benefit if a refinancing loan significantly increases the borrower's outstanding debt or has a longer weighted average life than the loan being refinanced, or if the refinancing loan has a variable interest rate and the loan to be refinanced has a fixed rate, or if the borrower is required to keep compensating balances with the private lender. While REA disagrees with the proposed conditions, this rule, as in the proposed rule, establishes objective criteria in § 1717.857(a) for advance approval of lien accommodations for refinancing loans, which establish the conditions under which adequate compensating benefits would be provided to the Government.

Several commenters recommended that most or all requirements that are subject to the judgment and discretion of REA should be eliminated, mainly because they could result in delay by REA in approving requests for lien accommodations or subordinations. Those specifically mentioned are contained in § 1717.850(c)(5), § 1717.854(d), § 1717.855(d), § 1717.855(n), § 1717.857(c)(9), and § 1717.858(c)(11). While REA appreciates there may be some concerns on this question, it has no intention of administering these requirements in a way that will cause delays, and it does not believe that such delays will in fact occur. This rule establishes timeframes for REA action on lien accommodation requests, in the case of both advance approval and normal review, and REA is committed to meeting those response times, which were broadly supported by commenters. The number of requirements that are subject to the judgment and discretion of REA have been kept to a minimum, and involve only those cases where REA believes objective criteria alone cannot be fashioned to deal with all possible circumstances.

Several questions were asked as to what was expected of the private lender to ensure that the loan funds are used for the purposes for which the lien accommodation was granted (§ 1717.850(g)). REA expects the private lender to follow prudent business practice in this area. The intent is not to guarantee that every nut and bolt included in the loan request is in fact purchased and put in place, but to ensure that the funds are used effectively to procure or construct productive assets as contemplated in the loan request and the lien accommodation. Some substitution of productive assets may be justified, but the assets obtained and other purposes achieved should fall within reasonable and prudent bounds of the original proposal. All construction of distribution and transmission facilities must be covered by an REA-approved Construction Work Plan (CWP) or CWP amendment.

In fulfilling its responsibilities under § 1717.850(g), the private lender may normally rely mainly on certifications by registered professional engineers and Certified Public Accountants. This is similar to the practice currently followed by some private lenders. If the particular circumstances of an individual case indicate that additional action is reasonably required, the lender would be expected to act accordingly. Section 1717.850(g) has been amended to provide further guidance in this area by listing the certifications and other measures the lender is encouraged to adopt. It has also been clarified that if the lender does not fulfill its responsibility under § 1717.850(g), REA may disqualify the lender from participating in the advance approval options, and may condition the lender's receipt of a lien accommodation or subordination upon the lender providing satisfactory evidence that it will fulfill its responsibility.

Another commenter stated that a lien accommodation should not be challengeable because of the failure of the borrower to meet its obligations under this rule. REA agrees. It should be pointed out that, under § 1717.850(j), failure of the borrower to meet its

obligations under this rule would place the borrower in default under its loan contract. Should this happen, the borrower would not be eligible for advance approval of future lien accommodations under §§ 1717.854 and 1717.857, unless REA concludes that the circumstances that gave rise to the default have been corrected. Also, depending on the seriousness of the noncompliance, REA may require the borrower to take appropriate remedial actions, including, for example, using general funds for system construction or to repay outstanding REA loans. REA may withhold approval of loans, loan advances, lien accommodations, or other borrower requests until the remedial actions have been completed. Some remedial action normally will be required if, in the judgment of REA, the borrower's noncompliance has or will likely have a material, adverse effect on the financial condition of the borrower, the ability of the borrower to provide reliable service at reasonable rates, and/or the repayment or security of REA loans.

A commenter asked whether the statement in § 1717.850(k), that the subpart does not apply to loans guaranteed by REA, means that the subpart does not apply to mortgages securing loans guaranteed by REA. The correct interpretation is that the subpart applies to all REA electric mortgages, but it does not apply to lien accommodations or subordinations sought for loans guaranteed by REA. The latter are covered by REA regulations on guaranteed loans. The paragraph has been revised to make this clear.

One commenter suggested that the provisions in § 1717.850(f), (h), and (i) of regarding safety and performance standards, the waiving of certain REA requirements regarding contracting and procurement procedures, and acceptance of an architect's certification regarding handicapped access to buildings, ought to be extended to the use of general funds in order to avoid unintended incentives to use private financing rather than general funds. REA believes that any unintended incentives would be slight since the availability and cost of internal funds versus private financing are generally more important considerations than the matters addressed in these three paragraphs. Moreover, extension of the application of these paragraphs to the use of general funds is beyond the scope of this rule, and should more appropriately be addressed in other REA regulations.

A commenter recommended that REA allow borrowers to use materials that are equivalent to REA accepted materials, based on manufacturers' specifications. REA disagrees with this recommendation. If a given material is in fact equivalent to an REA accepted material, such material would be eligible for listing. If the determination of equivalence is delegated to others, it would be very difficult for REA to police the system and maintain the materials standards needed to ensure sound construction practices.

One commenter suggested that the separate waivers contained in the rule, which pertain to individual provisions, imply that other provisions not specifically mentioned cannot be waived by REA. That is not a correct interpretation, since the general waiver authority contained in 7 CFR § 1710.4 applies to all REA electric program regulations. To make this clear, however, that general waiver authority has been reiterated in § 1717.850(m).

It was recommended by one commenter that the rule should not apply to lien accommodation requests pending at REA on the effective date of the rule. REA disagrees with this recommendation. The recommendation would deny consideration of advance approval procedures for such pending applications. Also, any hardship imposed on borrowers or private lenders for any application materials not previously required by REA would appear to be slight in comparison to the benefits offered borrowers and private lenders by the requirement that REA act on the applications within the timeframes specified in the rule.

A commenter asked whether the statement in § 1717.850(e) that other co-mortgagees may have the right to approve a lien accommodation meant that REA would not begin processing a lien accommodation request until the other co-mortgagee had approved the request. The answer is, no.

Finally, § 1717.850 has been further amended to make it clear that it is intended that any failure on the part of REA to comply with any of the rule's provisions, such as the timeframes for REA action, shall not give rise to liability of any kind on the part of the Government or any employees of the Government including, without limitation, liability for damages, fees, expenses or costs incurred by or on behalf of any party. This clarification is set forth in § 1717.850(n), and a similar provision has been included in subpart S at § 1717.903.

Section 1717.851 Definitions.

One commenter suggested that "and other permitted investments" be added at the end of the definition of front-end costs. Apparently, the intent of the suggestion is to make it clear that eligible front-end costs are not limited to those associated solely with the construction of eligible facilities, but could also include front-end costs associated with the acquisition, construction, improvement, modification, and replacement of eligible systems, equipment, and facilities. The definition has been modified to clarify this point.

Another suggestion was that eligible front-end costs should include interest during construction. REA agrees that interest accrued during the construction of major projects, such as generation and transmission facilities, should be eligible for a lien accommodation under certain circumstances, but does not agree that such costs would be properly classified as front-end costs. Accordingly, § 1717.852(a) has been amended to include interest during construction of generation and transmission facilities if approved by REA, case by case, depending on the financial condition of the borrower, the terms of the financing, the nature of the construction, the treatment of these costs by regulatory authorities having jurisdiction, and other factors.

Several comments were received asking for clarification of whether transaction costs include certain financing costs, specifically, call premiums and prepayment penalties, bond insurance, and letter of credit fees. They do, and the definition has been amended to make this clear.

Section 1717.852 Financing purposes.

Several comments were received that the purposes defined as being eligible for a lien accommodation were too restrictive. Some commenters said that the proposed rule was more restrictive than past REA practice, e.g., in purportedly excluding headquarters facilities. Some argued that no restrictions should be placed on the purposes eligible for a lien accommodation.

For reasons set out in the proposed rule, REA believes that lien accommodations and subordinations for private loans made directly to a borrower at market rates should basically be limited to investments in the borrower's electric utility business. To allow unrestrained lien accommodations and subordinations for direct debt issued for any and all purposes would present unreasonable financial risks for REA and rural rate payers, and the possibility of undisclosed cross subsidization of non-utility businesses. Recent experience with savings and loan institutions,

health insurance companies, and investor-owned utilities indicates that investments made outside the investor's core business can involve substantial risks, and that the risks tend to increase the further one strays outside the core business into unfamiliar activities.

As to the proposed rule being more restrictive than past REA practice, it was not REA's intention, in general, to exclude specific facilities, equipment, systems, or real estate used in supplying electric power, such as headquarters facilities, which in fact were not excluded, coal handling facilities, transportation systems used to supply fuels used in generation, or other such assets. To make this clear, § 1717.852(a)(1) has been augmented and revised.

Regarding other purposes, such as front-end costs being eligible for a lien accommodation only if the borrower has a binding commitment from the lender to finance the completion of the project, REA believes that the rule is consistent with the policies and practices normally followed by REA in the past.

It was suggested by one commenter that electric facilities located on a customer's premises and included as part of a cogeneration project should be eligible for a lien accommodation. REA is willing to consider granting a lien accommodation or subordination for such electric facilities on a case by case basis. Section 1717.852(b)(ii) has been so revised.

Several commenters recommended that bridge or interim loans should be eligible for a lien accommodation. We disagree. Often the reason for using a bridge loan is that the borrower is unable to meet the requirements for permanent financing. REA believes that loan security and the attendant controls and remedies provided by the mortgage should be reserved for permanent financing provided by lenders that are willing to make a long-term commitment to meeting the credit needs of borrowers. In the case of bridge or interim loans, the lender bears less risk and uncertainty because of the short-term nature of its commitment, and should not expect the mortgage protection provided to lenders willing to make a long-term commitment.

Several parties commented that enhancement of repayment and/or security of REA loans was too high a standard to set for granting an exception to purposes ineligible for a lien accommodation, and recommended adoption of "no impairment" of loan repayment or security. With the changes made in response to public comments, REA believes that § 1717.852 accurately sets forth those purposes that should and should not be eligible for a lien accommodation for loans made directly to borrowers, consistent with the objectives of the RE Act, protection of rural rate payers from undue financial risks, and assurance of adequate security and repayment of REA loans. In many cases, there is a fine line between "no impairment" and "enhancement", and REA believes it is better to exercise caution in this area. However, there was no intention to exclude waivers in cases that may be in the financial interest of the Government, but may not strictly fall under the rubric of enhancement of repayment and/or security of REA loans. Paragraph (b)(2) of § 1717.852 has been modified to address this latter point.

One commenter asked whether the restrictions on eligible purposes apply both to advance approval and normal review. They apply to both.

One commenter recommended that repayment of private sector financing be added at the end of paragraph (b)(1)(i) of § 1717.852. This has been done.

A commenter recommended that "other assets" be added to electric utility assets in § 1717.852(c). REA disagrees, since that would appear to expand lien subordinations to purposes having nothing to do with the borrower's electric utility business, which is prohibited by paragraph (b)(iv) of § 1717.852.

It was recommended by one commenter that bond and debt service reserve funds established for the protection of a private lender and funded as part of the financing arrangements should receive an automatic lien subordination. REA disagrees that it should automatically subordinate its lien on such funds, regardless of how such funds are financed. Automatic subordination by REA would be inconsistent with the principle of a pro rata sharing of the lien of the mortgage. REA will consider such subordinations on a case by case basis, taking into consideration the financial interest of the Government.

Several commenters stated that the 2 percent limit on transaction costs eligible for a lien accommodation was too restrictive. Recommendations ranged from allowing all "reasonable" transaction costs, to raising the limit to 5 or 6 percent, to applying the proposed 2 percent limit only to advance approvals. The 2 percent limit was proposed to prevent borrower's debt from being leveraged up imprudently because of unfettered transaction costs, and to discourage churning of debt, which unfettered transaction costs can induce. These activities have the effect of increasing the borrower's debt burden and diluting REA's security. The proposed limit was based on the 2 percent limit established by law in section 147(g) of the Internal Revenue Code with respect to private-activity tax-exempt financing. That section provides an exception for certain single-family housing bond issues, for which the limit is set at 3.5 percent. Based on the comments received and the guidance provided by Congress on appropriate levels of transaction costs for inclusion in tax-exempt debt issues, the proposed rule has been revised to raise the limit to 3.5 percent.

Section 1717.853 Loan terms and conditions.

Several commenters recommended that there should be no minimum limit on loan maturity, or that it should be one year rather than the 5 years proposed in the proposed rule. One commenter asked whether the limit would prevent the refinancing of debt having a remaining life of less than five years without extending the life of the refinancing loan to 5 years or more. In the latter case, that was not the intention, and § 1717.853(a)(2) has been revised to make that clear. As to the general point, a 5 year minimum maturity should accommodate any conceivable secured financing of long-term assets. In the case of reimbursement agreements, for example, the historical standard in the private letter of credit market is a term-out of 7 to 10 years, with some as low as 5 years in recent years. To allow even shorter maturities in this or other financing would suggest that the party secured is not willing to make a long-term credit commitment and may expect to be taken out ahead of secured long-term lenders in the event of payment default.

Several commenters suggested that weighted average life of the loan be defined. This has been done in § 1717.851.

Several comments were received regarding the proposed limitation of variable rate debt to 15 percent of all outstanding debt. Several commenters suggested that the limit be applied to advance approvals only, while others suggested that the limit be raised, e.g., to 30 percent. Several commenters agreed that the amount of variable rate debt used by borrowers to finance long-term assets is a legitimate concern because short-term rates could increase and jeopardize a borrower's ability to repay its long-term loans, but they opposed placing an absolute limit on such debt.

The 15 percent limit was proposed in an attempt to limit uncertainties about borrowers' future interest costs and the

volatility of those costs. It was based on standards used by the major credit rating firms in judging the credit quality of electric utilities. Based on the comments received, REA agrees that it is difficult to establish an absolute limit that would be appropriate for long periods of time and for all yield curve conditions. Therefore, the rule has been revised to delete the 15 percent limit as an absolute requirement applicable to all lien accommodations and apply it only to advance approvals in §§ 1717.854(c) and 1717.857(a).

One commenter suggested that the condition "usually" be deleted from § 1717.853(b) regarding REA waiver of its right to approve the other lender's loan contract, and that the rule specify the exact conditions under which approval would be waived. REA does not believe that it is possible to be more specific than the conditions set forth in § 1717.853(b), without unduly narrowing the circumstances under which a waiver would be exercised.

A commenter stated that, in the case of advance approvals, it should be presumed that REA will not review the loan contract unless it has withdrawn the borrower's exemption. REA disagrees with this approach since it would require REA to review all 900 or so borrowers at the outset and inform each one of them whether they qualify for a waiver. The small number of lien accommodation requests received each year that are subject to this subpart would not justify this procedure. Moreover, there appears to be little difference between the suggested approach and what was proposed in the proposed rule.

Another commenter recommended that it be made clear that approval timeframes set forth in § 1717.859 include the review and approval of loan contracts and documents required to support the application, such as a CWP. REA agrees and has so amended § 1717.859(a)(5).

Another commenter stated that REA should not waive its right to approve loan terms and conditions based on its familiarity with the lender and the lender's lending practices, since they may change. REA would agree if lender familiarity were the only criterion, but believes this factor is appropriate to consider in conjunction with the other factors set forth in § 1717.853(b).

A commenter suggested that "facilities" be changed to the more inclusive term, "assets" in § 1717.853(a)(1). This has been done.

Section 1717.854 Advance approval—100 percent private financing of distribution, subtransmission, and headquarters facilities.

A number of commenters stated that the rule should include financial and other criteria whereby power supply borrowers could qualify for advance approval of lien accommodations and subordinations. Most recommended specific financial criteria, all of which were substantially less rigorous than those proposed in the proposed rule for distribution borrowers. Most expressed the view that substantially lower financial standards ought to apply to power supply borrowers. One group representing power supply borrowers stated that there were differences of opinion among its members as to what standards were appropriate. As a whole, the comments received raise a number of issues, which could inordinately delay implementation of this rule if addressed herein. REA believes that these issues should be addressed in ongoing efforts to develop one or more standard forms of mortgage for distribution and power supply borrowers.

The financial standards proposed for advance approval of lien accommodations for distribution borrowers received fairly broad support, although several recommendations were made for changes in specific items. The most frequent criticism was that achievement of the Times Interest Earned Ratio (TIER) and Debt Service Coverage (DSC), and the alternative Operating TIER and Operating DSC, should not be required for each of the 3 most recent calendar years. The reason given was that a borrower would have to wait for up to 3 years to be eligible for advance approval if it failed to meet these ratios in a given year. This was seen as unreasonable and unfair since storms or other events beyond the control of the borrower could prevent achievement of the ratios from time to time. Most recommended that the standard ought to be achievement of the ratios for at least 2 out of the past 3 years, or, on the average, for any 2 out of the past 3 years.

While REA appreciates the concerns about possibly having to wait 3 years to be eligible, it has problems with the alternatives proposed. In the first case, a borrower could have met the ratios in the first 2 years of the period but not in the most recent year. If the borrower's financial condition is on a downward trend, this test would give little comfort to the mortgagee. The second alternative proposed is even worse in this respect, since a borrower could have exceeded the required ratios 3 years ago, and not achieved them in either of the two most recent years.

To address the concerns raised, the rule has been amended by adopting a standard used by the National Rural Utilities Cooperative Finance Corporation, namely that the ratios must be met in each of the two most recent calendar years, or in any two consecutive 12 month periods ending within 180 days preceding the issuance of the debt.

The test period of 3 years was proposed in the proposed rule mainly because of some concerns about the robustness of the TIER and DSC tests in the REA mortgage. These coverage ratios allow non-cash margins, i.e., generation and transmission capital credits and other capital credits and patronage dividends, to be included in margins when calculating the ratios.

Such non-cash capital credits cannot be used by a borrower to meet current expenses, and it is uncertain that they will be paid in cash to the borrower in the future and thus be available to meet future expenses. Partly for this reason, the more rigorous tests of Operating TIER and Operating DSC, which are based on only those margins received from electric utility operations, were included as an alternative test in the proposed rule.

In conjunction with reducing the test period from 3 years to 2 years, REA considered substituting Modified TIER and Modified DSC for TIER and DSC, which would exclude capital credits and patronage dividends from margins in calculating the ratios. But since this formulation had not been explicitly set forth in the proposed rule, it was decided to defer further consideration of this alternative to the ongoing work of revising the REA mortgage.

Several criticisms were received regarding the 1.1 net utility plant to long-term debt requirement. Some said that a bondable property test might be considered as an alternative, but that it would likely be more complicated and expensive to implement than the proposed net plant to debt ratio. Several said that the proposed ratio was duplicative of the equity/assets criterion, especially since it applied to existing and new plant rather than just new plant. One commenter criticized the test because it excludes non-utility investments.

REA recognizes that the test is somewhat duplicative of the equity/assets criterion, but it is not an exact substitute. Of the 414 distribution borrowers that had equity of 40 percent of more in 1991, 7 had a ratio of net

utility plant to long-term debt of less than 1.1.

This ratio is intended to winnow out from advance approval those borrowers that are depreciating plant at a rate substantially higher than the rate at which they are amortizing long-term debt. These borrowers raise concerns as to whether they will be able to generate sufficient cash flow in future years from plant depreciation and other sources to meet their debt service requirements. The ratio of 1.1 is a minimal requirement, in part because it is based on long-term debt only, rather than total debt.

As to the ratio being applied to both existing and new utility plant, if the ratio were applied only to new plant, it would be more demanding for every borrower that has a ratio greater than 1.1 for existing plant. Regarding the exclusion of non-utility investments, REA believes that this is appropriate since utility plant represents the primary assets of the borrower and the primary reason for long-term debt. For these reasons, the 1.1 net utility plant/long-term debt ratio has been retained as one of the criteria for advance approval under § 1717.854.

One commenter suggested that deferred debits, which are deducted from equity in calculating the equity/assets ratio in § 1717.854(c)(1), should also be deducted from assets. REA agrees, since the booking of deferred debits has the effect of increasing both equity and total assets. It was also suggested that total assets be defined. Both of these changes have been made. In addition, deferred debits have been redefined as certain deferred current period expenses, since the intent of the adjustment is to avoid rewarding accounting practices that defer current period expenses and, as a result, inflate equity.

Two commenters recommended that the definitions of TIER, DSC, and equity as a percent of assets be adjusted for principal deferments for energy conservation and rural development under Section 12 of the RE Act, and for rural development loans under Section 313 of the RE Act. They argued that these loans involve a note receivable to the borrower and a loan payable to REA in an equal amount. But since accounting principles do not permit the note receivable to offset the loan payable to REA, they felt that borrowers who accepted such loans or principal deferrals would be penalized for participating in these socially desirable programs unless adjustments were made in the calculation of TIER, DSC, and equity percentage.

REA agrees that these energy conservation and rural development programs are socially desirable, but does not believe that additional incentives for participation in these programs need to be provided by adjusting the financial criteria for advance approval of lien accommodations. In the case of rural development, no interest is charged by REA on the loans made under either Section 12 or Section 313, and therefore there is no effect on TIER. In the case of Section 12 deferrals for energy conservation, the interest charged on the deferred principal is the same as that charged on the rest of the loan, so therefore no penalty is imposed.

Principal deferred under Section 12 must be amortized in the case of both rural development and energy conservation loans, but so must the outstanding principal on the rest of the loan. No penalty is evident in this case either. Granted, during the period the deferred principal is being amortized, the borrower's debt service charges will increase by the amount of this amortization, but the effect is so minor that is should not cause a borrower to fail to meet its DSC requirement. Borrowers should not plan their margins so close to the minimum required that minor increases in principal amortization will cause them to default on DSC.

The comments received also argued that the debt service on the REA loan is self-liquidating from the proceeds of the borrower's note receivable. This seems to suggest that such proceeds are more certain than proceeds from electric facilities, and that a note receivable represents better collateral for REA loans than electric facilities. REA disagrees with these views, as well as the suggestion that the note receivable in effect cancels the liability and thus justifies raising equity as a percent of assets by reducing assets by the amount of the note receivable.

Finally, two additional factors need to be considered. First, the borrower and its customers benefit from these energy conservation and rural development programs: in the first case by reducing energy costs and capacity needs, and in the second case by strengthening the borrower's market. Second, the interest subsidy provided under both of the rural development programs is already much greater than that provided for loans to finance electric service, although the latter is essential to rural development and has a proven track record. In view of the benefits received by borrowers from the Section 12 and 313 programs and the substantial subsidies already provided, REA does not believe that further incentives are justified in the form of adjustments to the advance approval criteria.

Several comments were received regarding the requirements in proposed § 1717.854(c)(6), now § 1717.854(c)(5), on accounting, record keeping, financial reports, audits, and irregularities. Some commenters suggested that these requirements were unnecessary, except for the unqualified audit opinion and the resolution of any irregularities. REA disagrees, and believes these provisions are needed to reiterate long-standing REA requirements. Some concerns were expressed that a borrower may be disqualified from advance approval for failure to resolve minor, immaterial infractions. Since this was not the intent, the paragraph has been amended to exclude immaterial infractions.

Several commenters from the state of Indiana objected to the provision which would disqualify a distribution borrower from advance approval if its power supplier were in default to REA. There seems to be some confusion as to the reach of this provision. It applies only to advance approval, and does not disqualify a borrower from receiving a lien accommodation under normal review procedures.

REA believes this provision is appropriate for advance approval. If a borrower's power supplier is in default to REA, it reasonably raises concerns about the reliability of future power supplies and the ability of the borrower to meet unforeseen financial obligations that may result from final resolution of the default by its power supplier. Lien accommodation requests under these circumstances should be reviewed on a case by case basis under the normal review procedures. These requests will be reviewed based on the decision factors set forth in § 1717.850(c), just like other applications reviewed under normal review procedures. The fact that the borrower's power supplier is in default to REA will be considered within the context of those decision factors.

A commenter argued that it is unnecessary to require a resolution from the board that it has agreed to put any required increases in rates into effect as a result of the loan (proposed § 1717.854(c)(3)), since that purpose is accomplished by the required certification in proposed § 1717.854(c)(5) that the borrower is not in default under the mortgage. REA agrees that the mortgage requires borrowers to design rates to meet TIER and DSC, and that any borrower that certifies that it is in compliance with the mortgage is also certifying its compliance with the design of rates provision of the mortgage. Therefore,

the requirement in proposed § 1717.854(c)(3) has been deleted, which in no way reduces a borrower's obligation under the mortgage to design rates to meet its expenses and the required TIER and DSC levels.

One commenter suggested several changes to the meaning of default in § 1717.854(c), which would have a restrictive effect. REA disagrees with the proposed interpretation of default, and has now defined default in § 1717.851 to clarify its meaning.

One commenter suggested that the language in § 1717.854(b) could be interpreted as excluding from advance approval the improvement of facilities already owned by the borrower. That was not intended; the paragraph has been revised to make this clear.

A commenter stated that REA should make it clear that it will not penalize a borrower when considering a lien accommodation request because the borrower has guaranteed debt issued by its power supplier to REA. REA notes that there is nothing in the rule that would impose such a penalty. However, REA does not believe that it would be appropriate to rule out any and all consideration of a borrower's guarantee obligations in deciding whether to approve a lien accommodation.

Section 1717.855—Application contents: advance approval—100 percent private financing of distribution, subtransmission, and headquarters facilities.

Several commenters argued that if a borrower meets the advance approval criteria, REA approval should be considered automatic and would not constitute either a major Federal action or a Federal transaction. Therefore there is no need for environmental reports, debarment and suspension certifications, handicapped access certifications, or other Federal requirements peripheral to a lien accommodation. REA disagrees with this interpretation of the applicable laws and their current implementing regulations. Regarding environmental reports, any changes in the applicability of environmental requirements to lien accommodations would require a thorough reevaluation and revision of REA's environmental regulation, 7 CFR part 1794. This is beyond the scope of this rule.

Since publication of the proposed rule, REA has published final rule 7 CFR 1792 Subpart C, Seismic Safety of New Building Construction. The requirements of that rule are applicable to lien accommodations and subordinations, and these requirements have now been incorporated in this rule.

One commenter noted that REA has not followed a consistent practice of requiring a board resolution adopting a required Borrower Environmental Report or other environmental documents. REA agrees with the comment and has decided to drop the requirement for a board resolution in § 1717.855(f).

A commenter questioned the need for a CWP if the borrower must follow REA construction standards. REA believes that a CWP is needed to ensure sound planning of system design and construction, which is not addressed by individual construction standards. The CWP must meet the requirements of 7 CFR 1710, Subpart F, which requires the borrower to obtain REA approval of the CWP and any amendments. This latter fact is now explicitly reiterated in § 1717.855(h). Also, the written agreement the borrower is required to provide to REA under § 1717.850(f) has been amended to include agreement by the borrower to follow the REA-approved CWP and to obtain prior REA approval in writing of any amendments to the CWP.

Regarding § 1717.855(e), one commenter stated that a lender will not provide a copy of the actual financing instrument prior to the approval of the lien accommodation, and suggested that a draft copy should be adequate. REA disagrees, since its experience is that draft copies go through numerous revisions which delay the approval process. An executed copy of the instrument is not required, but it is necessary that the copy be in final form and the same in substance as the instrument to be executed.

Section 1717.856—Application contents: normal review—100 percent private financing of distribution, transmission and/or generation facilities.

It was suggested by one commenter that the rule include guidance on the preparation of Equity Development Plans (EDP), and also specify the timeframe for approval of the plans. Guidance on the preparation of EDPs is given in 7 CFR 1710.116, which REA plans to amend and augment. As to timeframes for approval, the timeframes set forth in § 1717.859 include the approval of EDPs.

One commenter suggested that the loan size threshold in § 1717.856(c)(4) should be raised from 3 percent of net utility plant to 30 percent when considering a waiver of the requirement for a 10 year financial forecast. REA disagrees with the magnitude of the suggested change. Section 1717.856(c)(4) applies to all facilities, including generation, and also to any distribution or power supply borrower no matter what its financial condition. In most cases such investments ought to be supported by an adequate financial forecast. Upon further consideration, REA has concluded that the proposed limit was more restrictive than it needed to be, and has changed it to the lesser of $10 million or 10 percent of net utility plant.

Another commenter suggested that § 1717.856(c)(2) ought to be dropped, and that a waiver should be presumptive for any borrower meeting the conditions in § 1717 .856(c)(1), (3) and (4). REA disagrees with these comments. Elimination of subparagraph (2) would prevent REA from using the knowledge it has about the borrower and the proposed loan in determining whether to waive the requirement for a financial forecast. Simply because the borrower is current on its financial obligations and has met the mortgage TIER and DSC requirements, and the loan is relatively small, does mean not that the proposed loan will be feasible in all cases.

In § 1717.856(e), clarification was requested as to exactly what is meant by a power cost study. Such study is defined in 7 CFR 1710.303, and that has now been noted in § 1717.851.

Several recommendations were made for changes in the opinion of borrower's counsel required by § 1717.856(a)(2). The comments requested clarification and modification of REA's proposed language that there is no pending litigation and no threatened actions by third parties that would materially adversely affect the borrower's operations and/or financial condition. The language has been clarified to reflect REA's desire to have an opinion of counsel regarding actions or proceedings against the borrower, pending or overtly threatened in writing before any court, governmental agency, or arbitrator. Related changes have also been made to § 1717.854(c)(3). One comment suggested the use of the phrase "overtly threatened or pending litigation." This phrase is too narrow for REA's purpose. As suggested, the opinion will be required to address the merits of the claims asserted in the actions or proceedings, and include, if appropriate, an estimate of the amount or range of any potential loss.

One comment recommended that levels of insurance coverage be a matter to be certified to by the borrower rather than addressed in the opinion of counsel. This change has also been made.

Section 1717.857 Refinancing of existing secured debt—distribution and power supply borrowers.

Several commenters asked for clarification of the meaning of "current refunding" referenced in § 1717.857(a)(1), and recommended that it should include refundings where the proceeds are applied against the old debt within one year of the issuance of the new debt. REA believes that one year goes beyond the usual standard of a current refunding. In the case of tax exempt financing, Section 149(d) of the Internal Revenue Code defines a current refunding as one in which the proceeds of the refunding bond are applied within 90 days of issuance to refund the old bond. This standard has been incorporated into the definition of current refunding in § 1717.851.

Two commenters stated that interest rate derivatives are widely available and should not be unreasonably restricted because they offer borrowers the opportunity to control costs and interest rate risks. REA believes that restricting interest rate derivatives to the normal review process is not an undue restriction. These transactions generally are more complicated and will normally require more time for REA to review than would be possible under advance approval.

Several commenters recommended that the rule specify the discount rate to be used in the present value analysis of costs. They recommended use of the rate on Treasury securities having a maturity equal to the weighted average life of the refunding loan. REA believes that the discount rate used to calculate the present value of costs of the old loan and the refunding loan should reflect the marginal long-term borrowing costs of the borrower. This will normally be higher than the interest rate on Treasury issues of comparable maturity. So long as REA guaranteed Federal Financing Bank (FFB) loans continue to be available, one measure of a borrower's marginal long-term borrowing cost is the rate charged on FFB loans, which is the Treasury rate plus one-eighth percent. Other rates could be justified depending on individual circumstances. Therefore, § 1717.857(a)(4) has been amended to establish a standard discount rate equal to the current rate on Treasury securities having a maturity equal to the weighted average life of the refunding loan, plus one-eighth percent, while allowing an alternative rate to be used if approved by REA based on documentation provided by the borrower as to its marginal long-term borrowing cost.

Two commenters asked for guidance as to how the present value of costs should be calculated as interest rates change pursuant to interest rate options in refinancing transactions. REA does not believe that a single methodology can be prescribed that will be valid for all of the possible situations and variations. If the old loan or the refinancing loan involve variable or floating interest rates, assumptions made about the future course of these rates will have to be judged on a case by case basis.

Section 1717.858 Lien subordination for rural development investments.

One power supply borrower applauded REA's policy of encouraging subsidiaries for rural development investments in order to separate the financial risks and discourage undisclosed subsidies of such investments by rural rate payers. It was also suggested that REA should drop its requirement for consolidated financial reports so as not to require rural rate payers to subsidize such investments. While this suggestion is outside the scope of this rule, it should be noted that generally accepted accounting principles require the consolidation of the financial statements of all majority-held subsidiaries (at least 50 percent ownership) with the financial statement of the parent.

Section 1717.859 Application process and timeframes.

One commenter recommended that a timeframe be established for the general field representative (GFR) to forward an application to headquarters or return it to the borrower with deficiencies noted. REA considered establishing a timeframe for these activities but concluded that it would be impractical to do so in this rule because a GFR has no backup and must have greater flexibility to juggle his or her work load. REA will address this issue in its internal staff instructions.

A commenter recommended that the various notifications provided the borrower regarding its lien accommodation application also be provided to the private lender. REA agrees and has so amended § 1717.859(a).

One commenter asked whether the timeframes include legal advice or other input needed from the Office of General Counsel. They do.

In order for all parties to know when the time period begins, one commenter recommended that REA inform the applicant within 15 days of receipt of the initial application of whether the application is complete and, if not, the information needed. This rule, as was originally proposed, provides for the notification recommended by the commenter, although in some cases more than 15 days is allowed. Section 1717.859(a) requires REA to notify borrowers in writing when their applications are complete and in form and substance satisfactory to REA. Elsewhere in § 1717.859, REA commits to notifying the borrower in writing within 15, 20, or 30 days of receipt of the application, depending on the type of application, of any information needed for completion.

Subpart S

In § 1717.901(a)(2), it was recommended that the type of evidence be specified that is needed to demonstrate the availability of alternative financing to complete a project if the REA concurrent financing is not forthcoming. REA agrees, and has so amended the paragraph.

A commenter stated that REA should be willing to lien accommodate for the entire amount of the concurrent supplemental loan under the early approval process, since the private lender may be required to commit financing for the entire project in the event the REA concurrent loan is not forthcoming. REA agrees that the lender's commitment to provide the additional funds should not be binding if REA is not willing to provide a lien accommodation for those funds. Section 1717.901(a)(2) has been revised to make it clear that such financing commitment given by a private lender would be conditioned upon the availability of a lien accommodation from REA.

One commenter asked whether the 90 days allowed for early approval of a lien accommodation for supplemental financing also included the approval of the CWP. It does.

List of Subjects in 7 CFR Part 1717

Administrative practice and procedure, Electric power, Electric utilities, Intergovernmental relations, Investments, Lien accommodation, Lien subordination, Loan programs-energy, Reporting and recordkeeping requirements, Rural development.

For reasons explained in the preamble, REA amends 7 CFR chapter XVII by amending part 1717 as follows:

PART 1717—POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for part 1717 continues to read as follows:

Authority: 7 U.S.C. 901–950b; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the

Under Secretary for Small Community and Rural Development, 7 CFR 2.72, unless otherwise noted.

2. Subparts O through Q are added and reserved and subparts R and S are added to read as follows:

Subpart O—[Reserved]

Sec.
1717.700–1717.749 [Reserved]

Subpart P—[Reserved]

1717.750–1717.799 [Reserved]

Subpart Q—[Reserved]

1717.800–1717.849 [Reserved]

Subpart R—Lien Accommodations and Subordinations for 100 Percent Private Financing

1717.850 General.
1717.851 Definitions.
1717.852 Financing purposes.
1717.853 Loan terms and conditions.
1717.854 Advance approval—100 percent private financing of distribution, subtransmission, and headquarters facilities.
1717.855 Application contents: Advance approval—100 percent private financing of distribution, subtransmission, and headquarters facilities.
1717.856 Application contents: Normal review—100 percent private financing of distribution, transmission and/or generation facilities.
1717.857 Refinancing of existing secured debt—distribution and power supply borrowers.
1717.858 Lien subordination for rural development investments.
1717.859 Application process and timeframes.
1717.860–1717.899 [Reserved]

Subpart S—Lien Accommodations for Supplemental Financing Required by 7 CFR 1710.110

1717.900 Qualification requirements.
1717.901 Early approval.
1717.902 Other REA requirements.
1717.903 Liability.
1717.904–1717.949 [Reserved]

Subpart O—[Reserved]

§§ 1717.700–1717.749 [Reserved]

Subpart P—[Reserved]

§§ 1717.750–1717.799 [Reserved]

Subpart Q—[Reserved]

§§ 1717.800–1717.849 [Reserved]

Subpart R—Lien Accommodations and Subordinations for 100 Percent Private Financing

§ 1717.850 General.

(a) *Scope.* This subpart R establishes policies and procedures for the accommodation, subordination or release of the Government's lien on borrower assets, including approvals of supporting documents and related loan security documents, in connection with 100 percent private sector financing of facilities and other purposes. Policies and procedures regarding lien accommodations for concurrent supplemental financing required in connection with an REA insured loan are set forth in subpart S of this part.

(b) *Overall policy.* Consistent with prudent lending practices, the maintenance of adequate security for REA's loans, and the objectives of the Rural Electrification Act (RE Act), it is the policy of REA to provide effective and timely assistance to borrowers in obtaining financing from other lenders for electric facilities, equipment and systems by sharing REA's lien on a borrower's assets, and in certain circumstances by subordinating REA's lien on specific assets financed by other lenders. It is also the policy of REA to provide effective and timely assistance to borrowers in promoting rural development by subordinating REA's lien for financially sound rural development investments under the conditions set forth in § 1717.858.

(c) *Decision factors.* In determining whether to accommodate, subordinate, or release its lien on property pledged by the borrower under the REA mortgage, REA will consider the effects of such action on the achievement of the purposes of the RE Act, the repayment and security of REA loans secured by the mortgage, and other factors set forth in this subpart. The following factors will be considered in assessing the effects on the repayment and security of REA loans:

(1) The value of the added assets compared with the amount of new debt to be secured;

(2) The value of the assets already pledged under the mortgage, and any effects of the proposed transaction on the value of those assets;

(3) The ratio of the total outstanding debt secured under the mortgage to the value of all assets pledged as security under the mortgage;

(4) The borrower's ability to repay debt owed to the Government, as indicated by the following factors:

(i) Revenues, costs (including interest, lease payments and other debt service costs), margins, Times Interest Earned Ratio (TIER), Debt Service Coverage (DSC), and other case-specific economic and financial factors;

(ii) The variability and uncertainty of future revenues, costs, margins, TIER, DSC, and other case-specific economic and financial factors;

(iii) Future capital needs and the ability of the borrower to meet those needs at reasonable cost;

(iv) The ability of the borrower's management to manage and control its system effectively and plan for future needs; and

(5) Other factors that may be relevant in individual cases, as determined by REA.

(d) *Environmental considerations.* Under certain circumstances, such as when the project does not qualify for a categorical exclusion, the environmental requirements of 7 CFR part 1794 may apply to applications for lien accommodations, subordinations, and releases.

(e) *Co-mortgagees.* Other mortgagees under existing mortgages shared with REA may have the right to approve requests for lien accommodations, subordinations and releases. In those cases, borrowers would have to obtain the approval of such mortgagees in order for the lien of the mortgage to be accommodated, subordinated or released. Any reference in this subpart to waiving by REA of any of its rights under the mortgage shall apply only to the rights of REA and shall not apply to the rights of any other co-mortgagee.

(f) *Safety and performance standards.* (1) In the case of distribution and transmission facilities financed by a loan that is lien accommodated or subordinated under this subpart, the borrower, through an authorized official, must provide REA with a written agreement that it will:

(i) Comply with the National Electrical Safety Code, in accordance with 7 CFR 1724.41;

(ii) Use only materials for distribution and transmission facilities that have been determined by REA to be acceptable, as required by 7 CFR 1728.70(a) and (b), or if such materials are not available, use materials approved by a registered professional engineer;

(iii) Comply with standards for construction established by REA, such as those in 7 CFR 1728.97, except as otherwise provided in 7 CFR 1724.45;

(iv) Follow the REA-approved Construction Work Plan (CWP) applicable to the loan and obtain prior written approval from REA for any amendments to the CWP; and

(v) Within 90 days of completion of construction, provide to REA a certification from a registered professional engineer that the facilities have been constructed pursuant to an REA-approved CWP or REA-approved CWP amendment and in conformance with REA construction and materials standards, as required by paragraphs (f)(1)(i), (ii) and (iii) of this section. If all of the construction financed by the loan is covered by certifications provided to

the private lender under paragraph (g)(1)(ii) of this section, a borrower may meet the requirements of this paragraph (f)(1)(v) by providing to REA a copy of all such certifications.

(2) REA "Buy American" requirements shall not apply.

(g) *Advance of funds.* (1) The advance of funds from 100 percent private loans lien accommodated or subordinated by REA will not be subject to REA approval. It is the private lender's responsibility to adopt reasonable measures to ensure that such loan funds are used for the purposes for which the loan was made and the lien accommodation or subordination granted. REA encourages lenders to adopt the following measures:

(i) Remit loan advances to a separate subaccount of the Cash-Construction Fund-Trustee Account;

(ii) Obtain a certification from a registered professional engineer, for each year during which funds from the separate subaccount are utilized by the borrower, that all materials and equipment purchased and facilities constructed during the year from said funds comply with REA safety and performance standards, as required by paragraph (f) of this section, and are included in an REA-approved CWP or REA-approved CWP amendment;

(iii) Obtain an auditor's certification from a Certified Public Accountant, for each year during which funds are advanced to or remitted from the separate subaccount, certifying:

(A) The amount of loan funds advanced to and remitted from the separate subaccount during the period of review;

(B) That based on the auditor's review of construction work orders and other records, all moneys disbursed from the separate subaccount during the period of review were used for purposes contemplated in the loan agreement and the lien accommodation; and

(iv) Immediately notify REA in writing if the lender is unable to obtain the certifications cited in paragraphs (g)(1)(ii) and (g)(1)(iii) of this section.

(2) The measures listed in paragraph (g)(1) of this section will normally be sufficient to meet the lender's responsibility provided that additional measures are not reasonably required based on the particular circumstances of an individual case. Should a lender fail to carry out its responsibility in the manner described in this paragraph (g) or in another manner acceptable to REA, REA may disqualify such lender from participation in advance approval under §§ 1717.854 and 1717.857 and condition the lender's receipt of a lien accommodation or subordination upon the lender providing satisfactory evidence that it will fulfill its responsibility under this paragraph (g).

(h) *Contracting and procurement procedures.* (1) Facilities financed with debt obtained entirely from non-REA sources, without an REA loan guarantee, are not subject to REA post-loan requirements regarding contracting, procurement and bidding procedures; contract close-out procedures pertaining to project completion, final payment of contractor, and related matters; and standard forms of construction and procurement contracts listed in 7 CFR 1726.300.

(2) To the extent that provisions in a borrower's loan contract or mortgage in favor of REA may be inconsistent with paragraphs (g)(1) and (h)(1) of this section, paragraphs (g)(1) and (h)(1) of this section are intended to constitute an approval or waiver under the terms of such instruments, and in any regulations implementing such instruments, with respect to facilities financed with debt obtained entirely from non-REA sources without an REA guarantee. Specifically, the following requirements customarily found in typical REA loan instruments and in implementing regulations are deemed satisfied or not applicable:

(i) All provisions in Loan Contract Article II, entitled "Advances and Disposition of Funds";

(ii) Those provisions in Loan Contract Article III, entitled "Construction," found in sections 1, 2 or 3 and respectively concerning limitations on the use of force account construction, requirements to use REA approved construction contracts, or requirements to use competitive bidding;

(iii) Those provisions in Loan Contract Article IV, entitled "Particular Covenants," found in sections 1, 2, 3, 9, 10, 14 or 16 and concerning the following matters: approval of depositories and engineers, plans and specifications, construction contracts, materials, and equipment and supplies contracts; delivery of contractor's and subcontractor's bonds; procedures for energizing the system; clauses for inclusion in contracts for federally assisted construction; or requirements for approval of evidence of the Borrower's right, title or interest in real property being acquired or improved by the Borrower; and

(iv) Those provisions in Mortgage Article II, entitled "Particular Covenants of the Mortgagor," found in Section 10 thereof and concerning approval of extensions and improvements to the system, other than extensions or improvements related to serving any consumer having an anticipated demand in excess of 1,000 kilowatts, and provisions concerning approval of expenses for legal, engineering, supervisory, accounting or other similar expenses.

(i) *Access of handicapped to buildings and seismic safety.* A borrower must meet the following requirements to be eligible for a lien accommodation or subordination for 100 percent private financing of the construction of buildings:

(1) The borrower must provide REA with a certification by the project architect that the buildings will be designed and constructed in compliance with Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794), as applicable under that Act, and that the facilities will be readily accessible to and usable by persons with handicaps in accordance with the Uniform Federal Accessibility Standards (UFAS), (Appendix A to 41 CFR part 101.19, subpart 101–19.6). The certification must be included in the borrower's application for a lien accommodation or subordination. In addition to these requirements, building construction may also be subject to requirements of The Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*); and

(2) The borrower must comply with REA's seismic safety requirements set forth in 7 CFR part 1792, subpart C.

(j) *Breach of warranty.* Any breach of any warranty or agreement or any material inaccuracy in any representation, warranty, certificate, document, or opinion submitted pursuant to this subpart, including, without limitation, any agreement or representation regarding the use of funds from loans lien accommodated or subordinated pursuant to this subpart, shall constitute a default by the borrower under the terms of its loan agreement with REA.

(k) *Guaranteed loans.* The provisions of this subpart do not apply to lien accommodations or subordinations sought for loans guaranteed by REA. Such lien accommodations and subordinations are governed by REA regulations on guaranteed loans.

(l) *Release of lien.* To avoid repetition, release of lien is not mentioned in every instance where it may be an acceptable alternative to subordination of REA's lien. Generally, lien subordination is favored over release of lien, and any decision to release REA's lien is at the sole discretion of REA.

(m) *Waiver authority.* Consistent with the RE Act and other applicable laws, any requirement or restriction imposed by this subpart, or subpart S of this part, on a borrower or private lender may be waived or reduced by the

Administrator, if the Administrator determines that said action is in the Government's financial interest.

(n) *Liability.* It is the intent of this subpart that any failure on the part of REA to comply with any provisions hereof, including without limitation, those provisions setting forth specified timeframes for action by REA on applications for lien accommodations or lien subordinations, shall not give rise to liability of any kind on the part of the Government or any employees of the Government including, without limitation, liability for damages, fees, expenses or costs incurred by or on behalf of a borrower, private lender or any other party.

§ 1717.851 Definitions.

Terms used in this subpart have the meanings set forth in 7 CFR 1710.2. References to specific REA forms and other REA documents, and to specific sections or lines of such forms and documents, shall include the corresponding forms, documents, sections and lines in any subsequent revisions of these forms and documents. In addition to the terms defined in 7 CFR 1710.2, the following terms have the following meanings for the purposes of this subpart:

Borrower's financial and statistical report means REA Form 7, Parts A through D, for distribution borrowers, and REA Form 12a for power supply borrowers.

Calendar day means any day of the year, except a Federal holiday that falls on a work day.

Current refunding means any refunding of debt where the proceeds of the new debt are applied to refund the old debt within 90 days of the issuance of the new debt.

Default under the REA mortgage, loan contract, restructuring agreement, or any other agreement between the borrower and REA means any event of default or any event which, with the giving of notice or lapse of time or both, would become an event of default.

Equity, less deferred expenses, means Line 33 of Part C of REA Form 7 less assets properly recordable in Account 182.2, Unrecovered Plant and Regulatory Study Costs, and Account 182.3, Other Regulatory Assets.

Front-end costs means the reasonable cost of engineering, architectural, environmental and other studies and plans needed to support the construction of facilities and other investments eligible for a lien accommodation or subordination under this subpart.

Lien accommodation means the sharing of the Government's (REA's) lien on property, usually all property, covered by the lien of the REA mortgage.

Lien subordination means allowing another lender to take a first mortgage lien on certain property covered by the lien of the REA mortgage, and the Government (REA) taking a second lien on such property.

Net utility plant means Part C, Line 5 of REA Form 7 (distribution borrowers) or Section B, Line 5 of REA Form 12a (power supply borrowers).

ODSC means Operating Debt Service Coverage calculated as:

$$ODSC = \frac{A + B + C}{D}$$

where:

A = Depreciation and Amortization Expense, which equals Part A, Line 12 of REA Form 7;

B = Interest on Long-term Debt, which equals Part A, Line 15 of REA Form 7, except that Interest on Long-term debt shall be increased by 1/3 of the amount, if any, by which the rentals of Restricted Property (Part M, Line 3 of REA Form 7) exceeds 2 percent of Total Margins and Equities (Part C, Line 33 of REA Form 7);

C = Patronage Capital & Operating Margins, which equals Part A, Line 20 of REA Form 7; and

D = Debt Service Billed (REA + other) which equals all interest and principal billed during the calendar year plus 1/3 of the amount, if any, by which the rentals of Restricted Property (Part M, Line 3 of REA Form 7) exceeds 2 percent of Total Margins and Equities (Part C, Line 33 of REA Form 7).

OTIER means Operating Times Interest Earned Ratio calculated as:

$$OTIER = \frac{A + B}{A}$$

where:

A = Interest on Long-term Debt, which equals Part A, Line 15 of REA Form 7, except that Interest on Long-term debt shall be increased by 1/3 of the amount, if any, by which the rentals of Restricted Property (Part M, Line 3 of REA Form 7) exceeds 2 percent of Total Margins and Equities (Part C, Line 33 of REA Form 7); and

B = Patronage Capital and Operating Margins, which equals Part A, Line 20 of REA Form 7.

Power cost study means the study defined in 7 CFR 1710.303.

Total assets, less deferred expenses means Line 26 of Part C of REA Form 7 less assets properly recordable in Account 182.2, Unrecovered Plant and Regulatory Study Costs, and Account 182.3, Other Regulatory Assets.

Total outstanding long-term debt means Part C, Line 38 of REA Form 7.

Transaction costs means the reasonable cost of legal advice, accounting fees, filing fees, recording fees, call premiums and prepayment penalties, financing costs (including, for example, underwriting commissions, letter of credit fees and bond insurance), and printing associated with borrower financing.

Weighted average life of the loan means the average life of the loan based on the proportion of original loan principal paid during each year of the loan. It shall be determined by calculating the sum of all loan principal payments, expressed as a fraction of the original loan principal amount, times the number of years and fractions of years elapsed at the time of each payment since issuance of the loan. For example, given a $5 million loan, with a maturity of 5 years and equal principal payments of $1 million due on the anniversary date of the loan, the weighted average life would be: (.2)(1 year) + (.2)(2 years) + (.2)(3 years) + (.2)(4 years) + (.2)(5 years) = .2 years + .4 years + .6 years + .8 years + 1.0 years = 3.0 years. If instead the loan had a balloon payment of $5 million at the end of 5 years, the weighted average life would be: ($5 million/$5 million)(5 years) = 5 years.

§ 1717.852 Financing purposes.

(a) *Purposes eligible.* The following financing purposes, except as excluded in paragraph (b) of this section, are eligible for a lien accommodation from REA, or in certain circumstances a subordination of REA's lien on specific assets, provided that all applicable provisions of this subpart are met:

(1) The acquisition, construction, improvement, modification, and replacement (less salvage value) of systems, equipment, and facilities, including real property, used to supply electric power to:

(i) RE Act beneficiaries; and/or

(ii) End-user customers of the borrower who are not beneficiaries of the RE Act. Such systems, equipment, and facilities include those listed in 7 CFR 1710.251(c) and 1710.252(c), as well as others that are determined by REA to be an integral component of the borrower's system of supplying electric power to consumers, such as, for example, coal mines, coal handling facilities, and railroads and other transportation systems that supply fuel for generation;

(2) The purchase, rehabilitation and integration of existing distribution

facilities, equipment and systems, and associated service territory;

(3) Front-end costs, when and as the borrower has obtained a binding commitment from the non-REA lender for the financing required to complete the procurement or construction of the facilities;

(4) Transaction costs included as part of the cost of financing assets or refinancing existing debt, provided, however, that the amount of transaction costs eligible for lien accommodation or subordination normally shall not exceed 3.5 percent of the principal amount of financing or refinancing provided, net of all transaction costs;

(5) The refinancing of existing debt secured under the mortgage;

(6) Interest during construction of generation and transmission facilities if approved by REA, case by case, depending on the financial condition of the borrower, the terms of the financing, the nature of the construction, the treatment of these costs by regulatory authorities having jurisdiction, and such other factors deemed appropriate by REA; and

(7) Lien subordinations for certain rural development investments, as provided in § 1717.858.

(b) *Purposes ineligible.* (1) Except as provided in paragraph (b)(2) of this section, the following financing purposes are not eligible for a lien accommodation or subordination from REA:

(i) Working capital, including operating funds, unless in REA's judgment the working capital is required to ensure the repayment of REA loans and/or other loans secured under the mortgage;

(ii) Electric facilities, equipment, appliances, or wiring located inside the premises of the consumer, except:

(A) Certain load-management equipment (see 7 CFR 1710.251(c)(11)); and

(B) As determined by REA on a case by case basis, electric facilities included as part of certain cogeneration projects to furnish electric power to end-user customers of the borrower;

(iii) Investments in a lender required of the borrower as a condition for obtaining financing; and

(iv) Debt incurred by a distribution or power supply borrower for investment in projects other than the borrower's primary business of supplying electric power to its members and consumers, except for certain rural development investments eligible for a lien subordination under § 1717.858.

(2) REA may, at its sole discretion, grant an exception to any of the restrictions on accommodating or subordinating its lien on a borrower's property set forth in paragraphs (a) and (b)(1) of this section, if REA determines that the accommodation or subordination will enhance the repayment and/or security of loans made by REA to the borrower, or is otherwise in the financial interest of the Government.

(c) *Lien subordination for electric utility investments.* REA will consider subordinating its lien on specific electric utility assets financed by the lender, when the assets can be split off without materially reducing the stability, safety, reliability, operational efficiency, or liquidation value of the rest of the system.

§ 1717.853 Loan terms and conditions.

(a) *Terms and conditions.* A loan, bond or other financing instrument, for which a lien accommodation or subordination is requested from REA, must comply with the following terms and conditions:

(1) The maturity of the loan or bond used to finance facilities or other capital assets must not exceed the weighted average of the expected remaining useful lives of the assets being financed;

(2) The loan or bond must have a maturity of not less than 5 years, except for loans or bonds used to refinance debt that has a remaining maturity of less than 5 years;

(3) The principal of the loan or bond must be amortized at a rate that will yield a weighted average life not greater than the weighted average life that would result from level payments of principal and interest; and

(4) The loan, or any portion of the loan, may bear either a variable (set annually or more frequently) or a fixed interest rate.

(b) *REA approval.* Loan terms and conditions and the loan agreement between the borrower and the lender are subject to REA approval. However, REA will usually waive its right of approval for distribution borrowers that meet the conditions for advance approval of a lien accommodation or subordination set forth in § 1717.854. REA may also waive its right of approval in other cases. REA's decision to waive its right of approval will depend on the adequacy of security for REA's loans, the current and projected financial strength of the borrower and its ability to meet its financial obligations, REA's familiarity with the lender and its lending practices, whether the transaction is ordinary or unusual, and the uncertainty and credit risks involved in the transaction.

§ 1717.854 Advance approval—100 percent private financing of distribution, subtransmission, and headquarters facilities.

(a) *Policy.* All requests for a lien accommodation or subordination from distribution borrowers for 100 percent private financing of distribution, subtransmission, and headquarters facilities that meet the conditions of this section and all other applicable provisions of this subpart, qualify for advance approval by REA. Advance approval means REA will approve these requests once REA is satisfied that the conditions of this section and all other applicable provisions of this subpart have been met.

(b) *Eligible purposes.* Lien accommodations or subordinations for the financing of distribution, subtransmission, and headquarters facilities, except the purchase of existing facilities and associated service territory, are eligible for advance approval.

(c) *Qualification criteria.* To qualify for advance approval, the following requirements, as well as all other applicable requirements of this subpart, must be met:

(1) The borrower meets at least one of the following two criteria:

(i) The ratio of the borrower's equity, less deferred expenses, to total assets, less deferred expenses, is at least 40 percent at the time of the lien accommodation request, and is not less than 37 percent after taking into account the effect of the proposed loan, and the borrower has achieved a TIER of at least 1.5 and a DSC of at least 1.25 for each of the 2 calendar years immediately preceding, or any 2 consecutive 12 month periods ending within 180 days immediately preceding, the issuance of the debt; or

(ii) The ratio of the borrower's equity, less deferred expenses, to total assets, less deferred expenses, is at least 35 percent at the time of the lien accommodation request, and is not less than 32 percent after taking into account the effect of the proposed loan, and the borrower has achieved an operating TIER (OTIER) of at least 1.5 and an operating DSC (ODSC) of at least 1.25 for each of the 2 calendar years immediately preceding, or any 2 consecutive 12 month periods ending within 180 days immediately preceding, the issuance of the debt;

(2) The borrower's net utility plant as a ratio to total outstanding long-term debt, after taking into consideration the effect of the proposed loan and associated plant additions, is not less than 1.1;

(3) There are no actions or proceedings against the borrower, pending or overtly threatened in writing before any court, governmental agency, or arbitrator that would materially adversely affect the borrower's operations and/or financial condition;

(4) The borrower is current on all debt payments and all other financial obligations, and is not in default under the REA mortgage, the REA loan contract, the borrower's wholesale power contract, any debt restructuring agreement, or any other agreement with REA;

(5) The borrower has:

(i) Submitted the annual auditor's report, report on compliance, report on internal controls, and management letter in accordance with 7 CFR part 1773;

(ii) Received an unqualified opinion in the most recent auditor's report;

(iii) Resolved all material findings and recommendations made in the most recent Loan Fund and Accounting Review;

(iv) Resolved all material findings and recommendations made in the most recent financial statement audit, including those material findings and recommendations made in the report on internal control, report on compliance, and management letter;

(v) Resolved all outstanding material accounting issues with REA; and

(vi) Resolved any significant irregularities to REA's satisfaction;

(6) If the borrower has a power supply contract with a power supply borrower, the power supply borrower is current on all debt payments and all other financial obligations, and is not in default under the REA mortgage, the loan contract, any debt restructuring agreement, or any other agreement with REA; and

(7) The amount of outstanding debt having an effective variable interest rate (set annually or more frequently), taking into consideration the debt covered by the application for a lien accommodation or subordination, does not exceed 15 percent of all outstanding debt of the borrower.

(d) *Right of normal review reserved.* REA reserves the right to review any request for lien accommodation or subordination under its normal review process rather than under advance approval procedures if REA, in its sole discretion, determines there is reasonable doubt as to whether the requirements of paragraphs (b) and (c) of this section have been or will be met, or whether the borrower will be able to meet all of its present and future financial obligations.

§ 1717.855 Application contents: Advance approval—100 percent private financing of distribution, subtransmission, and headquarters facilities.

Applications for a lien accommodation or subordination that meet the requirements of § 1717.854 must include the following information and documents:

(a) The agreement regarding safety and performance standards and adherence to an REA-approved CWP required by § 1717.850(f), combined with a certification by an authorized official of the borrower that the borrower and, as applicable, the loan are in compliance with all conditions set forth in § 1717.854(c) and all applicable provisions of §§ 1717.852 and 1717.853;

(b) A resolution of the borrower's board of directors requesting the lien accommodation or subordination and including the amount and maturity of the proposed loan, a general description of the facilities or other purposes to be financed, the name and address of the lender, and an attached term sheet summarizing the terms and conditions of the proposed loan;

(c) The borrower's financial and statistical report, the data in which shall not be more than 60 days old when the complete application is received by REA;

(d) Draft copy of any new mortgage or mortgage amendment (supplement) required by REA or the lender, unless REA has notified the borrower that it wishes to prepare these documents itself;

(e) A copy of the loan agreement, loan note, bond or other financing instrument, unless REA has notified the borrower that these documents need not be submitted;

(f) Borrower's environmental report and/or other environmental documentation, if required by 7 CFR part 1794;

(g) REA Form 740c, Cost Estimates and Loan Budget for Electric Borrowers, and REA Form 740g, Application for Headquarters Buildings;

(h) A CWP or CWP amendment covering the proposed project, in accordance with 7 CFR part 1710, subpart F, and subject to REA approval, and a resolution of the borrower's board of directors adopting the CWP;

(i) The certification by the project architect for any buildings to be constructed, as required by § 1717.850(i);

(j) A certification by an authorized official of the borrower that flood hazard insurance will be obtained for the full value of any buildings, or other facilities susceptible to damage if flooded, that will be located in a flood hazard area;

(k) Form AD-1047, Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions, as required by 7 CFR part 3017;

(l) A report by the borrower stating whether or not it is delinquent on any Federal debt, and if delinquent, the amount and age of the delinquency and the reasons therefor; and a certification, if not previously provided, that the borrower has been informed of the Government's collection options;

(m) The written acknowledgement from a registered engineer or architect regarding compliance with seismic provisions of applicable model codes for any buildings to be constructed, as required by 7 CFR 1792.104; and

(n) Other information that REA may require to determine whether all of the applicable provisions of this subpart have been met.

§ 1717.856 Application contents: Normal review—100 percent private financing of distribution, transmission and/or generation facilities.

Applications for a lien accommodation or subordination for 100 percent financing of distribution, transmission, and/or generation facilities (including other eligible electric utility purposes) that do not meet the requirements of § 1717.854, must include the following information and documents:

(a) The certification regarding safety and performance standards required by § 1717.850(f) (if the financing is for distribution or transmission facilities), combined with a certification by an authorized official of the borrower that:

(1) The borrower and, as applicable, the loan are in compliance with all applicable provisions of §§ 1717.852 and 1717.853; and

(2) There are no actions or proceedings against the borrower, pending or overtly threatened in writing before any court, governmental agency, or arbitrator that would materially adversely affect the borrower's operations and/or financial condition. If this certification cannot be made, the application must include:

(i) An opinion of borrower's counsel regarding any actions or proceedings against the borrower, pending or overtly threatened in writing before any court, governmental agency, or arbitrator that would materially adversely affect the borrower's operations and/or financial condition. The opinion shall address the merits of the claims asserted in the actions or proceedings, and include, if appropriate, an estimate of the amount or range of any potential loss; and

(ii) A certification by an authorized official of the borrower as to the amount

of any insurance coverage applicable to any loss that may result from the actions and proceedings addressed in the opinion of borrower's counsel;

(b) The information and documents set forth in § 1717.855 (b) through (n);

(c) A long-range financial forecast providing financial projections for at least 10 years, which demonstrates that the borrower's system is economically viable and that the proposed loan is financially feasible, and a resolution of the borrower's board of directors adopting the long-range financial forecast. The financial forecast must comply with the requirements of 7 CFR part 1710 subpart G. REA may, in its sole discretion, waive the requirement of this paragraph that a long range financial forecast be provided, if:

(1) The borrower is current on all of its financial obligations and is in compliance with all requirements of its mortgage and loan agreement with REA;

(2) In REA's judgment, granting a lien accommodation or subordination for the proposed loan will not adversely affect the repayment and security of outstanding debt of the borrower owed to or guaranteed by REA;

(3) The borrower has achieved the TIER and DSC levels required by its mortgage in each of the two most recent calendar years; and

(4) The amount of the proposed loan does not exceed the lesser of $10 million or 10 percent of the borrower's current net utility plant;

(d) Equity development plan. A borrower must submit a new or revised equity development plan, and a resolution of its board of directors adopting the plan, if the borrower's equity, as defined in 7 CFR 1710.2, as a percentage of total assets is less than 40 percent (distribution borrowers) or less than 20 percent or some higher percentage based on the borrower's particular financial circumstances and needs (power supply borrowers), after taking into consideration the effects of the proposed loan on the borrower's balance sheet. Such borrowers are subject to the requirements of 7 CFR 1710.116;

(e) As applicable to the type of facilities being financed, a CWP, related engineering and cost studies, a power cost study, and a resolution of the borrower's board of directors adopting these documents. These documents must meet the requirements of 7 CFR part 1710, subpart F and, as applicable, subpart G;

(f) Unless the requirement has been waived in writing by REA, a current, REA-approved power requirements study, which must meet the requirements of 7 CFR part 1710, subpart E, to the same extent as if the loan were being made by REA, and a resolution of the borrower's board of directors adopting the study; and

(g) A discussion of the borrower's compliance with REA requirements on accounting, financial reporting, record keeping, and irregularities (see § 1717.854(c)(5)). REA will review the case and determine the effect of any noncompliance on the feasibility and security of REA's loans, and whether the requested lien accommodation or subordination can be approved.

§ 1717.857 Refinancing of existing secured debt—distribution and power supply borrowers.

(a) *Advance approval.* All applications for a lien accommodation or subordination for the refinancing of existing secured debt that meet the qualification criteria of this paragraph, except applications from borrowers in default under their mortgage or loan contract with REA, are eligible for advance approval. Such lien accommodations and subordinations are deemed to be in the Government's interest, and REA will approve them once REA is satisfied that the requirements of this paragraph and paragraph (c) of this section have been met. The qualification criteria are as follows:

(1) The refinancing is a current refunding and does not involve interest rate swaps, forward delivery contracts, or similar features;

(2) The principal amount of the refinancing loan does not exceed the sum of the outstanding principal amount of the debt being refinanced plus the amount of transactions costs included in the refinancing loan that are eligible for lien accommodation or subordination under § 1717.852(a)(4);

(3) The weighted average life of the refinancing loan is not greater than the weighted average remaining life of the loan being refinanced;

(4) The present value of the cost of the refinancing loan, including all transaction costs and any required investments in the lender, is less than the present value of the cost of the loan being refinanced, as determined by a method acceptable to REA. The discount rate used in the present value analysis shall be equal to either:

(i) The current rate on Treasury securities having a maturity equal to the weighted average life of the refunding loan, plus one-eighth percent, or

(ii) A rate approved by REA based on documentation provided by the borrower as to its marginal long-term borrowing cost; and

(5) The amount of outstanding debt having an effective variable interest rate (set annually or more frequently), taking into consideration the debt covered by the application for a lien accommodation or subordination, does not exceed 15 percent of all outstanding debt of the borrower.

(b) *Other applications.* Applications for a lien accommodation or subordination for refinancing that do not meet the requirements of paragraph (a) of this section will be reviewed by REA under normal review procedures for these applications. In the case of either advance approval or normal review, a lien subordination would be authorized only if the lien of the mortgage was subordinated with respect to the assets securing the loan being refinanced.

(c) *Application contents—advance approval of refinancing.* Applications for a lien accommodation or subordination for refinancing of existing secured debt that meet the qualification criteria for advance approval set forth in paragraph (a) of this section, must include the following information and documents:

(1) A certification by an authorized official of the borrower that the application meets the requirements of paragraph (a) of this section and all applicable provisions of §§ 1717.852 and 1717.853;

(2) Documentation and analysis demonstrating that the application meets the qualification criteria set forth in paragraph (a) of this section;

(3) A resolution of the borrower's board of directors requesting the lien accommodation or subordination and including the amount and maturity of the proposed loan, a general description of the debt to be refinanced, the name and address of the lender, and an attached term sheet summarizing the terms and conditions of the proposed loan;

(4) The borrower's financial and statistical report, the data in which shall not be more than 60 days old when the complete application is received by REA;

(5) Draft copy of any new mortgage or mortgage amendment (supplement) required by REA or the lender, unless REA has notified the borrower that it wishes to prepare these documents itself;

(6) A copy of the loan agreement, loan note, bond or other financing instrument, unless REA has notified the borrower that these documents need not be submitted;

(7) Form AD-1047, Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary

Covered Transactions, as required by 7 CFR part 3017;

(8) A report by the borrower stating whether or not it is delinquent on any Federal debt, and if delinquent, the amount and age of the delinquency and the reasons therefor; and a certification, if not previously provided, that the borrower has been informed of the Government's collection options; and

(9) Other information, documents and opinions that REA may require to determine whether all of the applicable provisions of this subpart have been met.

(d) *Application contents—normal review of refinancing.* Applications for a lien accommodation or subordination for refinancing of existing secured debt that do not meet the requirements for advance approval set forth in paragraph (a) of this section, must include the following information and documents:

(1) The information and documents set forth in paragraphs (c)(3) through (9) of this section;

(2) A complete description of the refinancing loan and the outstanding debt to be refinanced;

(3) An analysis comparing the refinancing loan with the loan being refinanced as to the weighted average life and the net present value of the costs of the two loans; and

(4) If the present value of the cost of the refinancing loan is greater than the present value of the cost of the debt being refinanced, financial forecasts for at least 5 years comparing the borrower's debt service and other costs, revenues, margins, cash flows, TIER, and DSC, with and without the proposed refinancing.

(e) *Application process and timeframes.* The application process and timeframes for REA review and action for refinancings are set forth in § 1717.859(d).

(f) *Prepayments of concurrent REA insured loans.* If the loan being refinanced was made concurrently as supplemental financing required by REA in connection with an REA insured loan, the refinancing will not be considered a prepayment under the REA mortgage, and no proportional prepayment of the concurrent REA insured loan will be required, provided that the principal amount of the refinancing loan is not less than the amount of loan principal being refinanced, and the weighted average life of the refinancing loan is materially equal to the weighted average remaining life of the loan being refinanced. The refinancing loan shall be considered a concurrent loan.

§ 1717.858 Lien subordination for rural development investments.

(a) *Policy.* REA encourages borrowers to consider investing in financially sound projects that are likely to have a positive effect on economic development and employment in rural areas. In addition to the guidance set forth in § 1717.651, REA recommends that such investments be made through a subsidiary of the borrower in order to clearly separate the financial risks and the revenues and costs of the rural development enterprise from those of the borrower's electric utility business. This should reduce credit risks to the borrower's primary business, and minimize the possibility of undisclosed cross subsidization of the rural development enterprise by electric rate payers.

(b) *Lien subordination.* REA will consider subordinating or releasing its lien on the stock held by a borrower in a subsidiary whose primary business directly contributes to or supports economic development and employment in rural areas, as defined in section 13 of the RE Act, when requested by a lender to the subsidiary, other than the borrower. To be eligible for said lien subordination or release:

(1) The borrower must be current on all of its financial obligations and be in compliance with all provisions of its mortgage and loan agreement with REA; and

(2) In the judgment of REA, the borrower must be able to repay all of its outstanding debt, and the security forall outstanding loans made to the borrower by REA, including loans guaranteed by REA, must be adequate, after taking into account the proposed subordination or release of lien.

(c) *Application contents.* Applications for a lien subordination or release of lien for rural development investments must include the following information and documents:

(1) A resolution of the borrower's board of directors requesting the lien subordination or release of lien;

(2) A certification by an authorized official of the borrower that the borrower is current on all of its financial obligations and is in compliance with all provisions of its mortgage and loan agreement with REA;

(3) A description of the facilities or other purposes to be financed and the projected effects on economic development and employment in rural areas;

(4) The borrower's financial and statistical report, the data in which shall not be more than 60 days old when the complete application is received by REA;

(5) If requested by REA, a long-range financial forecast providing financial projections for at least 10 years, in form and substance satisfactory to REA, which demonstrates that the borrower's system is economically viable and that the borrower will be able to repay all of its outstanding debt and meet all other financial obligations;

(6) A discussion of the borrower's compliance with REA requirements on accounting, financial reporting, record keeping, and irregularities (see § 1717.854(c)(5)). REA will review the case and determine the effect of any noncompliance on the feasibility and security of REA's loans, and whether the requested lien subordination or release of lien can be approved;

(7) If any buildings are to be constructed with the proceeds of the loan to be made to the subsidiary:

(i) A certification by the project architect that the buildings will be designed and constructed in compliance with Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794), as applicable under that Act, and that the facilities will be readily accessible to and usable by persons with handicaps in accordance with the Uniform Federal Accessibility Standards; and

(ii) A written acknowledgement from a registered engineer or architect regarding compliance with seismic provisions of applicable model codes, as required by 7 CFR 1792.104;

(8) A certification by an authorized official of the borrower that flood hazard insurance will be obtained for the full value of any buildings, or other facilities susceptible to damage if flooded, that will be located in a flood hazard area;

(9) Form AD-1047, Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions, as required by 7 CFR part 3017;

(10) A report by the borrower stating whether or not it is delinquent on any Federal debt, and if delinquent, the amount and age of the delinquency and the reasons therefor; and a certification, if not previously provided, that the borrower has been informed of the Government's collection options; and

(11) Other information that REA may require to determine whether all of the applicable provisions of this subpart have been met.

§ 1717.859 Application process and timeframes.

(a) *General.* (1) Borrowers are responsible for ensuring that their applications for a lien accommodation or subordination are complete and sound as to substance and form before they are submitted to REA. REA will not

accept any application that, on its face, is incomplete or inadequate as to the substantive information required by this subpart. REA will notify borrowers in writing when their applications are complete and in form and substance satisfactory to REA. A copy of all notifications of borrowers cited in this section will also be sent to the private lender.

(2) It is recommended that borrowers consult with REA staff before submitting their applications to determine whether they will likely qualify for advance approval or normal review, and to obtain answers to any questions about the information and documents required for the application.

(3) A borrower shall, after submitting an application, promptly notify REA of any changes that materially affect the information contained in its application.

(4) After submitting an application and having been notified by REA of additional information and documents and other changes needed to complete the application, if the required information and documents are not supplied to REA within 30 calendar days of the borrower's receipt of the notice, REA may return the application to the borrower. The borrower may resubmit the application when the required additional information and documents are available.

(5) Timeframes. The timeframes for review of applications set forth in this section are based on the following conditions:

(i) The types of lien accommodations or subordinations requested are of the "standard" types that REA has approved previously, i.e., the so-called Type I, II and III lien accommodations. Future revisions of the REA mortgage may result in other "standard" types of lien accommodations and lien subordinations acceptable to REA. Requests for lien accommodations or subordinations that are substantially different than the "standard" types previously approved by REA may require additional time for review and action;

(ii) The requested lien accommodation or subordination does not require the preparation of an environmental assessment or an Environmental Impact Statement. Preparation of these documents often will require additional time beyond the timeframes cited in this section; and

(iii) The timeframes set forth in this section, except for paragraph (b)(4) of this section, which deals only with approval of a new mortgage or mortgage amendment, include REA review and/or approval of a loan contract, if required as part of the application, and required supporting documents, such as a CWP.

(b) *Advance approval—100 percent private financing of distribution, subtransmission, and headquarters facilities.* (1) Applications that qualify under § 1717.854 for advance approval of a lien accommodation or subordination for 100 percent private financing of distribution, subtransmission, and headquarters facilities are submitted to the general field representative (GFR). The GFR will work with the borrower to ensure that all components of the application are assembled. Once the application is satisfactory to the GFR, it will be sent promptly to the Washington office for further review and action. If a new mortgage or mortgage amendment is required, a draft of these documents must be included in the application, unless the borrower has been notified that REA wishes to prepare the documents itself.

(2) If no additional or amended information is needed for REA to complete its review of the application once it is received in the Washington Office, REA will, within 45 calendar days of receiving the application in the Washington Office, either:

(i) Approve the lien accommodation or subordination if the borrower has demonstrated satisfactorily to REA that all requirements of this subpart applicable to advance approval have been met, and send written notice to the borrower. REA's approval, in this case and all other cases, will be conditioned upon execution and delivery by the borrower of a satisfactory security instrument, if required, and such additional information, documents, and opinions of counsel as REA may require;

(ii) If all requirements have not been met, so notify the borrower in writing. The application will be returned to the borrower unless the borrower requests that it be reconsidered under the requirements and procedures for normal review set forth in paragraph (c) of this section and in § 1717.856; or

(iii) Send written notice to the borrower explaining why a decision cannot be made at that time and giving the estimated date when a decision is expected.

(3) If additional or amended information is needed after the application is received in the Washington Office, REA will so notify the borrower in writing within 15 calendar days of receiving the application in the Washington Office. If REA subsequently becomes aware of other deficiencies in the application, additional written notice will be sent to the borrower. Within 30 calendar days of receiving all of the information required by REA to complete its review, REA will act on the application as described in paragraphs (b)(2)(i) through (b)(2)(iii) of this section.

(4) If a new mortgage or mortgage amendment is required, within 30 days of receiving such documents satisfactory to REA, including required execution counterparts, REA will execute the documents and send them to the borrower, along with instructions pertaining to recording of the mortgage, an opinion of borrower's counsel, and other matters. REA will promptly notify the borrower upon receiving satisfactory evidence that the borrower has complied with said instructions.

(c) *Normal review—100 percent private financing of distribution, transmission, and/or generation facilities*—(1) *Distribution borrowers.* (i) Applications from distribution borrowers for a lien accommodation or subordination for 100 percent private financing of distribution, transmission, and/or generation facilities (including other eligible electric utility purposes) that do not meet the criteria for advance approval, are also submitted to the GFR. Procedures at this stage are the same as in paragraph (b)(1) of this section.

(ii) If no additional or amended information is needed for REA to complete its review of the application once it is received in the Washington office, REA will, within 90 calendar days of receiving the application in the Washington office, send written notice to the borrower either approving the request, disapproving the request, or explaining why a decision cannot be made at that time and giving the estimated date when a decision is expected.

(iii) If additional or amended information is needed after the application is received in the Washington Office, REA will so notify the borrower in writing within 15 calendar days of receiving the application in the Washington Office. If REA subsequently becomes aware of other deficiencies in the application, additional written notice will be sent to the borrower. Within 90 calendar days of receiving all of the information required by REA to complete its review, REA will act on the application as described in paragraph (c)(1)(ii) of this section.

(iv) If a new mortgage or mortgage amendment is required, the procedures and timeframes of paragraph (b)(4) of this section will apply.

(2) *Power supply borrowers.* (i) Applications from power supply borrowers for a lien accommodation or subordination for 100 percent private

financing of distribution, transmission, and/or generation facilities, and other eligible electric utility purposes, are submitted to the REA Power Supply Division, or its successor, in Washington, DC.

(ii) Within 30 calendar days of receiving the borrower's application containing the information and documents required by § 1717.856, REA will send written notice to the borrower of any deficiencies in its application as to completeness and acceptable form and substance. Additional written notices may be sent to the borrower if REA subsequently becomes aware of other deficiencies in the borrower's application.

(iii) Within 90 calendar days of receiving all of the information required by REA to complete its review, REA will act on the application as described in paragraph (c)(1)(ii) of this section.

(iv) If a new mortgage or mortgage amendment is required, these documents will be reviewed and executed pursuant to the procedures and timeframes of paragraph (b)(4) of this section.

(d) *Refinancing of existing debt.* All requests for a lien accommodation or subordination for refinancing are sent directly to the Washington office.

(1) *Advance approval.* (i) Within 15 calendar days of receiving the borrower's application containing the information and documents required by § 1717.857(c), REA will send written notice to the borrower of any deficiencies in its application as to completeness and acceptable form and substance. Additional written notices may be sent to the borrower if REA subsequently becomes aware of other deficiencies in the borrower's application.

(ii) Within 15 calendar days of receiving all of the required information and documents, in form and substance satisfactory to REA, REA will either:

(A) Approve the lien accommodation or subordination if the borrower has demonstrated satisfactorily to REA that all requirements of § 1717.857(a) and (c) have been met, and send written notice to the borrower;

(B) If all requirements have not been met, so notify the borrower in writing. The application will be returned to the borrower unless the borrower requests that it be reconsidered under the requirements and procedures for normal review set forth in paragraph (d)(2) of this section and in § 1717.857; or

(C) Send written notice to the borrower explaining why a decision cannot be made at that time and giving the estimated date when a decision is expected.

(iii) If a new mortgage or mortgage amendment is required, these documents will be reviewed and executed pursuant to the procedures and timeframes of paragraph (b)(4) of this section.

(2) *Normal review.* (i) Within 20 calendar days of receiving the borrower's application containing the information and documents required by § 1717.857(d), REA will send written notice to the borrower of any deficiencies in its application as to completeness and acceptable form and substance. Additional written notices may be sent to the borrower if REA subsequently becomes aware of other deficiencies in the borrower's application.

(ii) Within 30 calendar days of receiving all of the required information and documents, in form and substance satisfactory to REA, REA will notify the borrower in writing either approving the request, disapproving the request, or explaining why a decision cannot be made at that time and giving the estimated date when a decision is expected. If the proposed refinancing involves complicated transactions such as interest rate swaps or forward delivery contracts, additional time may be required for REA review and final action.

(iii) If a new mortgage or mortgage amendment is required, these documents will be reviewed and executed pursuant to the procedures and timeframes of paragraph (b)(4) of this section.

(e) *Rural development investments.* (1) Applications for a lien subordination for rural development investments are submitted by distribution borrowers to the GFR and by power supply borrowers to the REA Power Supply Division, or its successor, in Washington, DC.

(2) The GFR will work with the borrower to ensure that all components of the application are assembled. Once the application is satisfactory to the GFR, it will be sent promptly to the Washington Office for further review and action. After the application is received in the Washington Office, if additional or amended information is needed for REA to complete its review, REA will so notify the borrower in writing within 15 calendar days of receiving the application.

(3) Applications from power supply borrowers containing the information and documents required by § 1717.858(c) will be reviewed in the Washington office and the borrower given written notice within 30 calendar days of receiving the application of any deficiencies as to completeness and acceptable form and substance. Additional written notices may be sent to the borrower if REA subsequently becomes aware of other deficiencies in the borrower's application.

(4) Within 60 calendar days of receiving in the Washington office all of the required information and documents, in form and substance satisfactory to REA, REA will give written notice to the borrower either approving the request, disapproving the request, or explaining why a decision cannot be made at that time and giving the estimated date when a decision is expected.

(5) If a new mortgage or mortgage amendment is required, these documents will be reviewed and executed pursuant to the procedures and timeframes of paragraph (b)(4) of this section.

§§ 1717.860–1717.899 [Reserved]

Subpart S—Lien Accommodations for Supplemental Financing Required by 7 CFR 1710.110

§ 1717.900 Qualification requirements.

Applications for a lien accommodation for supplemental financing required by 7 CFR 1710.110 must meet the same requirements as an REA insured loan. The justification and documentation materials submitted as part of the borrower's application for an insured loan also serve as the justification and documentation of the request for a lien accommodation for the required supplemental loan. Unless early approval under § 1717.901 is requested by a borrower, these applications will be processed during the same time as REA's review of the borrower's application for the concurrent insured loan.

§ 1717.901 Early approval.

(a) *Conditions.* If requested by a borrower in writing, REA will review the application for a lien accommodation for required supplemental financing early in the process, before funding is available for the concurrent REA insured loan, and approve the lien accommodation if the following conditions are met:

(1) The required supplemental loan meets the requirements for an insured loan, as set forth in 7 CFR part 1710, subparts A through G, and other REA regulations pertaining to required supplemental loans;

(2) The borrower has demonstrated the ability to obtain the funds that would be needed to complete other portions of the project, if the portion to be constructed with private loan funds could not be used productively without completion of such other portions, in

the event concurrent REA insured loan funds are not forthcoming. Such evidence may include financial records demonstrating the availability of general funds, and/or a written commitment from the private lender to provide a loan for the remaining amount of financing required, with such commitment being conditioned upon the availability of a lien accommodation from REA; and

(3) An authorized official of the borrower has requested early approval of the lien accommodation and explained the reasons therefor, and has certified that the funds are needed and will be drawn down before funds from the concurrent insured loan are expected to be available, assuming that the insured loan is approved.

(b) *Timeframe for REA action.* (1) REA will either approve or disapprove the lien accommodation within 90 days of receiving the borrower's request for early approval and the complete application for the concurrent REA loan and required supplemental financing, in form and substance satisfactory to REA, or notify the borrower in writing of the estimated date when a decision is expected. If an environmental assessment or an Environmental Impact Statement is required, additional time beyond the 90 days may be required to prepare these documents. REA's approval of the lien accommodation will be conditioned upon execution and delivery by the borrower of a satisfactory security instrument, if required, and such additional information, documents, and opinions of counsel as REA may require.

(2) If a mortgage or mortgage amendment is required, REA will consult with the other mortgagees as to who will prepare the documents. Within 30 days of obtaining the documents satisfactory to REA, including required execution counterparts, REA will execute the documents and send them to the borrower, along with instructions pertaining to recording of the mortgage, an opinion of borrower's counsel, and other matters. REA will promptly notify the borrower upon receiving satisfactory evidence that the borrower has complied with said instructions.

(c) *Approval of concurrent insured loan.* Early approval of a lien accommodation for a required supplemental loan does not ensure that the concurrent REA insured loan will be approved. The request for the concurrent insured loan will be reviewed when funds are available to make the loan. The borrower may be requested to update certain supporting information in the loan application if substantial time has elapsed since the lien accommodation or subordination was approved.

§ 1717.902 Other REA requirements.

Supplemental loans required by 7 CFR 1710.110 are subject to the same post-loan requirements as insured REA loans regarding accepted materials, construction standards, contracting and procurement procedures, standard forms of contracts, REA approval of the advance of loan funds, and other matters.

§ 1717.903 Liability.

It is the intent of this subpart that any failure on the part of REA to comply with any provisions of this subpart, including without limitation, those provisions setting forth specified timeframes for action by REA on applications for lien accommodations or lien subordinations, shall not give rise to liability of any kind on the part of the Government or any employees of the Government including, without limitation, liability for damages, fees, expenses or costs incurred by or on behalf of a borrower, private lender or any other party.

§§ 1717.904–1717.949 [Reserved]

Dated: October 7, 1993.

Bob J. Nash,

Under Secretary, Small Community and Rural Development.

[FR Doc 93–25174 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–15–F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–113–AD; Amendment 39–8691; AD 93–18–06]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires modification of the high pressure (HP) bleed air shut-off valve circuit breakers. This amendment is prompted by a report that the selection of the "ESS+EMERG PWR ONLY" switch during an emergency situation disconnects the temperature modulating and shut-off valves and the overpressure shut-off valves of the bleed air systems from electrical power. The actions specified by this AD are intended to prevent the inability to evacuate smoke from the cabin.

DATES: Effective November 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. 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: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; 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 Fokker Model F28 Mark 0100 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the Federal Register on May 14, 1993 (58 FR 28527). That action proposed to require modification of the high pressure (HP) bleed air shut-off valve circuit breakers.

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

One commenter supports the proposed rule.

One commenter requests that the proposed rule be revised to include a provision for wires to be coiled and stowed in lieu of being removed and discarded as an alternative method of compliance. This commenter states that removal of the wires in accordance with procedures described in the service bulletin was not possible and would have required more work hours than the number specified in the service bulletin. The commenter adds that coiling and stowing the wires, instead of removing and discarding them, would have no impact on safety. The FAA concurs and has revised paragraph (a) of the final rule accordingly.

One commenter requests that the proposed compliance time be extended to allow modification within 18 months after the effective date of the rule. The

commenter indicates that the electrical system for the thrust reverser stow circuit must be modified in accordance with Fokker Service Bulletin SBF100–78–004 prior to the accomplishment of this proposed modification as stated in paragraph 1.C.(2) of Fokker Service Bulletin SBF100–24–024, Revision 1, dated December 29, 1992. The commenter states that additional time is needed to accomplish both modifications, since the work can only be performed efficiently during a regularly scheduled "C" check. The commenter considers that the adoption of the proposed compliance time of 6 months would require operators to schedule special times for the accomplishment of the proposed modification, at additional expense.

The FAA does not concur. Fokker Service Bulletin SBF100–24–024, Revision 1, dated December 29, 1992, specifies that it is only necessary to accomplish Fokker Service Bulletin SBF100–78–004 prior to accomplishing the modification specified in Fokker Service Bulletin SBF100–24–024 on aircraft serial numbers 11244 and 11250 through 11256 inclusive [reference the "NOTE" to paragraph 1.C.(2)]. The FAA has confirmed the accuracy of this information with Fokker. None of these airplanes are currently on the U.S. register; therefore, the prerequisite modification in accordance with Fokker Service Bulletin SBF100–78–004 is not applicable to any airplane affected by this AD.

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 with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 48 airplanes of U.S. registry will be affected by this AD, that it will take approximately 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 $350 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $30,000, or $625 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:

93–18–06 Fokker: Amendment 39–8691. Docket 92–NM–113–AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 to 11371 inclusive, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent the inability to evacuate smoke from the cabin, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the high pressure (HP) bleed air shut-off valve circuit breakers, in accordance with Fokker Service Bulletin SBF100–24–024, Revision 1, dated December 29, 1992. Wires may be coiled and capped at both ends in accordance with procedures described in the Fokker F28 Maintenance Manual in lieu of being removed and discarded, as specified in 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, 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 Fokker Service Bulletin SBF100–24–024, Revision 1, dated December 29, 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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. 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 November 18, 1993.

Issued in Renton, Washington, on September 13, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–25663 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 93–NM–47–AD; Amendment 39–8689; AD 93–18–04]

Airworthiness Directives; Aerospatiale Model ATR42–300 and ATR42–320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR42–300 and ATR42–320 series airplanes, that requires an inspection to determine the proper installation of rivets in the key holes of certain fuselage frames; an inspection to detect cracks in the area of the key holes where rivets are missing; and correction of discrepancies. This amendment is prompted by the discovery of cracks around key holes on fuselage frames 25 and 27 where rivets were missing. The actions specified by this AD are

intended to prevent the loss of strength of the fuselage frames.

DATES: Effective November 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, 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: Gary Lium, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1112; 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 Aerospatiale Model ATR42–300 and ATR42–320 series airplanes was published in the **Federal Register** on May 12, 1993 (58 FR 27954). That action proposed to require an inspection to determine the proper installation of rivets in the key holes of certain fuselage frames; an inspection to detect cracks in the area of the key holes where rivets are missing; and correction of discrepancies.

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

One commenter supports the proposal.

Two commenters request that the proposed rule be revised to permit operators to perform the requirements in accordance with all current versions of the referenced service bulletin. These commenters note that the inspection criteria and modification procedures described in the original release, Revision 1, and Revision 2 of Aerospatiale Service Bulletin ATR42–53–0070 are virtually identical; however, the notice only referenced Revision 1 as the appropriate service information source. Many of the airplanes belonging to these commenters already have been inspected or modified in accordance with versions of the service bulletin other than Revision 1. The FAA concurs. Aerospatiale recently issued Revision 2 of Service Bulletin ATR42–53–0070, dated March 22, 1993. This revision is essentially identical in technical content to Revision 1, which was cited in the notice, except for certain administrative changes. Likewise, the original issue of this service bulletin, dated June 10, 1991, contains little difference in its technical content. The FAA has determined that airplanes inspected in accordance with any of these versions of the service bulletin would be in compliance with this AD. The final rule has been revised accordingly.

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 with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 58 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 $9,570, 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:

93–18–04 Aerospatiale: Amendment 39–8689. Docket 93–NM–47–AD.

Applicability: Model ATR42–300 and ATR42–320 series airplanes, certificated in any category, and having the following serial numbers:

005 through 016, inclusive;
018 through 030, inclusive;
032 through 036, inclusive;
038;
040;
042;
043;
048 through 062, inclusive;
064 through 090, inclusive;
092 through 094, inclusive; and
096 through 228, inclusive.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of strength of the fuselage frames, accomplish the following:

(a) Prior to the accumulation of 18,000 total landings, or within 100 landings after the effective date of this AD, whichever occurs later, conduct a general visual inspection of fuselage frames 25 and 27 to verify the proper installation of a rivet in each of the key holes, in accordance with Aerospatiale Service Bulletin ATR42–53–0070, dated June 10, 1991; Revision 1, dated June 12, 1992; or Revision 2, dated March 22, 1993.

(b) If a rivet is installed in each of the key holes, no further action is required by this AD.

(c) If a rivet is not installed in a key hole, prior to further flight, perform an eddy current inspection of the open key hole to detect cracks, in accordance with the service bulletin.

(1) If no cracks are found as a result of the eddy current inspection, prior to further flight, install a rivet in the open key hole in accordance with the service bulletin. After such installation, no further action is required by this AD.

(2) If cracks are found as a result of the eddy current inspection, prior to further

flight, repair the cracks in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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.

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

(f) The inspections and installation shall be done in accordance with the following Aerospatiale service bulletins, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
ATR42–53–0070 (Original), June 10, 1991..	1–13	Original .	June 10, 1991.
ATR42–53–0070. Revision 1, June 12, 1992.	1–7, 9–12	1	June 12, 1992.
	8	Original .	June 10, 1991.
ATR42–53–0070. Revision 2, March 22, 1993.	1–2, 9–10	2	March 22, 1993.
	3–7, 11–12	1	June 12, 1992.
	8	Original .	June 10, 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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, 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.

(g) This amendment becomes effective on November 18, 1993.

Issued in Renton, Washington, on September 10, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–25661 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 93–NM–129–AD; Amendment 39–8692; AD 93–18–07]

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with General Electric CF6–80C2 or Pratt & Whitney PW4000 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This action requires inspections to detect damage, chafing, or scoring of the fire extinguishing discharge tubes and support clamps installed in the outboard engines, and repair or replacement, if necessary. This amendment is prompted by reports of wear of the engine fire extinguishing discharge tubes in both of the outboard strut-to-wing intersection areas. The actions specified in this AD are intended to detect wear of the engine fire extinguishing discharge tubes and support clamps, which could prevent the engine fire extinguishing system from extinguishing an engine fire.

DATES: Effective November 3, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 3, 1993.

Comments for inclusion in the Rules Docket must be received on or before December 17, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–129–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

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 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.

FOR FURTHER INFORMATION CONTACT: Tamra J. Elkins, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2669; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: Several operators of Boeing Model 747 series airplanes have reported wear (chafing or scoring) of the fire extinguishing discharge tubes in both of the outboard engine (numbers 1 and 4) strut-to-wing intersection areas. Several of these operators reported that a hole had worn through the fire extinguishing discharge tube on the number 1 engine. Investigation revealed that the fire extinguishing tubes can move axially through the rubber cushion in a clamp due to deflection in the wing. Such movement can cause chafing or scoring of the rubber cushion and can allow the fire extinguishing discharge tube to rub on the support clamp. Consequently, such rubbing can cause a hole in the fire extinguishing tube. Since there is only one fire extinguishing line to the outboard engines, a hole in a fire extinguishing discharge tube will reduce the concentration of extinguishing agent that is discharged from the bottles to the number 1 and number 4 engines. This condition, if not detected and corrected, could prevent the engine fire extinguishing system from extinguishing an engine fire.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–26A2214, dated May 6, 1993; Revision 1, dated August 12, 1993; and Revision 2, dated August 19, 1993. The original issue and Revision 1 describe procedures for replacement of discrepant tubes with tubes constructed of steel, and replacement of the support clamps with clamps constructed of teflon. The steel engine fire extinguishing discharge tubes are more resistant to wear, and the teflon support clamps allow the engine fire extinguishing discharge tubes to move more easily through the clamp. Revision 1 of the service bulletin also adds additional airplanes to the effectivity listing. Revision 2 includes procedures for visual inspections to detect damage, chafing, or scoring of the engine fire extinguishing discharge tubes and support clamps in the outboard strut-to-wing intersection areas, repair of discrepant tubes, and replacement of discrepant tubes with new tubes having the same tube dash number.

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 747 series airplanes of the same type design, this AD is being issued to detect wear of the engine fire extinguishing discharge tubes and support clamps, which could prevent the engine fire extinguishing system from extinguishing an engine fire. This AD requires repetitive inspections to detect damage, chafing, or scoring of the

engine fire extinguishing discharge tubes and support clamps in the outboard strut-to-wing intersection areas; repair or replacement of any discrepant engine fire extinguishing discharge tube; and replacement of support clamps. Replacement of the fire extinguishing discharge tubes with a fire extinguishing discharge tubes constructed of steel, and replacement of the support clamps with clamps constructed of teflon, if accomplished, constitutes terminating action for the inspection requirements of this AD. The actions are required to be accomplished in accordance with the service bulletin described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-129-AD." The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-18-07 Boeing: Amendment 39-8692. Docket 93-NM-129-AD.

Applicability: Model 747 series airplanes equipped with General Electric CF6-80C2 or Pratt & Whitney PW4000 series engines, as listed in Boeing Alert Service Bulletin 747-26A2214, Revision 2, dated August 19, 1993; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect wear of the fire extinguishing discharge tubes and support clamps, which could prevent the engine fire extinguishing system from extinguishing an engine fire, accomplish the following:

(a) Within 60 days after the effective date of this AD, conduct a detailed visual inspection to detect damage, chafing, or scoring of the engine number 1 and engine number 4 fire extinguishing discharge tubes and support clamps in the strut-to-wing intersection areas, in accordance with Boeing Alert Service Bulletin 747-26A2214, Revision 2, dated August 19, 1993.

(1) If no damage, chafing, or scoring is detected, prior to further flight, replace the support clamps with clamps constructed of teflon, in accordance with Boeing Alert Service Bulletin 747-26A2214, dated May 6, 1993; Revision 1, dated August 12, 1993; or Revision 2, dated August 19, 1993. Subsequent to replacement, repeat the detailed visual inspection thereafter at intervals not to exceed 5,000 flight hours. Replacement of the support clamps is required only after the initial inspection.

(2) If damage, chafing, or scoring is detected on any fire extinguishing discharge tube as a result of any inspection required by this AD, prior to further flight, accomplish either paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD.

(i) Repair the fire extinguishing discharge tube, in accordance with Boeing Alert Service Bulletin 747-26A2214, Revision 2, dated August 19, 1993; and replace the support clamps with clamps constructed of teflon, in accordance with Boeing Alert Service Bulletin 747-26A2214, dated May 6, 1993; Revision 1, dated August 12, 1993; or Revision 2, dated August 19, 1993. Subsequent to repair of the tube and replacement of the clamps, repeat the inspection thereafter at intervals not to exceed 1,600 flight hours. Or

(ii) Replace the fire extinguishing discharge tube with a new tube having the same tube dash number, in accordance with Boeing Alert Service Bulletin 747-26A2214, Revision 2, dated August 19, 1993; and replace the support clamps with clamps constructed of teflon, in accordance with Boeing Alert Service Bulletin 747-26A2214, dated May 6, 1993; Revision 1, dated August 12, 1993; or Revision 2, dated August 19, 1993. Subsequent to replacement, repeat the inspection thereafter at intervals not to exceed 1,600 flight hours. Or

(iii) Replace the fire extinguishing discharge tube with a fire extinguishing discharge tube constructed of steel, and replace the support clamps with clamps constructed of teflon, in accordance with Boeing Alert Service Bulletin 747-26A2214, dated May 6, 1993; Revision 1, dated August 12, 1993; or Revision 2, dated August 19, 1993. Accomplishment of these replacements constitutes terminating action for the inspection requirements of this AD.

(3) If damage, chafing, or scoring is detected on the support clamps as a result of any inspection required by this AD, prior to

further flight, replace the clamps with a serviceable clamps constructed of teflon, in accordance with Boeing Alert Service Bulletin 747-26A2214, dated May 6, 1993; Revision 1, dated August 12, 1993; or Revision 2, dated August 19, 1993. Subsequent to replacement, repeat the inspection thereafter at intervals not to exceed 1,600 hours flight hours.

(b) Replacement of the fire extinguishing discharge tubes with tubes constructed of steel, and replacement of the support clamps with clamps constructed of teflon, in accordance with Boeing Alert Service Bulletin 747-26A2214, dated May 6, 1993; Revision 1, dated August 12, 1993; or Revision 2, dated August 19, 1993, constitutes terminating action for the inspection requirements 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: 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 inspection, repair, and replacement shall be done in accordance with Boeing Alert Service Bulletin 747-26A2214, dated May 6, 1993; or Boeing Alert Service Bulletin 747-26A2214, Revision 1, dated August 12, 1993; or Boeing Alert Service Bulletin 747-26A2214, Revision 2, dated August 19, 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 November 3, 1993.

Issued in Renton, Washington, on September 14, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-25659 Filed 10-18-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-48-AD; Amendment 39-8698; AD 93-05-16 R1]

Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (military) airplanes, that currently requires a one-time inspection of the rudder power control valve to determine if a lockwire is installed and, if not installed, adjustment of the retention nut and installation of a lockwire. That action was prompted by reports of loss of rudder control on final approach and landing. This amendment adds four airplanes to the applicability of the rule. The actions specified by this AD are intended to prevent loss of rudder control.

DATES: Effective November 18, 1993.

The incorporation by reference of McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 2, dated July 14, 1992, as listed in the regulations is approved by the Director of the Federal Register as of November 18, 1993.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of April 23, 1993 (58 FR 15760, March 24, 1993).

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. 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, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Los Angeles Aircraft Certification Office, Systems & Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5336; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by revising AD 93-05-16, Amendment 39-8520 (58 FR 15760, March 24, 1993), which is applicable to certain McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (military) airplanes series airplanes, was published in the **Federal Register** on June 10, 1993 (58 FR 32471). The action proposed to add four airplanes to the applicability of the rule.

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

One commenter supports the proposal.

One commenter states that the wording of paragraph (c) has led some operators to believe that accomplishment of the modification of the rudder power control valve in accordance with McDonnell Douglas Service Bulletin 27-321, dated May 18, 1992, is mandatory. This commenter recommends that the proposed rule be revised to state that airplanes on which the valves have been modified in accordance with that service bulletin or its production equivalent are not affected by the requirements of the rule. The FAA concurs that some clarification is warranted. Operators should note that paragraph (c) of the rule makes no mention of a requirement to modify the valves; it merely states that if or when valves are modified in accordance with the referenced service bulletin, the required inspection is not required. For example, if an operator were to modify the valves on its airplane prior to the 90-day compliance time of paragraph (a) or (b), that operator would not have to accomplish the inspection of the retention nut on the rudder power control valve slide assembly [as required by paragraphs (a) and (b)]. The FAA has revised the applicability statement of the final rule to specify that airplanes on which the valves have been modified in accordance with the service bulletin or a production equivalent are not subject to the requirements of the AD.

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 with the change previously described. The FAA has determined that this change will neither

increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,954 McDonnell Douglas Model DC-9, DC-9-80, MD-88, and C-9 series airplanes of the affected design in the worldwide fleet; of this number, 1,151 are of U.S. registry.

The actions specified in this revised AD apply to 4 additional airplanes in the worldwide fleet; of this number, only 1 is of U.S. registry. The FAA estimates that it will take approximately 1 work hour per airplane to accomplish the proposed inspection requirement, at an average labor rate is $55 per work hour. Based on these figures, the total additional cost impact of this revised AD on U.S. operators is estimated to be $55. This total cost figure assumes that no operator has yet accomplished the requirements of this AD action.

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 39-8520 (58 FR 15760, March 24, 1993), and by adding a new airworthiness directive (AD), amendment 39-8698, to read as follows:

93-05-16 R1 McDonnell Douglas: Amendment 39-8698. Docket 93-NM-48-AD. Revises AD 93-05-16, Amendment 39-8520.

Applicability: Model DC-9 and C-9 (Military) airplanes as listed in McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 2, dated July 14, 1992; and Model DC-9-80 series airplanes and Model MD-88 airplanes as listed in McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; on which the rudder power control valve has not been modified in accordance with McDonnell Douglas Service Bulletin 27-321, dated May 18, 1992, or a production equivalent; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note: This AD requires the same actions as required by AD 93-05-16, amendment 39-8520, but is applicable to additional airplanes. Operators affected by this AD who have accomplished these actions previously in accordance with AD 93-05-16 are considered to be in compliance with this revised AD.

To prevent loss of rudder control, accomplish the following:

(a) For airplanes listed in McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992, and in McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; on which the retention nut on the slide assembly of the rudder power control valve has not been inspected in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, dated December 2, 1991, or Revision 1, dated March 9, 1992, or Revision 2, dated July 14, 1992; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, dated June 17, 1991, or Revision 1, dated January 14, 1992, or Revision 2, dated May 22, 1992: Within 90 days after April 23, 1993 (the effective date of AD 93-05-16, amendment 39-8520), inspect the retention nut on the rudder power control valve slide assembly to determine if a lockwire is installed, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; as applicable.

(1) If a lockwire is installed, no further action is required by this AD.

(2) If a lockwire is not installed, prior to further flight, adjust the retention nut, install a lockwire, and functionally check the rudder power control valve in accordance with the applicable service bulletin. No further action is required by this AD.

(b) For airplanes listed in McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 2, dated July 14, 1992, and not affected by paragraph (a) of this AD: Within 90 days after the effective date of this AD, inspect the retention nut on the rudder power control valve slide assembly to determine if a lockwire is installed, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992, or Revision 2, dated July 14, 1992.

(1) If a lockwire is installed, no further action is required by this AD.

(2) If a lockwire is not installed, prior to further flight, adjust the retention nut, install a lockwire, and functionally check the rudder power control valve in accordance with the applicable service bulletin. No further action is required by this AD.

(c) Modification of the rudder power control valve by replacing the lockwire with a locking tab washer, in accordance with McDonnell Douglas Service Bulletin 27-321, dated May 18, 1992, or a production equivalent, constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles 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, Los Angeles ACO.

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

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

(f) The inspection, adjustment, installation, and functional check shall be done in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992; McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 2, dated July 14, 1992; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; as applicable. The modification shall be done in accordance with McDonnell Douglas Service Bulletin 27-321, dated May 18, 1992. The incorporation by reference of McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 2, dated July 14, 1992, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992; McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; and McDonnell Douglas Service Bulletin 27-321, dated May 18, 1992; was approved previously by the Director of the Federal Register as of April 23, 1993 (58 FR 15760, March 24, 1993). Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-

1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 18, 1993.

Issued in Renton, Washington, on September 23, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–25662 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 93–AGL–7]

Modification of Class E Airspace; Dickinson Municipal Airport, Dickinson, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies existing Class E airspace areas; specifically, Class E2 (Class E airspace areas designated as a surface area for an airport) and Class E5 (Class E airspace areas extending upward from 700 feet or more above the surface of the earth) at Dickinson Municipal Airport, Dickinson, ND, to accommodate establishment of ILS runway 32, and Nondirectional Beacon (NDB) runway 32 Standard Instrument Approach Procedure (SIAP). The area will be depicted on aeronautical charts to provide a reference for pilots operating in this area.

EFFECTIVE DATE: 0901 u.t.c., January 6, 1994.

FOR FURTHER INFORMATION CONTACT: Robert Frink, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Monday, July 26, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the control zone and transition area at Dickinson Municipal Airport, Dickinson, ND (58 FR 39693). 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.

Airspace Reclassification, in effect as of September 16, 1993, has discontinued the use of the term "control zone and transition area" and has replaced it with the designation "Class E airspace". Class E2 airspace areas will be designated as a surface area for an airport. Class E5 airspace areas will be airspace extending upward from 700 feet or more above the surface of the earth. Other than that change in terminology, this amendment is the same as that proposed in the notice. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations are publisLed in Paragraph 6002 and 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations modifies Class E airspace at Dickinson, ND, to accommodate establishment of ILS runway 32, and NDB runway 32 SIAP at Dickinson Municipal Airport, Dickinson, ND.

The FAA has determined that this proposed 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 significant regulatory action under Executive Order 12866; (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 as follows:

PART 71—[AMENDED]

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

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

Section 71.1 [Amended]

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

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL ND E2 Dickinson, ND [Revised]
Dickinson Municipal Airport, ND (lat. 46°47′48″ N, long. 102°48′00″ W)

Within a 4.4-mile radius of Dickinson Municipal Airport; and within 1.4 miles each side of the 150 bearing from the airport extending from the 4.4-mile radius to 7 miles southeast of the airport. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and terms will thereafter be continuously published in the Airport Facility Directory.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL ND E5 Dickinson, ND [Revised]
Dickinson Municipal Airport, ND (lat. 46°47′48″ N, long. 102°48′00″ W)
Dickinson VORTAC (lat. 46°51′36″ N, long. 102°46′25″ W)

That airspace upward from 700 feet above the surface within an 8.3-mile radius of the Dickinson Municipal Airport and within 4 miles each side of the 150° bearing from the airport extending from 8.3-mile radius to 14 miles southeast of the airport, and that airspace extending upward from 1,200 feet above the surface within a 25.2-mile radius of the Dickinson VORTAC extending clockwise from the Dickinson VORTAC 214 radial to the Dickinson VORTAC 093° radial, excluding that airspace within the Dickinson Municipal Airport, ND, Class E airspace.

* * * * *

Issued in Des Plaines, Illinois on September 29, 1993.

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 93–25634 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 95

[Docket No. 27478; Amdt. No. 379]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: November 11, 1993.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days. 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 12866; (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. For the same reason, the FAA certifies that this amendment 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 95

Aircraft, Airspace.

Issued in Washington, DC on October 7, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, April 1, 1993:

1. The authority citation for Part 95 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354, and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended to read as follows:

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 379 Effective Date, November 11, 1993]

From	To	MEA
§95.1001 Direct Routes—U.S. Is Amended To Read In Part		
Chisum, NM VORTAC *11000–MCA Tracc FIX, N BND	*Tracc, NM FIX	10000
§95.1001 Direct Routes-U.S. Puerto Rico Routes		
Route 5 Is Amended To Read In Part		
Borinquen, PR VORTAC, *5000–MRA, **1800–MOCA	*Inham, PR FIX	**3000
Inham, PR FIX, *1300–MOCA	Pling, PR FIX	*6000
Route 6 Is Amended To Read In Part		
*Inham, PR FIX, *5000–MRA, **1300–MOCA	Idaho, PR FIX	**15000
Route 7 Is Amended To Read In Part		
Gesso, PR FIX, *3300–MOCA	Tuuna, PR FIX	*6000
Tuuna, PR FIX	Sanlo, PR FIX	3300
Sanlo, PR FIX	San Juan, PR VORTAC	3500
San Juan, PR VORTAC, *1500–MOCA	Saalr, PR FIX	*3000
Saalr, PR FIX, *1300–MOCA	Pling, PR FIX	*8000
§95.6004 VOR Federal Airway 4 Is Amended To Read In Part		
Lexington, KY VORTAC, *5000–MRA, **3000–MOCA	Codel, KY FIX	**5000
Codel, KY FIX, *5000–MRA, **2500–MOCA	*Masse, KY FIX	**5000
Masse, KY FIX, *2900–MOCA	Cicke, KY FIX	*5000
§95.6008 VOR Federal Airway 8 Is Amended To Read In Part		
Grand Junction, CO VORTAC	Domer, CO FIX	9000
Domer, CO FIX	Squat, CO FIX	9800
*Squat, CO FIX, *10500–MCA Squat FIX, NE BND	Rifle, CO VOR/DME	13100

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 379 Effective Date, November 11, 1993]

From	To	MEA
*Rifle, CO VOR/DME, *13100–MCA Rifle VOR/DME, SW BND .	Kremmling, CO VORTAC	13200
§ 95.6009 VOR Federal Airway 9 is Amended To Read in Part		
Farmington, MO, VORTAC, *2500–MOCA	Glass, MO FIX	*3000
§ 95.6018 VOR Federal Airway 18 is Amended To Read in Part		
Atlanta, GA VORTAC, *2500–MOCA	Conni, GA FIX	*3000
§ 95.6026 VOR Federal Airway 26 is Amended To Read in Part		
Blue Mesa, CO VOR/DME	Montrose, CO VOR/DME	12500
Montrose, CO VOR/DME	Grand Junction CO, VORTAC	10800
§ 95.6035 VOR Federal Airway 35 is Amended To Read in Part		
Saler, GA FIX	Pecan, GA VORTAC	2000
§ 95.6056 VOR Federal Airway 56 is Amended To Read in Part		
Macon, GA VORTAC, *3000–MRA, **2100–MOCA	*Misty, GA FIX	**6000
Misty, GA FIX	Colliers, SC VORTAC	2300
§ 95.6063 VOR Federal Airway 63 is Amended To Read in Part		
Razorback, AR VORTAC	Gamps, AR FIX	3100
§ 95.6069 VOR Federal Airway 69 is Amended To Read in Part		
Farmington, MO VORTAC, *2500–MOCA	Troy, IL VORTAC	*3000
§ 95.6074 VOR Federal Airway 74 is Amended To Read in Part		
Fort Smith, AR VORTAC, *1900–MOCA	Charr, AR FIX	*2500
§ 95.6116 VOR Federal Airway 116 is Amended To Read in Part		
U.S. Canadian Border	Suuue, OH FIX	3000
Suuue, OH FIX	Erie, PA VORTAC	MAA–16000
		3000
§ 95.6123 VOR Federal Airway 123 is Amended To Read in Part		
Carmel, NY VORTAC	Albany, NY VORTAC	3000
§ 95.6124 VOR Federal Airway 124 is Amended To Read in Part		
Little Rock, AR VORTAC, *1600–MOCA	Hille, AR FIX	*4000
Hille, AR FIX, *1700–MOCA	Gilmore, AR VOR/DME	*4000
§ 95.6134 VOR Federal Airway 134 is Amended To Read in Part		
Paces, CO FIX	Sloim, CO FIX	13000
Sloim, CO FIX	Red Table, CO VOR/DME	14000
§ 95.6141 VOR Federal Airway 141 is Amended To Read in Part		
Concord, NH VORTAC, *4400–MOCA	Kelli, NH FIX	*5000
Kelli, NH FIX, *3600–MOCA	Lebanon, NH VOR/DME	*4000
§ 95.6151 VOR Federal Airway 151 is Amended To Read in Part		
Unker, NH FIX	Mcadm, NH FIX	4500
Mcadm, NH FIX, *3500–MOCA	Lebanon, NH VOR/DME	*4000
Lebanon, NH VOR/DME, *3600–MOCA	Hhana, VT FIX	*4000
Hhana, VT FIX, *3900–MOCA	Montpelier, VT VOR/DME	*4400
§ 95.6154 VOR Federal Airway 154 is Amended To Read in Part		
Ocone, GA FIX, *1700–MOCA	Lotts, GA FIX	*3000
§ 95.6159 VOR Federal Airway 159 is Amended To Read in Part		
Saler, GA FIX	Pecan, GA VORTAC	2000
Holly Springs, MS, VORTAC, *1800–MOCA	Gilmore, AR VOR/DME	*2500
§ 95.6162 VOR Federal Airway 162 is Amended by Adding		
Martinsburg, WV VORTAC, *3900–MOCA	Hyper, MD FIX	*5000
§ 95.6220 VOR Federal Airway 220 is Amended To Read in Part		
Paces, CO FIX	Sloim, CO FIX	13000
Sloim, CO FIX	Rifle, CO VOR/DME	12600
Rifle, CO VOR/DME	Meeker, CO VORTAC	11900
§ 95.6222 VOR Federal Airway 222 is Amended To Read in Part		
Henby, VA FIX	Lynchburg, VA VORTAC	4000
§ 95.6244 VOR Federal Airway 244 is Amended To Read in Part		
Hanksville, UT VORTAC, *12300–MCA Anium FIX, E BND, **8500–MOCA.	Anium, UT FIX	**10500
Anium UT FIX, *13300–MCA Parox FIX, W BND, **14800–MOCA.	*Parox, CO FIX	**15500
Parox, CO FIX, *12000–MCA Nadin FIX, W BND, **12000–MOCA.	Nadin, CO FIX	**13000
Montrose, CO VOR/DME	Blue Mesa, CO VOR/DME	12500

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 379 Effective Date, November 11, 1993]

From	To	MEA
§ 95.6310 VOR Federal Airway 310 is Amended To Read in Part		
Greensboro, NC VORTAC	Chapl, NC FIX	3000
Chapl, NC FIX	Raleigh/Durham, NC VORTAC	2000
§ 95.6311 VOR Federal Airway 311 is Amended To Read in Part		
Dubbs, TN FIX, *5600–MOCA	Nello, GA FIX	*7000
§ 95.6312 VOR Federal Airway 312 is Amended To Read in Part		
Drift, NJ FIX	Prepl, NJ FIX	2000
is Amended To Delete		
Prepl, NJ FIX	Shall, NJ FIX	2000
§ 95.6320 VOR Federal Airway 320 is Amended To Read in Part		
Hoper, AK FIX, *5000–MCA Anchorage VOR/DME, E BND, **6000–MOCA.	*Anchorage, AK VOR/DME	**7000
§ 95.6325 VOR Federal Airway 325 is Amended To Read in Part		
Athens, GA VORTAC	Womac, GA FIX	3600
§ 95.6333 VOR Federal Airway 333 is Amended To Read in Part		
Rome, GA VORTAC	Choo Choo, TN VORTAC	4000
§ 95.6361 VOR Federal Airway 361 is Amended To Read in Part		
Farmington, NM VORTAC	Marke, CO FIX	
	NE BND	16300
	SW BND	9500
Marke, CO FIX	Unlap, CO FIX	
	NE BND	*16300
	SW BND	*11000
*10400–MOCA		
Unlap, CO FIX	Scrub, CO FIX	16300
Scrub, CO FIX	Lyzza, CO FIX	
	SW BND	16300
	NE BND	12400
Lyzza, CO FIX	Montrose, CO VOR/DME	
	SW BND	16300
	NE BND	9600
Montrose, CO VOR/DME	Icles, CO FIX	
	SW BND	10000
	NE BND	15000
Icles, CO FIX	Red Table, CO VOR/DME	15000
§ 95.6413 VOR Federal Airway 413 is Amended by Adding		
Ironwood, MI VORTAC, *2900–MOCA	Eau Claire, WI VORTAC	*5000
§ 95.6440 VOR Federal Airway 440 is Amended To Read in Part		
Hoper, AK FIX, *5000–MCA Anchorage VOR/DME, E BND, **6000–MOCA.	*Anchorage, AK VOR/DME	**7000
§ 95.6491 VOR Federal Airway 491 is Amended To Read in Part		
Rapid City, SD VORTAC, *5500–MOCA	Dickinson, ND VORTAC	*7000
§ 95.6516 VOR Federal Airway 516 is Amended To Read in Part		
Pioneer, OK VORTAC, *2600–MOCA	Tyroe, KS FIX	*3100
§ 95.6527 VOR Federal Airway 527 is Amended To Read in Part		
Razorback, AR VORTAC	Gamps, AR FIX	3100
§ 95.6591 VOR Federal Airway 591 is Amended To Read in Part		
Paces, CO FIX	Sloim, CO FIX	13000
Sloim, CO FIX, *13000–MOCA	Lindz, CO FIX	*14000
Lindz, CO FIX, *13400–MOCA	Snow, CO VOR/DME	*14000
§ 95.6405 Hawaii VOR Federal Airway 5 is Amended To Read in Part		
Mynah, HI FIX, *1200–MOCA	Hefti, HI FIX	*2000
Hefti, HI FIX, *7000–MOCA	Maken, HI FIX	
	NW BND	*8000
	SE BND	*7000

From	To	MEA	MAA
§ 95.7055 Jet Route No. 55 is Amended To Read in Part			
Craig, FL VORTAC	Savannah, GA VORTAC	18000	45000
§ 95.7184 Jet Route No. 184 is Added To Read			
Buckeye, AZ VORTAC	Deming, NM VORTAC	22000	45000

From	To	MEA	MAA
Deming, NM VORTAC	Newman, TX VORTAC	18000	45000
§ 95.7569 Jet Route No. 569 Is Added To Read			
Great Falls, MT VORTAC	Dorse, MT FIX	18000	45000

§ 95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

Airway segment		Changeover points	
From	To	Distance	From
V-134 Is Amended by Adding			
Grand Junction, CO VORTAC # The COP is at the Sloim INT.	Red Table, CO VOR/DME	#56	Grand Junction.
V-220 Is Amended by Adding			
Grand Junction, CO VORTAC # The COP is at the Sloim INT.	Rifle, CO COR/DME	#56	Grand Junction.
V-222 Is Amended by Adding			
Barretts Mountain, NC VOR/DME	Lynchburg, VA VORTAC	62	Barretts Mountain.
V-361 Is Amended by Adding			
Farmington, NM VORTAC	Montrose, CO VOR/DME	61	Farmington.
V-413 Is Amended by Adding			
Ironwood, MI VORTAC	Eau Claire, WI VORTAC	45	Ironwood.
V-591 Is Amended by Adding			
Grand Junction, CO VORTAC # The COP is at the Sloim INT.	Snow, CO VOR/DME	#56	Grand Junction.

[FR Doc. 93-25637 Filed 10-18-93; 8:45 am]

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14 CFR Part 97

[Docket No. 27479; Amdt. No. 1567]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the

affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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 12866; (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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Incorporation by reference, Navigation (air), Standard instrument approaches, Weather.

Issued in Washington, DC.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective January 6, 1994*

Sioux Falls, SD, Joe Foss Field, VOR or TACAN RWY 15, Amdt. 19
Sioux Falls, SD, Joe Foss Field, VOR/DME or TACAN RWY 33, Amdt. 10
Sioux Falls, SD, Joe Foss Field, NDB RWY 3, Amdt. 23
Sioux Falls, SD, Joe Foss Field, ILS RWY 3, Amdt. 26
Sioux Falls, SD, Joe Foss Field, RADAR–1, Amdt. 9
Eastland, TX, Eastland Muni, NDB RWY 35, Amdt. 1
Olney, TX, Olney Muni, NDB RWY 17, Amdt. 3
Clintonville, WI, Clintonville Muni, NDB RWY 32, Amdt. 6

** * * Effective December 9, 1993*

Lebanon, NH, Lebanon Muni, VOR/DME RWY 7, Orig.
Lebanon, NH, Lebanon Muni, VOR–A, Amdt. 13, Cancelled
Lebanon, NH, Lebanon Muni, VOR RWY 25, Orig.
Lebanon, NH, Lebanon Muni, NDB–B, Amdt. 3
Lebanon, NH, Lebanon Muni, ILS RWY 18, Amdt. 3
Cambridge, OH, Cambridge Muni, VOR–A, Amdt. 3
Cambridge, OH, Cambridge Muni, NDB RWY 4, Amdt. 7

** * * Effective November 11, 1993*

Flagstaff, AZ, Flagstaff Pulliam, ILS/DME RWY 21, Orig.
Colorado Springs, CO, City of Colorado Springs Muni, ILS RWY 17R, Amdt. 5
Denver, CO, Denver International, ILS/DME RWY 34, Orig.
Denver, CO, Denver International, ILS/DME RWY 35R, Orig.
Denver, CO, Denver International, ILS RWY 35L, Orig.
Denver, CO, Denver International, ILS RWY 7, Orig.
Denver, CO, Denver International, ILS RWY 8, Orig.
Denver, CO, Denver International, ILS RWY 16, Orig.
Denver, CO, Denver International, ILS RWY 17L, Orig.
Denver, CO, Denver International, ILS RWY 17R, Orig.
Denver, CO, Denver International, ILS RWY 25, Orig.
Denver, CO, Denver International, ILS RWY 26, Orig.
Denver, CO, Denver International, ILS RWY 29R, Amdt. 12
Denver, CO, Denver International, VOR/DME RWY 29R, Orig.
Erie, CO, Tri-County, VOR/DME–A, Orig.
Montrose, CO, Montrose Regional, ILS/DME RWY 17, Orig.
Rifle, CO, Garfield County Regional, VOR/DME–C, Orig.
Rifle, CO, Garfield County Regional, LOC/DME–A, Amdt. 5
Meriden, CT, Meriden Markham Muni, NDB RWY 36, Amdt. 7
Meriden, CT, Meriden Markham Muni, VOR RWY 36, Amdt. 3
Miami, FL, Miami Intl, VOR RWY 12, Amdt. 29
Miami, FL, Miami Intl, VOR RWY 30, Amdt. 8
Miami, FL, Miami Intl, ILS RWY 9R, Amdt. 7
Miami, FL, Miami Intl, ILS RWY 27R, Amdt. 12
Miami, FL, Miami Intl, ILS RWY 27L, Amdt. 22
Chicago, IL, Chicago Midway, VOR/DME RNAV RWY 22L, Amdt. 2
Chicago, IL, Chicago Midway, VOR RWY 22L, Orig., Cancelled
Chanute, KS, Chanute Martin Johnson, VOR/DME RNAV RWY 36, Amdt. 2
Chanute, KS, Chanute Martin Johnson, VOR–A, Amdt. 8
Frankfort, KY, Capital City, NDB RWY 24, Amdt. 9, Cancelled
Northampton, MA, Northampton, VOR/DME–B, Amdt. 2
Northampton, MA, Northampton, VOR–A, Amdt. 2
Provincetown, MA, Provincetown Muni, ILS RWY 7, Amdt. 7
Detroit, MI, Detroit Metropolitan Wayne County, NDB RWY 27R, Amdt. 10
Detroit, MI, Detroit Metropolitan Wayne County, ILS RWY 27R, Amdt. 9
Kansas City, MO, Kansas City Intl, VOR RWY 27, Amdt. 14
Kansas City, MO, Kansas City Intl, ILS RWY 19R, Amdt. 8
Lincoln, NE, Lincoln Muni, RNAV RWY 14, Amdt. 4, Cancelled
North Platte, NE, Lee Bird Field, RNAV RWY 12L, Amdt. 3, Cancelled
Seward, NE, Seward Municipal, NDB RWY 16, Amdt. 1, Cancelled

Seward, NE, Seward Municipal, NDB RWY 34, Amdt. 1, Cancelled
Willoughby, OH, Willoughby Lost Nation Muni, NDB RWY 9, Amdt. 8
Memphis, TN, Memphis Intl, ILS RWY 36R, Amdt. 9
Dallas-Fort Worth, TX, Dallas-Fort Worth International, NDB RWY 35R, Amdt. 8
Dallas-Fort Worth, TX, Dallas-Fort Worth International, converging ILS RWY 35R, Amdt. 3
Dallas-Fort Worth, TX, Dallas-Fort Worth International, ILS RWY 35R, Amdt. 5
McKinney, TX, McKinney Muni, VOR/DME-A, Amdt. 3
McKinney, TX, McKinney Muni, ILS RWY 17, Orig.
Lyndonville, VT, Caledonia County, NDB RWY 2, Amdt. 2
Lynchburg, VA, Lynchburg Regional/Preston Glenn Field, ILS RWY 3, Amdt. 13
Appleton, WI, Outagamie County, LOC BC RWY 21, Amdt. 8, Cancelled
Appleton, WI, Outagamie County, VOR/DME RWY 21, Orig.

[FR Doc. 93-25636 Filed 10-18-93; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 940

RIN 0648-AC94

Stellwagen Bank National Marine Sanctuary Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce (DOC).

ACTION: Final rule and summary of final management plan.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), consistent with the Designation Document contained in this document, issues final regulations to implement the Stellwagen Bank National Marine Sanctuary, as designated by the U.S. Congress on November 4, 1992, and which encompasses an area of ocean waters over and surrounding Stellwagen Bank, and the submerged lands thereunder including the Bank, in the southwestern Gulf of Maine. NOAA by this document issues final regulations to implement the designation by regulating activities affecting the Sanctuary consistent with the provisions of the Designation Document. The intended effect of these regulations is to protect the conservation, recreational, ecological, historical, research, educational, and esthetic resources and qualities of the Stellwagen Bank National Marine Sanctuary.

Further, this document summarizes the final management plan for the Sanctuary, detailing the goals and objectives, management responsibilities, research activities, interpretive and educational programs, and enforcement, including surveillance activities.

EFFECTIVE DATE: Pursuant to section 304(b) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) (16 U.S.C. 1434(b)), Congress has forty-five days of continuous session of Congress beginning on the day on which this document is published to review the designation and regulations before they take effect. At the completion of forty-five days, the designation (and any of its terms not disapproved by Congress through enactment of a joint resolution) and regulations will automatically become final and take effect. Announcement of the effective date of the final regulations will be published in the **Federal Register**.

ADDRESSES: Copies of the Final Environmental Impact Statement/Management Plan (FEIS/MP) prepared for the designation are available upon request to the Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, 12th Floor, Silver Spring, MD 20910, (301) 713-3125.

FOR FURTHER INFORMATION CONTACT: Ms. Sherrard C. Foster, (301) 713-3132.

SUPPLEMENTARY INFORMATION:

I. Background

On November 4, 1992, legislation was enacted reauthorizing and amending Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 ("MPRSA" or "Title III"), 16 U.S.C. 1431 *et seq.* (Pub. L. 102-587). The National Marine Sanctuaries Program Amendments of 1992 (Title II of Pub. L. 102-587, at section 2202) designates the Stellwagen Bank National Marine Sanctuary. Section 2202 additionally establishes a Sanctuary boundary; directs the Secretary of Commerce to issue a Sanctuary management plan in accordance with section 304 of the Act; prohibits the exploration for and mining of sand and gravel and other minerals in the Sanctuary; requires consultation with the Secretary of Commerce by Federal agencies proposing agency actions in the vicinity of the Sanctuary that may affect Sanctuary resources; authorizes funding levels for fiscal years 1993 and 1994; and directs the Secretary of Commerce to consider establishment of a satellite Sanctuary office in Provincetown, Gloucester, or Hull, Massachusetts.

Stellwagen Bank is a submerged, glacially-deposited primarily sandy feature extending for approximately 20 miles in a southeast-to-northwest direction in the extreme southwestern Gulf of Maine, between Cape Ann, Massachusetts and the northern end of Cape Cod, Massachusetts, at the eastern edge of Massachusetts Bay. The combination of physical and oceanographic characteristics over and around the Bank feature result in two distinct peak productivity periods annually. This productivity supports a large variety of benthic, invertebrate and pelagic fishery resources, which have in turn supported generations of commercial fishermen. The Bank's productivity also provides important feeding and nursery grounds for an extraordinary number of large and small cetacean species. The accessibility of the Bank from land points has additionally resulted in an extensive commercial whalewatch industry, attracting more than 1.25 million visitors to the Bank annually. The combination of its productivity and accessibility also provides the base for a high level of scientific interest in the Stellwagen Bank area.

Pursuant to section 205(b)(1) of Public Law No. 100-627, NOAA published a draft environmental impact statement/management plan (DEIS/MP), including a proposed Designation Document and proposed regulations (56 FR 5282) for the proposed designation of Stellwagen Bank as a national marine sanctuary, on February 8, 1991. Public hearings to receive comments on the proposed designation, proposed regulations, and DEIS/MP were conducted in Portsmouth, NH; Gloucester, MA; Duxbury, MA; Provincetown, MA; and Washington, DC during March 11-18, 1991. All comments received by NOAA in response to the **Federal Register** notice, and at the public hearings were considered and, where appropriate, were incorporated. A summary of significant comments on the proposed regulations and the regulatory elements of the DEIS/MP and NOAA's responses to them follow. The comments are both presented and responded to in Appendix G of the FEIS/MP.

(1) *Comment*: A few commenters opposed any national marine sanctuary designation of Stellwagen Bank by NOAA. Generally, these commenters believe Sanctuary designation would create an additional layer of Federal authority and regulation over existing authorities affecting a variety of activities, involving both living and non-living resources of the Stellwagen

Bank system. The commenters do not believe NOAA has provided an adequate justification for the need for additional management and/or regulation of the Stellwagen Bank area.

One commenter, the East Coast Tuna Association, recommended that Federal funds available for a Stellwagen Bank National Marine Sanctuary should be used instead to supplement planning and enforcement capabilities of existing authorities (presumably such as those of the National Marine Fisheries Service (NMFS) and the New England Fishery Management Council). The same commenter stated that Sanctuary designation would provide some organizations with a "menacing regulatory vehicle."

Response: Title III of the MPRSA, as amended by Congress on November 4, 1992 (Pub. L. 102–587, sec. 2202), designates the Stellwagen Bank National Marine Sanctuary. Designation of the Stellwagen Bank National Marine Sanctuary will create a supplementary authority to existing authorities in the Stellwagen Bank area. Sanctuary designation does not duplicate existing authority over fishing, dumping or otherwise. Designation of an ocean area as a national marine sanctuary recognizes the national significance of special marine systems, and provides for comprehensive and coordinated conservation and management of that system, to ensure the long-term viability of Sanctuary resources for compatible multiple uses. A necessary component of such management is the regulatory authority to address comprehensive resource protection from an ecosystem perspective.

In its consideration of the Stellwagen Bank proposal, NOAA has identified threats to the Bank environment against which there currently is either insufficient protection or no protection. For example, while NMFS and the New England Fishery Management Council attempt to address concerns of overfishing, the Sanctuary program can play an important supplementary role of protecting habitat and systems upon which fish species rely, without interfering with other regulatory regimes. A primary intent of a national marine sanctuary designation is to fill such existing regulatory gaps, and to enhance the existing regulatory authorities of other agencies.

(2) *Comment*: A large number of commenters supported designation of boundary alternative 3 (encompassing approximately 702 square nautical miles), over boundary alternative 2, identified as the preferred alternative in the DEIS/MP. Primary among the reasons stated for this position were the desire to (a) provide the largest area possible for the protection of whales; and (b) encompass and control the activities of the Massachusetts Bay Disposal Site (MBDS).

Many commenters also supported boundary alternative 3 because it would include Tillies Bank (northeast of Stellwagen Bank), and southern portions of Jeffreys Ledge (north of Stellwagen Bank). These areas are also utilized by fishermen and cetaceans.

Response: Title III of the MPRSA, as amended by Public Law 102–587 (section 2202), establishes a boundary for the Stellwagen Bank National Marine Sanctuary. Prior to this Congressional action, NOAA gave careful consideration to the potential advantages and disadvantages of adopting boundary alternative 3 for Sanctuary designation. The several facets of this consideration were guided by the overall purpose of national marine sanctuary designation: to provide a comprehensive and integrated long-term management program for the Stellwagen Bank area, in order to ensure the continued vitality of the site's conservation, recreational, ecological, historical, research, educational, and esthetic values. The Sanctuary will provide a management plan designed to protect the habitats and ecosystems which collectively make this area nationally significant. Sanctuary boundaries, therefore, have not been determined on the basis of single or limited benefits.

Boundary alternative 3 includes additional important habitat areas for cetaceans, fish and invertebrates. These habitat areas are also important to commercial and recreational fishermen and whalewatchers. An additional feature of the boundary alternative 3 configuration is the increased potential for close coordination between NOAA and the Commonwealth of Massachusetts' Ocean Sanctuaries Program toward the common objective of comprehensive coastal ocean management and planning.

During its consideration of boundary alternatives, NOAA also determined that the disposal of dredged materials within a national marine sanctuary is essentially incompatible with the purposes of Sanctuary designation and MPRSA policy. (See additional discussion following NOAA response to comment #6 regarding disposal activities at the MBDS.) The MBDS will be regulated by the Environmental Protection Agency (EPA) and the Army Corps of Engineers (COE).

Under EPA regulations, the presence of a designated national marine sanctuary in close proximity to an existing disposal site requires a higher level of research and monitoring to prevent harm to Sanctuary resources. NOAA will cooperate with EPA and COE to prevent harm to Sanctuary resources and qualities through existing permit processes. In addition, Title III of the MPRSA, as amended (Pub. L. 102–587) requires consultation with the Secretary of Commerce by EPA and COE regarding proposed disposal activities prior to the issuance of disposal permits. Thus, NOAA has authority under Title III to protect Sanctuary resources and qualities. Therefore, it is not necessary to include the MBDS within Sanctuary boundaries in order to protect Sanctuary resources and qualities from possible negative effects of disposal activities.

The preferred boundary alternative, depicted in the FEIS/MP as boundary alternative 5 and described at the following 15 CFR 940.2 is consistent with the Sanctuary boundary mandated in Public Law 102–587, at section 2202(b). The boundary includes the natural resources found in boundary alternative 3, but excludes the MBDS, as currently proposed for permanent designation by EPA. The adoption of boundary alternative 5 will both encompass identified habitat areas important to the living and non-living resources of the Stellwagen Bank area, and exclude incompatible disposal activities at the MBDS site.

(3) *Comment:* A few commenters, including the New England Fishery Management Council, Gloucester Fishermen's Program, Gloucester Fishermen's Wives Association, and two fishing vessel captains, supported boundary alternative 4, encompassing 330 square nautical miles, and marked by LORAN–C lines. Commenters stated that LORAN–C is the prevailing means utilized by most vessel captains to locate and navigate; and that latitude/longitude coordinates are not useful to vessel operators.

Response: Boundary alternative 4 would establish a Sanctuary area sufficient to provide protection and management of the Bank feature itself. However, boundary alternative 4, like alternative 1, would not fully encompass important habitat areas for invertebrate, fish and cetacean species; thus, system protection and management would not be fully possible with the adoption of boundary alternative 1 or 4.

NOAA agrees with commenters that identification of the Sanctuary boundary should be provided in a way that is useful to both on- and off-site Sanctuary users, as well as to Sanctuary management. To facilitate identification

of the Sanctuary boundary, NOAA has therefore provided both LORAN–C lines and latitude/longitude coordinates for the Sanctuary.

(4) *Comment:* Several commenters, including the New England Fishery Management Council, Massachusetts Executive Office of Environmental Affairs, and the U.S. Coast Guard, commented that the Sanctuary regulation proposed in the DEIS/MP prohibiting discharge from vessel bilge pumps would preclude smaller vessels (recreational or charterboat) from routine pumping activities necessary to maintain vessel buoyancy. Additionally, some commenters stated that discharge from commercial ship bilge pumps is already prohibited by MARPOL's "50-mile rule", which prohibits any such discharge within 50 nautical miles of shore.

Response: The regulatory language regarding discharge from vessel bilge pumps has been clarified to indicate NOAA's intended consistency with existing Coast Guard requirements. With regard to regulation of water discharges associated with vessel operation, the Sanctuary will permit discharge of cooling water, deck wash down and "graywater" (as defined by section 312 of the Federal Water Pollution Control Act, as amended). Discharge of oily wastes from vessel bilges will be prohibited in the Sanctuary, consistent with existing Coast Guard requirements. The prohibitions do not apply to emergency situations where life, property or the environment are threatened (see following language at 15 CFR 940.5(c)).

(5) *Comment:* A large number of commenters were generically opposed to the construction, placement and operation of the Massachusetts Water Resources Authority (MWRA) municipal outfall, and stated their concerns about possible adverse effects of the outfall on the Sanctuary's water quality and living resources.

Several commenter stated that if the MWRA outfall is constructed, the Sanctuary should have oversight responsibility for its operations. A similar comment was that joint monitoring of the outfall's effect on Sanctuary resources should be established.

Response: The new wastewater treatment facility is currently being constructed on Deer Island, which when completed will include an ocean outfall pipe discharging secondarily treated wastewater at a point approximately 12 nautical miles from the proposed Sanctuary.

Sanctuary regulations protect resources and qualities from such activities by prohibiting discharges either directly into the Sanctuary, or discharges outside the Sanctuary which subsequently enter the Sanctuary and cause harm to its resources or qualities. Moreover, in coordination with the Massachusetts Bays Program (MBP), the Sanctuary will provide a larger contextual framework for far-field monitoring to determine possible effects from the MWRA outfall. In this manner, NOAA intends to be involved in continuing investigations necessary to ensuring the protection of Sanctuary resources and qualities. In the event that outfall effluent enters the Sanctuary and harms its resources, then the NWRA outfall would be in violation of Sanctuary regulations, and subject to Title III actions.

NOAA agrees with commenters that joint monitoring should be considered to determine any possible effects resulting from the MWRA outfall. The MWRA has stated its commitment to ongoing study and monitoring of the outfall's impacts on Massachusetts Bay, and to its active participation in the Massachusetts Bays Program. Additionally, EPA and NMFS will study potential effects of MWRA outfall activities. The Sanctuary plans to be involved in these efforts by coordinating with EPA and NMFS to ensure protection of Sanctuary resources and qualities.

(6) *Comment:* A large number of commenters stated their belief that the Massachusetts Bay Disposal Site (MBDS) should be included in the Sanctuary, so that NOAA would have greater control over disposal activities and the future of the disposal site itself. Included in this group are the NMFS, Nantucket Land Council, Environment Department of City of Boston, Barnstable County Assembly of Delegates, Center for Coastal Studies, International Wildlife Coalition, New England Aquarium, Cetacean Research Unit, Atlantic Cetacean Research Center, Conservation Law Foundation, Center for Marine Conservation, Stellwagen Bank Coalition, and Urban Harbors Institute/University of Massachusetts at Boston.

An additional comment was that the MBDS should be included within the Sanctuary so that NOAA, through the Sanctuary, could shut down the disposal site if environmental harm resulting from disposal activities is demonstrated.

Response: Ocean disposal activities within a sanctuary are generally not compatible with the purposes of sanctuary designation and the policies of the MPRSA. Sanctuary boundaries should primarily be based upon the existence of nationally significant resources. Protection of Sanctuary resources does not require the inclusion of ocean disposal sites. EPA/COE regulations are designed to avoid the designation and use of areas which are rich in resources. EPA/COE regulations are also designed to prevent harm to Sanctuary resources. Sanctuary regulation prohibit disposal activities outside the Sanctuary which result in the entry of disposed materials into the Sanctuary and injury to Sanctuary resources or qualities. NOAA and EPA agree that dredged material disposal permits should not be authorized if there is a potential for those materials to cause harm to Sanctuary resources or qualities. The COE may issue permits for disposal of dredged materials under § 103 of the MPRSA only with EPA concurrence. In addition, the MPRSA mandates consultation with the Secretary of Commerce prior to COE issuance of MBDS permits. NOAA/NOS intends to participate in the existing consultation process utilized between NOAA/NMFS and the COE so that concerns with regard to Sanctuary resources and compatible uses of the Sanctuary are raised in a timely fashion. This process is articulated in the 1992 Memorandum of Agreement between the Department of the Army and the Department of Commerce, pursuant to Clean Water Act section 404(g). This will also facilitate a coordinated NMFS/NOS NOAA position being presented on disposal site permits. There is therefore no need to include the MBDS site within the Sanctuary boundary.

Following designation of the Sanctuary, future proposed uses of the MBDS will be reviewed by NOAA to ensure that disposal activities are consistent with the purposes of the Sanctuary. If NOAA finds that harm to Sanctuary resources or qualities has occurred or in likely to occur as a result of disposal activities, then the Sanctuary will take additional management measures, as are appropriate.

(7) *Comment:* A few commenters, including the Massachusetts Association of Conservation Commissions, stated that use of the MBDS should be phased out, or that the site should be closed.

Response: Sanctuary designated will preclude ocean disposal in the Sanctuary. Certification of ocean disposal outside the Sanctuary is not necessary because studies indicate disposed materials do not enter the Sanctuary and injure Sanctuary resources or qualifies. NOAA will cooperate with EPA and COE to ensure no injury to Sanctuary resources or

qualities will result from such dredging activities.

(8) *Comment:* A few commenters suggested that the MBDS should be moved to a location further away from the Sanctuary, to avoid possible conflicts.

Response: NOAA agrees that there should be appropriate distance between ocean dumping sites and sanctuaries to avoid possible conflicts and to ensure resource protection. The MBDS, like other ocean disposal sites, is designated by EPA under title I of the MPRSA. Subsequent permitting of dredged material disposal activities at such sites is the responsibility of the COE, in conformance with EPA guidelines. As part of its current designation process under NEPA, EPA has considered alternative locations for a permanent dredged materials disposal site in its Final Environmental Impact Statement published in July 1992. As indicated in response to comments (7) and (9), studies demonstrate that dredged materials disposed at the MBDS do not enter the Sanctuary and cause injury to Sanctuary resources. Further, NOAA plans to work with EPA and COE to ensure that ocean disposal does not harm Sanctuary resources or qualities.

(9) *Comment:* Two commenters, the Environmental Protection Agency (Region I) and the U.S. Army Corps of Engineers (New England Division), stated that current management of the MBDS is adequate to protect Sanctuary resources and qualities, and that NOAA has not demonstrated the need for certification of disposal permits under Title III.

Response: Title I and its regulations establish a comprehensive framework for the management and regulation of dredged material disposal activities, and are designed to avoid harm to Sanctuary resources. However, NOAA's stewardship and comprehensive management responsibilities under title III provide an appropriate supplementary role for protecting Sanctuary resources and qualities, as well as addressing problems between conflicting uses of the Sanctuary. Current studies indicate the dredged materials disposed at MBDS do not enter the Sanctuary or harm Sanctuary resources. Therefore, NOAA certification of COE disposal permits does not appear necessary at this time. NOAA will cooperate with EPA and COE to ensure that these disposal activities do not harm the Sanctuary. NOAA will also scrutinize the current COE proposal to dispose contaminated sediments at MBDS, as part of a capping demonstration project for Boston Harbor. NOAA and EPA agree that permits for disposal of dredged materials at the MBDS should not be issued if there is a potential for those materials to cause harm to Sanctuary resources or qualities. Additionally, the COE must consult with the Secretary of Commerce if proposed Federal agency actions at the MBDS are likely to harm Sanctuary resources.

(10) *Comment:* Many commenters stated that offshore oil and gas, or hydrocarbon, activities should be prohibited in the Sanctuary. The sentiment was also voiced that hydrocarbon activities are inappropriate inside *any* national marine sanctuary. Some commenters believed that reliance on the current Presidential moratorium (extending to the year 2000) for protection of resources at Stellwagen Bank is inadequate, because such moratorium could be altered or negated immediately, leaving the area available for exploration, development and production activities. Commenters voiced support for a permanent prohibition on such activities, rather than listing the activity as "subject to regulation" in the proposed Sanctuary's regulations.

Response: NOAA agrees that oil and gas development is usually an incompatible use of a national marine sanctuary. NOAA has considered the effects of and the need for imposing a prohibition on hydrocarbon activities within the Sanctuary. Among the factors considered by NOAA were the historically low industry interest in the Stellwagen Bank area, based upon low estimates of recoverable oil and gas resources; the current Presidential moratorium on such activities; and the ability of NOAA to protect the Sanctuary's living and non-living resources by listing the activity as "subject to regulation" at the time of Sanctuary designation. Moreover, the general regulatory prohibitions against alteration of, or construction on, the seabed and discharges into the Sanctuary would prohibit most of the activities involved in exploration, development and production of hydrocarbon resources.

Based upon these considerations, there appears to be little or no reason to specifically prohibit oil and gas activities in the Sanctuary at this time. Should proposals be forwarded in the future for hydrocarbon activities involving the Stellwagen Bank area, NOAA will be able to analyze the need specifically to prohibit or otherwise restrict such activities at that time, by initiating a rulemaking process, which is open to public review and comment. Listing this activity as "subject to regulation" provides NOAA with the ability to take such actions should the necessity arise in the future. In order to prevent the necessity of repeating the entire Title III designation process to institute a new Sanctuary regulation in the future, NOAA must identify this type of activity as "subject to regulation" at the time of Sanctuary designation, which it has done.

(11) *Comment:* Many commenters expressed concern that lightering activities (transfer of petroleum products from one vessel to another) to allow smaller vessels to transport such products into Boston Harbor could cause harm to Sanctuary resources or qualities.

Response: Prior to development of the FEIS/MP document, NOAA was unaware that lightering ever occurred in proximity to the proposed Sanctuary. Investigation into the occurrence of this activity has indicated that lightering may occasionally occur outside the entrance to Boston Harbor area. Because there is apparently at least some incidence of lightering occurring infrequently in the general area of the proposed Sanctuary, and because of the threat of harm to sanctuary resources from spillage, NOAA agrees with commenters that lightering should not be permitted within the Sanctuary boundary. NOAA has thus prohibited lightering in the Sanctuary.

(12) *Comment:* Many commenters supported a prohibition on any mariculture-related activities within the Sanctuary. Several reasons were stated for this position, including: Potential conflict with vessel traffic; possible adverse impacts on marine mammals and seabirds resulting from entanglement in nets; and possible negative effects on water quality generally. Commenters supporting a prohibition on mariculture activities in the Sanctuary included: Urban Harbors Institute/University of Massachusetts at Boston; Town of Dennis; Center for Marine Conservation; Stellwagen Bank Coalition; Cape Ann Vessel Association; Atlantic Cetacean Research Center; Massachusetts Marine Educators; Save the Harbor/Save the Bay; Gloucester Fishermen's Program; Gloucester Fishermen's Wives Association; Cetacean Research Unit; New England Aquarium; American Cetacean Society; and two fishing vessel captains. Additionally, many individual citizens commented in support of prohibiting this activity in the Sanctuary.

Some commenters also raised objections to mariculture activities because they constitute a "private use" of public waters within the Exclusive Economic Zone, thereby preventing other uses, such as fishing.

Response: NOAA has listed this activity as subject to Sanctuary regulation. Both the existing permit requirements for construction and operation of an offshore mariculture facility, and the current status of the American Norwegian Fish Farm, Inc. proposal for establishment of two mariculture facilities have resulted in NOAA's determination that the granting of permits for conducting this activity in a national marine sanctuary is extremely unlikely. This determination is based upon COE guidance related to permits for fish pen mariculture operations, which prohibits fish farms in Congressionally, Presidentially or Federally established natural resource areas, such as national seashores, wilderness areas, wildlife refuges, parks or other areas designated for similar purposes (e.g., national marine sanctuaries).

By listing this potential activity as subject to Sanctuary regulation, NOAA reserves the ability to determine the need for regulation, including prohibition, should the establishment of a mariculture operation within the Sanctuary boundary be proposed in the future. General prohibitions against discharge or deposit of matter into the Sanctuary may be sufficient to prevent this activity from harming Sanctuary resources.

(13) *Comment:* Several commenters, including the New England Fishery Management Council, NMFS, Massachusetts Audubon Society, Gloucester Fishermen's Program, two fishing vessel captains, Gloucester Fishermen's Wives Association, Cetacean Research Unit, the New England Aquarium, and many private individuals, supported a Sanctuary prohibition on ocean incineration activities.

Response: NOAA agrees and this activity is prohibited within the Sanctuary or outside the Sanctuary if there is a discharge or deposit which enters the Sanctuary and harms Sanctuary resources. Under current existing authorities, ocean incineration activities may only occur pursuant to "interim" or "research" permits, issued by EPA under Title I of the MPRSA. To date, no ocean incineration sites have been designated by EPA. In designating such sites, EPA is required by Title I regulations to avoid sensitive areas, such as national marine sanctuaries. It is therefore unlikely that an ocean incineration site would be designated within a designated national marine sanctuary.

NOAA agrees that incineration activities should not occur in national marine sanctuaries. Although the environmental effects of such activities may not be well understood currently, at a minimum, the esthetic impacts are negative to Sanctuary qualities. In its consideration of alternatives, NOAA determined that the Sanctuary regulation prohibiting discharge or deposit of matter within the Sanctuary boundary will preclude any future designation of incineration sites within the Sanctuary, and leave no question regarding the possible occurrence of future incineration activities. Thus, although ocean incineration is generally prohibited by existing law, identifying ocean incineration as discharge and deposit activities prohibited by Sanctuary regulation will provide supplemental enforcement authority and penalties for violators.

(14) *Comment:* Several commenters voiced opposition to the construction, placement and operation of the fixed artificial platforms, or "islands", of the type previously proposed for Stellwagen Bank (known as "Gugel's Arabian Nights"), within the Sanctuary boundary. Among the concerns raised are conflict with vessel traffic lanes, interference with fishing areas, increased hazards to marine mammals from resulting additional vessel traffic and noise, potential entanglement for marine mammals and seabirds, degradation of water quality, and privatization of Federal waters.

Response: The current status of the proposed artificial platform remains very uncertain, pending the satisfactory response by the applicant to numerous additional questions raised by COE, including the identification of financial support for this project. However, regardless of the applicant's successful completion of necessary applications, NOAA shares the concerns of commenters regarding this project. In general, the presence of an artificial fixed platform over or around Stellwagen Bank is not an activity which reasonably could be described as "compatible with the primary objective of resource protection." Construction and placement of man-made structures within the Sanctuary may alter natural ecosystem functions, as well as the esthetics of the Sanctuary. Notwithstanding conditions which might be placed on the design, construction and operation of a fixed artificial platform, the potential impacts on both living and non-living resources within the Sanctuary are significant.

NOAA's prohibition on alteration of, construction on, placement on, or abandonment of any structure, material or other matter on the seabed effectively precludes the possibility of any fixed artificial platform being established within the Sanctuary.

(15) *Comment:* A few commenters raised concerns regarding the proposed prohibition on any alteration of, or construction on, the seabed. In particular, commenters were concerned about the effects of this proposed prohibition on "traditional fishing activities" in the Sanctuary, e.g., those current fisheries involving dredge gear.

Two commenters objected to this proposed prohibition, as well as the proposed prohibition on installation or placement of cables and pipelines in the Sanctuary, because they would be precluded from the possibility of placing electrical transmission cables through the Sanctuary. Commenters stated this activity is environmentally safe, and that an outright prohibition is inappropriate, because there is no demonstration of possible adverse effects.

Response: The regulation prohibiting alteration of, or construction on, the seabed specifically exempts vessel anchoring, traditional fishing operations, and installation of navigation aids. These activities do not appear to harm Sanctuary resources; and fishing operations are regulated by NMFS.

NOAA does not agree with commenters that the installation of electrical transmission cables poses no potential for environmental damage. Significant concerns with the installation of cables or pipelines include possible leaks, disruption of spawning areas, conflicts with fishing gear or the movement of bottom-dwelling species, and disturbance or damage to archaeological sites. A NOAA objective is the maintenance of a natural habitat, and therefore the avoidance of facilitating man-made permanent structures in the Sanctuary.

(16) *Comment:* A number of commenters stated that speed limits should be established for charterboats and recreational vessels operating in the Sanctuary. Limiting vessel speed inside the Sanctuary to between 15 and 18 knots was suggested by the Cape Ann Vessel Association, Atlantic Cetacean Research Center, Gloucester Fishermen's Program, Gloucester Fishermen's Wives Association, two vessel captains, and the Cetacean Research Unit. Additionally, a large number of individual commenters, as well as other organizations, supported generally Sanctuary regulation of recreational and other small vessel speeds. All comments reflected the concern for potential vessel collisions with marine mammals, particularly cetaceans. One commenter supported a

prohibition on all private boating activities in the Sanctuary, with an exception being provided for commercial fishing vessels.

Response: Existing NMFS whalewatch guidelines applicable to all vessels operating in proximity to cetaceans address vessel speeds generally when vessels are intentionally engaged in whalewatching activity. While whalewatch vessel operators appear to adhere generally to these guidelines, other recreational vessels often are unaware of the guidelines.

Pending national whalewatch regulations will address vessel speeds in proximity to cetaceans, and will be enforceable, as opposed to the NMFS guidelines. While NOAA/NOS agrees with commenters that vessel collisions with cetaceans may be a problem, it does not believe the imposition of regulatory speed limits on charterboats or recreational vessels is presently necessary. Among the Sanctuary's research and educational objectives will be the quantifiable identification, via coordination with NMFS and other involved organizations, of vessel/cetacean interactions and the further education of the recreational boating public. If these investigations demonstrate the need for vessel speed restrictions to reduce marine mammal/vessel interactions, then NOAA will propose a Sanctuary regulation restricting vessel speeds. The activity of vessel operation is therefore listed as "subject to Sanctuary regulation."

(17) *Comment:* A few commenters stated that NOAA should limit the speed of commercial ships in the Sanctuary, either on a year-round basis, or during the seasons when cetaceans are present. Concern was also raised, however, by the U.S. Coast Guard (USCG), that any future Sanctuary regulation limiting commercial vessel speed or changing vessel traffic patterns affecting "safe navigation of vessels on the high seas" must be first approved by both the USCG and, with respect to foreign vessels, the International Maritime Organization (IMO).

Response: NOAA is listing the operation of all vessels in the Sanctuary as an activity "subject to regulation." This action will allow NOAA to propose specific regulation of commercial ship operation in the future, if the need to do so is demonstrated.

The reduction of commercial vessel collision-related cetacean mortalities is identified as a priority objective in the Draft Right Whale Recovery Plan (NMFS, 1990). Two recommendations are made to address this objective: (a) Collection and analysis of additional data on the areas and seasons of potential vessel/cetacean conflict; and (b) investigation into strategies for reduction of ship/cetacean collisions. Among specific actions being considered to obtain this objective is the restriction of vessel speed in "high risk" areas during "high risk" seasons. In addition, the possibility of on-board lookouts; shifts in traffic lanes; on-board acoustical warning devices; detection technologies (such as side-scan sonar); alternative vessel designs; and satellite-tracking of transmitter-tagged cetaceans are also discussed in the Right Whale Recovery Plan. Although this plan focuses only on the Northern Right Whale, the objective of reducing vessel collisions with *any* marine mammal is clearly an objective to be pursued by both NMFS and the Sanctuary.

The Sanctuary intends to work with NMFS in the implementation of measures identified in the Northern Right Whale Recovery Plan, the Humpback Whale Recovery Plan, and other measures identified to reduce vessel collision-related injury and mortality of cetaceans. NOAA will also work with the Coast Guard and the IMO in addressing the problem to cetaceans as well as to vessel traffic.

(18) *Comment:* A few commenters, including DOI, stated that the proposed Sanctuary prohibition on the taking of seabirds potentially conflicts with certain provisions of the Migratory Bird Treaty Act, which allow for licensed hunting of migratory birds, including sea ducks.

Additionally, some commercial fishermen voiced concern at public hearings on the proposed Sanctuary that seabirds caught incidentally in fishing nets would constitute a violation of the proposed Sanctuary prohibition on taking.

Response: NOAA is unaware of the Sanctuary area being used for hunting of sea ducks; however, NOAA has changed the wording of its prohibition on taking of seabirds to exclude any such taking which has been authorized pursuant to the provisions of the Migratory Bird Treaty Act. Additionally, the Migratory Bird Treaty Act has been included in NOAA's discussion of existing Federal authorities. Consultation with DOI's Regional Fish and Wildlife Service office has provided indication that the Migratory Bird Treaty Act makes no provision for incidental take of migratory birds, and thus any such unpermitted incidental take in fishing nets is a violation of the MBTA. However, the number of such incidentally caught birds appears to be extremely low, and no endangered species appear to be involved.

Seabirds are Sanctuary resources which should be protected from harm or destruction. NOAA would not pursue a natural resource damage civil suit for incidental take which results in only negligible harm to the Sanctuary or species. NOAA will coordinate with the Fish and Wildlife Service (FWS), of the U.S. Department of the Interior (DOI) in any enforcement activities involving endangered or threatened seabird species, or related to MBTA violations.

(19) *Comment:* The DOI commented that NOAA's proposed prohibition on sand and gravel extraction activities within the Sanctuary is inappropriate and not necessary at this time. The DOI states that NOAA's proposed prohibition on development of industrial materials (e.g., sand and gravel) is not based on "an analysis of how or whether such activities would harm the specific resources that influenced the selection of this area [Stellwagen Bank] as a proposed NMS." The DOI suggests that potential sand and gravel extraction activities be examined on a "case-by-case" basis by NOAA to determine any necessary controls or prohibitions in instances where mitigation of harmful effects would "prove difficult."

Response: Title III of the MPRSA, as amended by on November 4, 1992 (Pub. L. 102–587, at section 2202(d)), prohibits the exploration for and mining of sand and gravel and other minerals in the Sanctuary. Moreover, NOAA does not agree that the extraction of sand and gravel resources from within the Sanctuary should be permitted on a case-by-case basis. Notwithstanding the fact that no specific proposals to conduct sand and gravel extraction activities are presently being considered by DOI (through the Minerals Management Service), and that "extensive geological, geomorphic, physical, oceanographic, and environmental factors" would have to be analyzed before actual mining activities could commence, sufficient documentation has been presented regarding the negative environmental impacts of such operations on Stellwagen Bank and its surrounding ecosystems as to warrant a prohibition on this activity. Moreover, sand mining would remove the Sanctuary resource which is at the core of the designation of this sanctuary: Protecting the Bank feature and its ecosystem.

Negative impacts of sand and gravel extraction activities include alteration of the Stellwagen Bank feature, which may affect continuation of seasonal upwelling cycles caused by the Bank's presence, which in turn supports the biological productivity of the

Stellwagen Bank ecosystem. Potential associated impacts include alterations and disruptions in population and migratory patterns (involving fish, invertebrate, and cetacean species) resulting from introduction of pollutants or undesirable nutrients; degradation of water quality; vessel noise; disruption or destruction of spawning areas (especially those of *Ammodytes americanus*, or sand lance, primary prey for humpback and fin whales); and loss of food sources and habitat for planktonic, invertebrate and fish species (including the copepod, *Calanus finmarchicus*, primary prey for northern right whales). Ultimately, the commercial, recreational and scientific importance of the Bank system would be adversely and permanently affected by sand and gravel mining activities.

Statements that "mitigating measures" could be undertaken to minimize the environmental effects of sand and gravel extraction do not address the significance of the Bank feature, and thus the intent of this national marine sanctuary designation. National marine sanctuaries are designated to recognize and provide long-term protection for nationally significant, discrete marine systems which in this case is the Stellwagen Bank feature and its ecosystem. While one of Title III's goals is to facilitate multiple uses of sanctuary areas, the nature and effects of such uses must be in conformance with the primary statutory objective of resource protection. Sand and gravel are basic elements of the Stellwagen Bank feature and are thus of primary importance to the continued biological productivity made possible by the Bank's presence. Alteration or removal of this core Sanctuary resource undermines and conflicts with the purposes of designation. "Mitigating measures" to lessen the adverse impacts of sand and gravel extraction would still result in an ecosystem permanently altered by human activities manipulating natural habitats and ecosystem processes.

Finally, NOAA's analysis of this issue presents information that the projected need for these materials does not indicate that extraction of sand and gravel from Stellwagen Bank is even necessary. None of the large public works projects currently underway in the Boston metropolitan area (Massachusetts Water Resources Authority wastewater treatment facility in Boston Harbor, Massachusetts Department of Public Works (MDPW) Central Artery project, and MDPW Third Harbor Tunnel project) has identified a need for sand and gravel resources from Stellwagen Bank. Moreover, completion of these projects will not, according to a recent report to the New England Governors Conference, create a shortage of sand and gravel resources. To the extent sand and gravel are subsequently needed for construction projects, there are alternate sources on land and sea, including the use of dredged material. Use of dredged material for construction aggregate would further the missions of DOI and COE without threatening a disturbance of the natural balance at Stellwagen Bank. On balance, therefore, the prohibition on sand and gravel extraction activities is a warranted and supportable means of ensuring the long-term protection mandated by Title III.

(20) *Comment:* The New England Fishery Management Council (NEFMC), as well as several individual commercial fishermen's organizations, commented that regulation of fisheries in the Sanctuary should remain entirely the responsibility of NMFS and the NEFMC. In particular, the NEFMC stated that NOAA should permanently exempt fishing activities from any Sanctuary regulation. Additionally, the NEFMC stated its belief that the Magnuson Fishery Conservation and Management Act (MFCMA) provides exclusive authority for fisheries management within the Exclusive Economic Zone to NMFS and Regional Fishery Management Councils.

Additionally, the NEFMC commented that the regulatory language in the proposed Sanctuary Designation Document (Article V of App. A to the DEIS/MP) contradicts the intent of the MFCMA, by providing that "if any valid regulation issued by any Federal, State, or local authority * * * conflicts with a Sanctuary regulation, the regulation deemed by the Director [of OCRM] to be more protective of Sanctuary resources and qualities shall govern."

Response: NOAA agrees that the MFCMA provides comprehensive authority for management, including regulation, over fisheries to Regional Fishery Management Councils and NMFS. Moreover, NOAA/NOS agrees with the Council's determination, made in response to NOAA's consultation early in the Sanctuary designation process, that adequate legal mechanisms exist to provide appropriate management of fisheries in general, and thus no supplementary fishing regulations currently appear necessary to address Sanctuary resource protection concerns.

During the process of its consideration of Stellwagen Bank for Sanctuary designation, NOAA/NOS has identified fisheries as a resource of national significance, and is therefore obligated under Title III of the MPRSA to ensure adequate mechanisms exist to properly manage and protect the long-term viability of this resource within the Sanctuary. In meeting this obligation, NOAA/NOS has further defined and discussed the current status of fishery stocks and the present fisheries management structure in the Sanctuary area.

NOAA/NOS has determined that while the regulatory structure for management of fisheries is adequate, current implementation of that structure is not fully attaining the objectives mandated under MFCMA. The NEFMC and NMFS are currently responding to a Court order to revise the FMP's for groundfish species, so as to design a rebuilding program for those stocks. NOAA/NOS believes this is an appropriate mechanism to address the current problems related to groundfish stocks. In addition, Congress is developing legislation to address this problem. Therefore, NOAA/NOS is neither regulating fishing nor listing fishing as an activity subject to Sanctuary regulation. NOAA/NOS intends to work closely with the NEFMC and NMFS to establish, via the Sanctuary, a broad forum representing multiple sources of possible assistance to the NEFMC and NMFS in the attainment of mutual objectives; and will also work with those entities on the impacts of fishing upon other Sanctuary resources and other Sanctuary users.

NOAA does not agree that the regulatory language in the Sanctuary Designation Document (Article V) contradicts the intent of the MFCMA, or that the MFCMA precludes the regulation of fishing within sanctuaries under Title III of the MPRSA. The intent of the Designation Document language is that the Sanctuary shall be governed by valid regulations which are the most protective of Sanctuary resources and qualities. This is wholly consistent with Title III and does not conflict with the MFCMA.

(21) *Comment:* Comments from some individual fishermen and the Stellwagen Bank Commercial Fisheries Cooperative stated that the proposed Sanctuary Advisory Committee should be "heavily-seated" with representatives of historic user groups.

Response: A Sanctuary Advisory Committee will be established in accordance with section 315 of Title III, which provides authority to the Secretary of Commerce to appoint up to fifteen individuals as Committee members. Recommendations for Committee membership will be developed by the Office of Ocean and Coastal Resource Management and

forwarded to the Secretary of Commerce. NOAA intends that appropriate user groups be fully represented on a Sanctuary Advisory Committee. Following designation of the Sanctuary, NOAA will solicit recommendations from the public for membership on the Advisory Committee.

(22) *Comment:* A few commenters stated that the Sanctuary Advisory Committee should be directly involved in management of the Sanctuary.

Response: The primary function of a Sanctuary Advisory Committee is to provide the on-site Sanctuary Manager with assistance on a variety of issues or programs, in order to ensure better management overall of the Sanctuary. To accomplish this objective, it is appropriate to bring together interested individuals with particular interests and expertise, to assist the Sanctuary Manager and the rest of NOAA in making necessary determinations for sound management. NOAA anticipates that the Sanctuary Advisory Committee would form subcommittees, to focus on particular issues. While the work of the Advisory Committee is vitally important to the attainment and maintenance of Sanctuary objectives, it is only advisory in nature, as final Sanctuary policies are determined by NOAA. As trustee for the Sanctuary's resources and qualities, NOAA must retain full management authority over the Sanctuary and its operation.

II. Designation Document

Section 304(a)(4) of the Act requires that the terms of designation set forth the geographic area included within the Sanctuary; the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value; and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. This section also specifies that the terms of the designation may be modified only the same procedures by which the original designation was made. Thus the terms of designation serve as a charter for the Sanctuary.

The Designation Document for the Stellwagen Bank National Marine Sanctuary follows:

Designation Document for The Stellwagen Bank National Marine Sanctuary

Under the authority of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (the "Act" or "MPRSA"), 16 U.S.C. 1431 *et seq.*, and as mandated by Public Law 102–587 (section 2202), the waters over and surrounding Stellwagen Bank and the submerged lands thereunder including the Bank, as described in Article II, are hereby designated as the Stellwagen Bank National Marine Sanctuary for the purposes of protecting and managing the conservation, ecological, recreational, research, educational, historical and esthetic resources and qualities of the area.

Article I. Effect of Designation

The Act authorizes the issuance of such final regulations as are necessary and reasonable to implement the designation, including managing and protecting the conservation, recreational, ecological, historical, research, educational, and esthetic resources and qualities of the Stellwagen Bank National Marine Sanctuary. Section 1 of Article IV of this Designation Document lists activities of the type that either are to be regulated, or may have to be regulated subsequently in order to protect Sanctuary resources and qualities. Listing does not necessarily mean that a type of activity will be regulated; however, if a type of activity is not listed it may not be regulated, except on an emergency basis, unless Section 1 of Article IV is amended to include the type of activity by the procedures outlined in section 304(a) of the MPRSA.

Article II. Description of the Area

The Stellwagen Bank National Marine Sanctuary (the "Sanctuary") boundary encompasses a total of approximately 638 square nautical miles (approximately 2181 square kilometers) of ocean waters, and the submerged lands thereunder, over and surrounding the submerged Stellwagen Bank and additional submerged features, offshore the Commonwealth of Massachusetts. The boundary encompasses the entirety of Stellwagen Bank; Tillies Bank to the northeast of Stellwagen Bank; and southern portions of Jeffreys Ledge, to the north of Stellwagen Bank. Portions of the Sanctuary are adjacent to three coastal ocean areas designated by the Commonwealth of Massachusetts as Ocean Sanctuaries. The northwestern border coincides with the North Shore Ocean Sanctuary. The southern border coincides with the seaward limit of Commonwealth jurisdictional waters adjacent to the Cape Cod Bay Ocean Sanctuary; and is also tangential to the Cape Cod Ocean Sanctuary. The western border of the Stellwagen Bank Sanctuary occurs approximately 25 miles east of Boston, Massachusetts. Appendix I to this Designation Document sets forth the precise Sanctuary boundary.

Article III. Characteristics of the Area That Give It Particular Value

Stellwagen Bank is a glacially-deposited, primarily sandy feature measuring nearly twenty miles in length, occurring in a roughly southeast-to-northwest direction between Cape Cod and Cape Ann, Massachusetts. It is located at the extreme southwestern corner of the Gulf of Maine, and forms a partial "gateway" to Cape Cod Bay, situated shoreward and southwest of the Bank.

The presence of the Bank feature contributes to a particular combination of physical and oceanographic characteristics which results in two distinct peak productivity periods annually, when overturn and mixing of coastal waters with nutrient-rich waters from deeper strata produce a complex system of overlapping mid-water and benthic habitats. From the time of Colonial settlement, this area has supported an abundant and varied array of fisheries, which continue to provide livelihoods for an active commercial fleet. Important fisheries include bluefin tuna, herring, cod, haddock, winter and summer flounder, silver hake, pollack, ocean pout, lobster, shrimp, surf clam and sea scallop. The commercial value of fish caught (exclusive of bluefin tuna) within Sanctuary waters exceeded $15 million in 1990.

The biological productivity of the Bank also attracts a seasonal variety of large and small cetaceans, several of which are classified as endangered species. The Stellwagen Bank environment provides feeding and nursery areas of humpback, fin, and northern right whales, the latter being the most critically-endangered of all large cetacean species. The photo-identification at Stellwagen Bank of 100 or more individual right whales from a total North Atlantic population estimated in 1990 at approximately 300 to 350 indicates the importance of the Bank to this species. The predictable seasonal presence of these and other cetacean species has generated a growing commercial whale-watch industry involving more than 40 vessels (over 1.5 million passengers), and producing revenues in excess of $17 million in 1988.

A vessel traffic separation scheme (VTSS) crosses directly over Stellwagen Bank, and accommodates approximately 2,700 commercial vessels annually in and out of Boston, Massachusetts. Existing or potential additional human activities involving the Stellwagen Bank environment include dredged material

disposal; sand and gravel extraction; offshore mariculture development; and offshore fixed artificial platform construction.

The uniqueness of the Stellwagen Bank environment as well as its accessibility draws the continuing interest of area scientific institutions, including the Center for Coastal Studies, Cetacean Research Unit, University of Massachusetts, Woods Hole Oceanographic Institution, Marine Biological Laboratory, Manomet Bird Observatory, New England Aquarium, University of Rhode Island and the National Marine Fisheries Service (NOAA). In light of the increasing levels of human activities, several issues such as: interactions between marine mammals and commercial/recreational vessels; immediate, long-term and cumulative impacts on marine mammals from whale-watching vessel activity; and the immediate, long-term and cumulative effects of discharge/disposal operations on the Bank's resources and qualities require coordinated and comprehensive monitoring and research.

Article IV. Scope of Regulations

Section 1. Activities Subject to Regulation

The following activities are subject to regulation under the Act, including prohibition, to the extent necessary and reasonable to ensure the protection and management of the conservation, recreational, ecological, historical, research, educational and esthetic resources and qualities of the area:

a. Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter;

b. Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter;

c. Exploring for, developing or producing oil, gas or minerals (*e.g.*, clay, stone, sand, gravel, metalliferous ores, nonmetalliferous ores or any other solid material or other matter of commercial value ["industrial materials"] within the Sanctuary;

d. Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary;

e. Development or conduct in the Sanctuary of mariculture activities;

f. Taking, removing, moving, catching, collecting, harvesting, feeding, injuring, destroying or causing the loss of, or attempting to take, remove, move, catch, collect, harvest, feed, injure, destroy or cause the loss of, a marine mammal, marine reptile, seabird, historical resource or other Sanctuary resource;

g. Transferring of petroleum-based products or materials from vessel-to-vessel, or "lightering", in the Sanctuary;

h. Operation of a vessel (*i.e.*, water craft of any description capable of being used as a means of transportation) in the Sanctuary;

i. Possessing within the Sanctuary a Sanctuary resource or any other resource, regardless of where taken, removed, moved, caught, collected or harvested, that, if it had been found within the Sanctuary, would be a Sanctuary resource;

j. Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

Section 2. Emergencies

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality; or minimize the imminent risk of such destruction, loss or injury, any activity, including those not listed in section 1 of this Article, is subject to immediate temporary regulation, including prohibition.

Article V. Effect on Leases, Permits, Licenses and Rights

If any valid regulation issued by any Federal, State or local authority of competent jurisdiction, regardless of when issued, conflicts with a Sanctuary regulation, the regulation deemed by the Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, or his or her designee to be more protective of Sanctuary resources and qualities shall govern.

Pursuant to section 304(c)(1) of the Act, 16 U.S.C. 1434(c)(1), no valid lease, permit, license, approval or other authorization issued by any Federal, State or local authority of competent jurisdiction, or any right of subsistence use or access, may be terminated by the Secretary of Commerce, or his or her designee, as a result of this designation, or as a result of any Sanctuary regulation, if such authorization or right was in existence on the effective date of this designation. However, the Secretary of Commerce, or designee, may regulate the exercise (including, but not limited to, the imposition of terms and conditions) of such authorization or right consistent with the purpose for which the Sanctuary is designated.

In no event may the Secretary or designee issue a permit authorizing, or otherwise approving: (1) The exploration for, development of, or production of industrial materials within the Sanctuary; or (2) the disposal of dredged material within the Sanctuary (except by a certification, pursuant to section 940.10, of valid authorizations in existence on the effective date of Sanctuary designation). Any purported authorizations issued by other authorities after the effective date of Sanctuary designation for any of these activities within the Sanctuary shall be invalid.

Article VI. Alteration of this Designation

The terms of designation, as defined under section 304(a) of the Act, may be modified only by the procedures outlined in section 304(a) of the MPRSA, including public hearings, consultation with interested Federal, State and local agencies, review by the appropriate Congressional committees, and Governor of the Commonwealth of Massachusetts, and approval by the Secretary of Commerce or designee.

End of Designation Document

III. Summary of the Final Management Plan

The FEIS/MP for the Stellwagen Bank National Marine Sanctuary recognizes the need for a balanced approach to management which reflects the multiple-use character of the area as well as the paramount need to protect its resources and qualities. The MP guides management of the Sanctuary during the first five years of operation. In describing the Sanctuary's location, resources and uses, the MP discusses programs for resource protection, research, and education/interpretation and details agency administrative roles and responsibilities.

Resource Protection

The highest priority management goal is to protect the marine environment, resources and qualities of the Sanctuary. The specific objectives of this goal are to:

(1) Coordinate policies and procedures among the agencies sharing responsibilities for resource protection and management;

(2) Encourage participation by interested agencies and organizations in the development of procedures to address specific management concerns (*e.g.*, monitoring and emergency-response programs);

(3) Develop an effective and coordinated program for the enforcement of Sanctuary regulations;

(4) Enforce Sanctuary regulations in addition to other regulations already in place;

(5) Promote public awareness of, and voluntary compliance with, Sanctuary regulations and objectives, through

educational/interpretive programs stressing resource sensitivity and wise use;

(6) Ensure that Sanctuary water quality is maintained at a level consonant with Sanctuary designation;

(7) Establish mechanisms for coordination among all agencies participating in Sanctuary management;

(8) Ensure the incorporation of research results and scientific data into effective resource protection strategies; and

(9) Reduce threats to Sanctuary resources and qualities.

Research Program

Effective management of the Sanctuary requires the initiation of a Sanctuary research program that addresses management issues. The Sanctuary research program will be directed at improving knowledge of the Stellwagen Bank area environment, resources and qualities, and to resolving specific management problems, some of which may involve resources common to both the Bank and to surrounding areas. Research results will be used in interpretive programs for visitors and others interested in the Sanctuary, as well as for protection and management of resources and qualities. To avoid duplication of effort and achieve maximum benefits from the research, NOAA will coordinate its research efforts with those of other agencies and organizations.

Specific objectives of the research program are to:

(1) Establish a framework and procedures for administering research to ensure that research projects are responsive to management of the Sanctuary;

(2) Incorporate research results into the interpretive/education program in formats useful to the general public;

(3) Focus and coordinate data collection efforts on the physical, chemical, geological and biological oceanography of the Sanctuary;

(4) Encourage studies that integrate research from the variety of coastal habitats with nearshore and open ocean processes;

(5) Initiate a monitoring program to assess environmental changes as they occur due to natural and human processes;

(6) Identify the range of effects on the environment that would result from predicted changes in human activity or natural phenomena; and

(7) Encourage information exchange among all organizations and agencies conducting management-related research in the Sanctuary to promote more informed management.

Education Program

The goal of the Sanctuary's education programs is to improve public awareness, understanding and appreciation of the value of the Sanctuary and the need to protect its resources and qualities.

Management objectives designed to meet this goal are to:

(1) Provide the public with information on the Sanctuary and its goals and objectives, with an emphasis on the need to use Sanctuary resources and qualities wisely to ensure their long-term viability;

(2) Broaden support for Sanctuary management by offering public programs suited to visitors with a diverse range of interests;

(3) Provide for public involvement by encouraging feedback on the effectiveness of education programs, collaboration with Sanctuary management staff in extensions and outreach programs, and participation in other volunteer programs; and

(4) Collaborate with other organizations to provide educational services complementary to the Sanctuary program.

Visitor Use

The Sanctuary Program's goal for visitor management is to facilitate, to the extent compatible with the primary objective of resource protection, public and private uses of Sanctuary resources which are not prohibited pursuant to other authorities.

Specific management objectives are to:

(1) Provide relevant information about Sanctuary regulations, use policies and standards;

(2) Collaborate with public and private organizations in promoting compatible uses of the Sanctuary;

(3) Encourage the public using the Sanctuary to respect sensitive Sanctuary resources and qualities; and

(4) Monitor and assess the levels of use to identify and control potential degradation of resources and qualities, and to minimize potential user conflicts.

The Sanctuary will be managed initially by NOAA Sanctuaries and Reserves Division staff located in Plymouth, Massachusetts. Pursuant to Public Law 102–587, NOAA will also consider establishment of a Sanctuary satellite office in Provincetown, Gloucester, or Hull, Massachusetts.

IV. Summary of Regulations

The regulations set forth the boundary of the Sanctuary; prohibit a relatively narrow range of activities; establish procedures for applying for National Marine Sanctuary permits to conduct prohibited activities; establish certification procedures for existing leases, licenses, permits, approvals, other authorizations or rights authorizing the conduct of a prohibited activity; establish notification and review procedures for applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity; set forth the maximum per-day penalties for violating Sanctuary regulations; and establish procedures for administrative appeals.

Specifically, the regulations add a new part 940 to title 15, Code of Federal Regulations.

Section 940.1 sets forth as the purpose of the regulations to implement the designation of the Stellwagen Bank National Marine Sanctuary by regulating activities affecting the Sanctuary, consistent with the terms of that designation in order to protect and manage the conservation, ecological, recreational, research, educational, historical and esthetic resources and qualities of the area.

Section 940.2 and appendix I following § 940.12 set forth the boundary of the Sanctuary.

Section 940.3 defines various terms uses in the regulations. Others terms appearing in the regulations are defined at 15 CFR 922.2 and/or in the MPRSA.

Section 940.4 allows all activities except those prohibited by § 940.5 to be undertaken subject to the requirements of any emergency regulation promulgated pursuant to § 940.6, subject to all prohibitions, restrictions and conditions validly imposed by any other authority of competent jurisdiction, and subject to the liability established by section 312 of the Act.

Section 940.5 prohibits a variety of activities and thus makes it unlawful for any person to conduct them or cause them to be conducted. However, any of the prohibited activities except for the exploration for, development of, or production of industrial materials within the Sanctuary; and the disposal of dredged material within the Sanctuary (except by a certification, pursuant to § 940.10, of valid authorizations in existence on the effective date of Sanctuary designation), could be conducted lawfully if one of the following four situations applies.

(1) The activity is necessary to respond to an emergency threatening life, property or the environment; authorized by a National Marine Sanctuary permit issued under § 940.9; or authorized by a Special Use permit issued under section 310 of the Act.

(2) With regard to the Department of Defense activities: The activity is exempted after consultation between the Director of the Office of Ocean and Coastal Resource Management or designee and the Department of Defense. The regulations require that the Department of Defense carry out its activities in a manner that avoids to the maximum extend practicable any adverse impact on Sanctuary resources and qualities and that the Department of Defense, in the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings, caused by it, promptly coordinate with the Director or designee for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality. The final regulation regarding Department of Defense activities differs from the proposed regulation principally by:

(i) Adding the requirement to avoid to the maximum extent practicable any adverse impacts; and

(ii) Adding the requirement of prompt coordination, in the event of an untoward incident, for the purpose of taking appropriate actions.

(3) The activity is authorized by a certification by the Director or designee under § 940.10 of a valid lease, permit, license or other authorization issued by any Federal, State or local authority of competent jurisdiction and in existence on (or conducted pursuant to any valid right of subsistence use or access in existence on) the effective date of this designation, subject to complying with any terms and conditions imposed by the Director or designee as he or she deems necessary to achieve the purposes for the Sanctuary was designated.

(4) The activity is authorized by a valid lease, permit, license, approval or other authorization issued by any Federal, State or local authority of competent jurisdiction after the effective date of Sanctuary designation, provided that the Director or designee was notified of the application in accordance with the requirements of § 940.11, the applicant complies with the requirements of § 940.11, the Director or designee notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director or designee deems necessary to protect Sanctuary resources and qualities.

The first activity prohibited is discharging or depositing, from within the Sanctuary, any material or other mater except

(1) Fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations in the Sanctuary;

(2) Biodegradable effluent incidental to vessel use and generated by marine sanitation devices approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322 *et seq.*;

(3) Water generated by routine vessel operations (*e.g.*, cooling water, deck wash down and graywater as defined by section 312 of the FWPCA) excluding oily wastes from bilge pumping; and

(4) Engine exhaust.

The prohibition is necessary in order to protect the Sanctuary resources and qualities from the effects of pollutants discharged or deposited into the Sanctuary, including, but not limited to, the effects of incineration activities occurring from onboard vessels.

The second activity prohibited is discharging or depositing from beyond the boundary of the Sanctuary, any material or other matter, except for the exclusions discussed above for the first prohibited activity, that subsequently enter the Sanctuary and injure a Sanctuary resources or quality. The intent of this prohibition is to protect the Sanctuary resources and qualities from the harmful effects of discharged or deposited pollutants.

The third activity prohibited in exploring for, developing or producing industrial materials in the Sanctuary. This prohibition is necessary to preserve the physical structure of the Bank feature, which is causal is providing seasonal upwelling events supporting the Bank system's biological productivity. The prohibition additionally will prevent the negative effects of physical and possible chemical disturbances associated with extraction activities, e.g., destruction of benthic biota; resuspension of fine sediments; interference with filtering, feeding and respiratory functions of marine organisms; loss of food sources and habitats; and lowered photosynthesis and oxygen levels.

The fourth activity prohibited is drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary, except as incidentally resulting from:

(1) Anchoring vessels;

(2) Traditional fishing operations; or

(3) Installation of navigation aids.

The intent of this prohibition is to protect the resources and qualities of the Sanctuary from the harmful effects of activities such as, but not limited to, archaeological excavations, drilling into the seabed, strip mining, laying or placing of pipelines or cables, and offshore commercial development, which may disrupt and/or destroy sensitive marine benthic habitats, invertebrate populations, fish habitats, and marine mammal feeding areas.

The fifth activity prohibited is moving, removing or injuring, or attempting to move, remove or injure, a Sanctuary historical resource. Historical resources in the marine environment are fragile, finite and non-renewable. This prohibition is designed to protect these resources so that they may be researched and information about their contents and type made available for the benefit of the public. This prohibition does not apply to moving, removing or injury resulting incidentally from traditional fishing operations.

The sixth activity prohibited is taking any marine reptile, marine mammal or seabird in or above the Sanctuary, except as permitted by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, the Endangered Species Act, as amended (ESA), 16 U.S.C. 1531 *et seq.*, and the Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.* The term "taking" includes all forms of harassment. The MMPA, ESA and MBTA prohibit the taking of species protected under those Acts. The prohibition overlaps with the MMPA, ESA and MBTA but also extends protection for Sanctuary resources on an environmentally holistic basis and provides a greater deterrent with civil penalties of up to $100,000 per taking. The prohibition covers all marine mammals, marine reptiles and seabirds in or above the Sanctuary.

The seventh activity prohibited is lightering, or the at-sea transfer of petroleum products from one vessel to another, in the Sanctuary. The intent of this prohibition is to protect Sanctuary resources and qualities from the adverse effects of spillage which may occur, particularly in the absence of any direct monitoring of lightering activities.

Both the eighth and ninth prohibitions are intended to facilitate enforcement actions for violations of Sanctuary regulations. The eighth prohibition is the possession within the Sanctuary of any historical resource, marine mammal, marine reptile or seabird, regardless of where the resource was taken, except when taken in compliance with the ESA, MMPA and MBTA. The ninth prohibition is interfering with, obstructing, delaying or preventing investigations, searches,

seizures or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

Section 940.6 authorizes the regulation, including prohibition, on a temporary basis of any activity where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss or injury.

Section 940.7 sets forth the maximum statutory civil penalty for violating a regulation—$100,000. Each day of a continuing violation constitutes a separate violation.

Section 940.8 repeats the provision in section 312 of the Act that any person who destroys, causes the loss of, or injures any Sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss or injury, and any vessel used to destroy, cause the loss of, or injure any Sanctuary resource is liable in rem to the United States for response costs and damages resulting from such destruction, loss or injury. The purpose of §§ 940.7 and 940.8 is to notify the public of the liability for violating a Sanctuary regulation or the Act.

Regulations setting forth the procedures governing administrative proceedings for assessment of civil penalties, permit sanctions and denials for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

Section 940.9 sets forth the procedures for applying for a National Marine Sanctuary permit to conduct a prohibited activity and the criteria governing the issuance, denial, amendment, suspension and revocation of such permits. A permit may be granted by the Director of the Office for Ocean and Coastal Resource Management or designee if he or she finds that the activity will have only negligible short-term adverse effects on Sanctuary resources and qualities and will: Further research related to Sanctuary resources; further the educational, natural or historical resource value of the Sanctuary further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in the management of the Sanctuary. In deciding whether to issue a permit, the Director or designee is required to consider such factors as the professional qualifications and financial ability of the applicant as related to the proposed activity, the duration of the activity and the duration of its effects, the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity, the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, the cumulative effects of the activity, and the end value of the activity. In addition, the Director or designee is authorized to consider any other factors he or she deems appropriate.

Section 940.10 sets forth procedures for requesting certification of leases, licenses, permits, approvals, other authorizations or rights in existence on the date of Sanctuary designation authorizing the conduct of an activity prohibited under paragraphs (a)(1)–(2) and (4)–(8) of § 940.5. Pursuant to paragraph (f) of § 940.5, the prohibitions in paragraphs (a)(1)–(2) and (4)–(8) of § 940.5 do not apply to any activity authorized by a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation and issued by any Federal, State or local authority of competent jurisdiction, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, provided that the holder of such authorization or right complies with the requirements of § 940.10 (*e.g.*, notifies the Director or designee of the existence of, requests certification of, and provides requested information regarding such authorization or right) and complies with any terms and conditions on the exercise of such authorization or right imposed as a condition of certification by the Director or designee as he or she deems necessary to achieve the purposes for which the Sanctuary was designated.

Section 940.10 allows the holder 90 days from the effective date of Sanctuary regulations to request certification. The holder is allowed to conduct the activity without being in violation of paragraphs (a)(1)–(2) and (4)–(8) of § 940.5 pending final agency action on his or her certification request, provided the holder has complied with all requirements of § 940.10.

Section 940.10 also allows the Director or designee to request additional information from the holder and to seek the views of other persons.

As a condition of certification, the Director or designee will impose such terms and conditions on the exercise of such lease, permit, license, approval, other authorization or right as he or she deems necessary to achieve the purposes for which the Sanctuary was designated. This is consistent with the Secretary's authority under section 304(c)(2) of the Act.

The holder may appeal any action conditioning, amending, suspending or revoking any certification in accordance with the procedures set forth in § 940.12.

Any amendment, renewal or extension not in existence as of the date of Sanctuary regulations of a lease, permit, license, approval, other authorization or right is subject to the provisions of § 940.11.

Section 940.11 states that consistent with paragraph (g) of § 940.5, the prohibitions of paragraphs (a)(1)–(2) and (4)–(8) of § 940.5 do not apply to any activity authorized by any valid lease, permit, license, approval or other authorization issued after the effective date of Sanctuary designation by any Federal, State or local authority of competent jurisdiction, provided that the applicant notifies the Director or designee of the application for such authorization within 15 days of the date of filing of the application or of the effective date of Sanctuary regulations, whichever is later, that the applicant is in compliance with the other provisions of § 940.11, that the Director or designee notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and that the applicant complies with any terms and conditions the Director or designee deems necessary to protect Sanctuary resources and qualities.

Section 940.11 allows the Director or designee to request additional information from the applicant and to seek the views of other persons.

The applicant may appeal any objection by, or terms or conditions imposed by, the Director or designee to the Assistant Administrator or designee in accordance with the procedures set forth in § 940.12.

An application for an amendment to, an extension of, or a renewal of an authorization is also subject to the provisions of § 940.12.

Section 940.12 sets forth procedures for appealing to the Assistant Administrator or designee actions of the Director or designee with respect to:

(1) The granting, conditioning, amendment, denial, suspension or revocation of a National Marine Sanctuary permit under section 940.9 or a Special Use permit under Section 310 of the Act;

(2) The granting, denial, conditioning, amendment, suspension of revocation of a certification under section 940.10; or

(3) The objection to issuance or the imposition of terms and conditions under section 940.11.

Prior to conditioning the exercise of existing leases, permits, licenses, approvals, other authorizations or

rights, or conditioning or objecting to proposed authorizations, NOAA intends to consult with relevant issuing agencies as well as owners, holders or applications. NOAA's policy is to encourage best available management practices for the Sanctuary.

V. Miscellaneous Rulemaking Requirements

Regulatory Flexibility Act

The regulations in this notice allow all activities to be conducted in the Sanctuary other than a relatively narrow range of prohibited activities. The procedures in these regulations for applying for National Marine Sanctuary permits to conduct prohibited activities, for requesting certifications for pre-existing leases, licenses, permits, approvals, other authorizations or rights authorizing the conduct of a prohibited activity, and for notifying NOAA of applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity will all act to lessen any adverse economic effect on small entities. The regulations, in total, will not have a significant economic impact on a substantial number of small entities, and when they were proposed the General Counsel of the Department of Commerce so certified to the Chief Counsel for Advocacy of the Small Business Administration. As a result, neither an initial nor final Regulatory Flexibility Analysis was prepared.

Paperwork Reduction Act

This rule contains collection of information requirements subject to the requirements of the Paperwork Reduction Act (Pub. L. 96–511). The collection of information requirements contained in the rule have been reviewed by the Office of Management and Budget (OMB) under section 3504(h) of the Paperwork Reduction Act and have been approved under OMB Control No. 0648–0141. Comments from the public on the collection of information requirements contained in this rule are invited and should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn: Desk Officer for NOAA) and to Richard Roberts, room 305, 6010 Executive Boulevard, Rockville, MD 20852.

Executive Order 12612

A Federalism Assessment (FA) was prepared for the proposed designation, draft management plan and proposed implementing regulations. The FA concluded that all were fully consistent with the principles, criteria and requirements set forth in sections 2 through 5 of Executive Order 12612, Federalism Considerations in Policy Formulation and Implementation (52 FR 41685, Oct. 26, 1987). Copies of the FA are available upon request to the Office of Ocean and Coastal Resource Management at the address listed above.

National Environmental Policy Act

In accordance with section 304(a)(2) of the Act (16 U.S.C. 1434(a)(2)) and the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370(a)), a DEIS/MP was prepared for the designation and the proposed regulations. As required by section 304(a)(2) of the Act, the DEIS/MP included the resource assessment report required by section 303(b)(3) of the Act (16 U.S.C. 1433(b)(3)), maps depicting the boundary alternatives of the area proposed to be designated, and the existing and potential uses and resources of the area. Copies of the DEIS/MP were made available for public review on February 8, 1991, with comments due on April 9, 1991. Public hearings were held in Portsmouth, New Hampshire, Gloucester, Massachusetts, Duxbury, Massachusetts, Provincetown, Massachusetts, and Washington, DC between March 11 and 18, 1992. All comments were reviewed and, where appropriate, incorporated into the FEIS/MP and these regulations. Copies of the FEIS/MP are available upon request (see address section).

Executive Order 12630

This rule does not have takings implications within the meaning of Executive Order 12630 sufficient to require preparation of a Takings Implications Assessment under that order. This rule would not appear to have an effect on private property sufficiently severe as effectively to deny economically viable use of any distinct legally potential property interest to its owner or to have the effect of, or result in, a permanent or temporary physical occupation, invasion, or deprivation. While the prohibition on the exploration, development and production of industrial materials from the Sanctuary might have a takings implication if it abrogated an existing lease for extraction of such material within the Sanctuary or an approval of an exploration or development and production plan, no leases related to industrial materials exploration, development or production have been sold for tracts within the Sanctuary and no exploration or production and development plans have been filed or approved.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

List of Subjects in 15 CFR Part 940

Administrative practice and procedure, Coastal zone, Education, environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Dated: October 8, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth above, 15 CFR chapter IX is amended as set forth below.

A new part 940 is added to subchapter B to read as follows:

PART 940—STELLWAGEN BANK NATIONAL MARINE SANCTUARY

Sec.

940.1 Purpose.
940.2 Boundary.
940.3 Definitions.
940.4 Allowed activities.
940.5 Prohibited activities.
940.6 Emergency regulations.
940.7 Penalties for violations of regulations.
940.8 Response costs and damages.
940.9 National Marine Sanctuary permits—application procedures and issuance criteria.
940.10 Certification of pre-existing leases, licenses, permits, approvals, other authorizations or rights to conduct a prohibited activity.
940.11 Notification and review of applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity.
940.12 Appeals of administrative action.

Appendix I to Part 940—Stellwagen Bank National Marine Sanctuary Boundary Coordinates

Authority: 16 U.S.C. 1431 *et seq.*

§ 940.1 Purpose.

The purpose of the regulations in this Part is to implement the designation of the Stellwagen Bank National Marine Sanctuary by regulating activities affecting the Sanctuary consistent with the terms of that designation in order to protect and manage the conservation, ecological, recreational, research, educational, historical and esthetic resources and qualities of the area.

§ 940.2 Boundary.

The Stellwagen Bank National Marine Sanctuary consists of an area of approximately 638 square nautical miles of Federal marine waters and the submerged lands thereunder, over and around Stellwagen Bank and other submerged features off the coast of Massachusetts. The boundary

encompasses the entirety of Stellwagen Bank; Tillies Bank, to the northeast of Stellwagen Bank; and portions of Jeffreys Ledge, to the north of Stellwagen Bank. The Sanctuary boundary is identified by the following coordinates, indicating the most northeast, southeast, southwest, west-northwest, and north-northwest points: 42°45'59.83" N x 70°13'01.77" W (NE); 42°05'35.51" N x 70°02'08.14" W (SE); 42°07'44.89" N x 70°28'15.44" W; (SW); 42°32'53.52" N x 70°35'52.38" W (WNW); and 42°39'04.08" N x 70°30'11.29" W (NNW). The western border is formed by a straight line connecting the most southwest and the west-northwest points of the Sanctuary. At the most west-northwest point, the Sanctuary border follows a line contiguous with the three-mile jurisdictional boundary of Massachusetts to the most north-northwest point. From this point, the northern border is formed by a straight line connecting the most north-northwest point and the most northeast point. The eastern border is formed by a straight line connecting the most northeast and the most southeast points of the Sanctuary. The southern border follows a straight line between the most southwest point and a point located at 42°06'54.57" N x 70°16'42.7" W. From that point, the southern border then continues in a west-to-east direction along a line contiguous with the three-mile jurisdictional boundary of Massachusetts until reaching the most southeast point of the Sanctuary. The boundary coordinates of the Sanctuary, provided in latitude/longitude and LORAN, appear in appendix I of this part.

§ 940.3 Definitions.

(a)(1) *Act* means Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431 *et seq.*

(2) *Administrator* or *Under Secretary* means the Administrator of the National Oceanic and Atmospheric Administration/Under Secretary of Commerce for Oceans and Atmosphere.

(3) *Assistant Administrator* means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

(4) *Director* means the Director of the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

(5) *Effective date of Sanctuary designation* means the enactment date of Public Law 102–587, 106 Stat. 5039, 5048 (November 4, 1992).

(6) *Fish wastes* means waste materials resulting from commercial fish processing operations.

(7) *Historical resource* means a resource possessing historical, cultural, archaeological or paleontological significance, including sites, structures, districts and objects significantly associated with or representative of earlier people, cultures and human activities and events. Historical resources also include "historical properties", as defined in the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*), and implementing regulations, as amended.

(8) *Industrial material* means clay, stone, sand, gravel, metalliferous ore, nonmetalliferous ore or any other solid material or other matter of commercial value.

(9) *Injure* means to change adversely, either in the long or short term, a chemical, biological or physical attribute of, or the viability of. To "injure" therefore includes, but is not limited to, to cause the loss of and to destroy.

(10) *Lightering* means the at-sea transfer of petroleum-based products, materials or other matter from vessel to vessel.

(11) *Person* means any private individual, partnership, corporation or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(12) *Sanctuary* means the Stellwagen Bank National Marine Sanctuary.

(13) *Sanctuary quality* means a particular and essential characteristic of the Sanctuary, including, but not limited to, water quality, sediment quality and air quality.

(14) *Sanctuary resource* means any living or non-living resource of the Sanctuary that contributes to its conservation, recreational, ecological, historical, research, educational or esthetic value, including, but not limited to, the substratum of the Stellwagen Bank, other submerged features and the surrounding seabed, phytoplankton, zooplankton, invertebrates, fish, marine reptiles, marine mammals, seabirds, and historical resources.

(15)(i) *Take* or *taking* means the following:

(A) For any marine reptile, marine mammal or seabird listed as either endangered or threatened pursuant to the Endangered Species Act, the term means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or injure, or to attempt to engage in any such conduct;

(B) For any other marine reptile, marine mammal or seabird, the term means to harass, hunt, capture, kill, collect or injure, or to attempt to engage in any such conduct.

(ii) For the purpose of both paragraphs (a)(15)(i) (A) and (B) of this section, the term includes, but is not limited to, any of the following activities: collecting any dead or injured marine reptile, marine mammal or seabird, or any part thereof; restraining or detaining any marine reptile, marine mammal or seabird, or any part thereof, no matter how temporarily; tagging any marine reptile, marine mammal or seabird; operating a vessel or aircraft or doing any other act that results in the disturbing or molesting of any marine reptile, marine mammal or seabird.

(16) *Traditional fishing* means those commercial or recreational fishing methods which have been conducted in the past within the Sanctuary.

(17) *Vessel* means a watercraft of any description capable of being used as a means of transportation in/on the waters of the Sanctuary.

(b) Other terms appearing in the regulations in this Part are defined at 15 CFR 922.2, and/or in the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* and 16 U.S.C. 1431 *et seq.*

§ 940.4 Allowed activities.

All activities except those prohibited by § 940.5 may be undertaken subject to any emergency regulations promulgated pursuant to § 940.6, subject to all prohibitions, restrictions and conditions validly imposed by any other authority of competent jurisdiction, and subject to the liability established by section 312 of the Act (see § 940.8).

§ 940.5 Prohibited activities.

(a) Except as specified in paragraphs (c) through (g) of this section, the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted:

(1) Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter except:

(i) Fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations in the Sanctuary;

(ii) Biodegradable effluent incidental to vessel use and generated by marine sanitation devices approved in accordance with Section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322 *et seq.*;

(iii) Water generated by routine vessel operations (*e.g.*, cooling water, deck

wash down and graywater as defined by Section 312 of the FWPCA) excluding oily wastes from bilge pumping; or

(iv) Engine exhaust;

(2) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter, except those listed in paragraphs (a)(1) (i) through (iv) of this section, that subsequently enters the Sanctuary and injures a Sanctuary resource or quality.

(3) Exploring for, developing or producing industrial materials within the Sanctuary.

(4) Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary, except as an incidental result of:

(i) Anchoring vessels;

(ii) Traditional fishing operations; or

(iii) Installation of navigation aids.

(5) Moving, removing or injuring, or attempting to move, remove or injure, a Sanctuary historical resource. This prohibition does not apply to moving, removing or injury resulting incidentally from traditional fishing operations.

(6) Taking any marine reptile, marine mammal or seabird in or above the Sanctuary, except as permitted by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, the Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, and the Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*

(7) Lightering in the Sanctuary.

(8) Possessing within the Sanctuary (regardless of where taken, moved or removed from), except as necessary for valid law enforcement purposes, any historical resource, or any marine mammal, marine reptile or seabird taken in violation of the MMPA, ESA or MBTA.

(9) Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

(b) The regulations in this Part shall be applied to foreign persons and foreign vessels in accordance with generally recognized principles of international law, and in accordance with treaties, conventions and other international agreements to which the United States is a party.

(c) The prohibitions in paragraphs (a)(1), (2), and (4) through (9) of this section do not apply to any activity necessary to respond to an emergency threatening life, property or the environment.

(d)(1) All Department of Defense military activities shall be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities. Department of Defense military activities may be exempted from the prohibitions in paragraphs (a)(1), (2), and (4) through (8) of this section by the Director or designee after consultation between the Director or designee and the Department of Defense. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that avoids to the maximum extent practicable any adverse impact on Sanctuary resources and qualities. Civil engineering and other civil works projects conducted by the U.S. Army Corps of Engineers are excluded from the scope of this paragraph (d)(1).

(2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings caused by the Department of Defense, the Department of Defense shall promptly coordinate with the Director or designee for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(e) The prohibitions in paragraphs (a)(1), (2), and (4) through (8) of this section do not apply to any activity executed in accordance with the scope, purpose, terms and conditions of a National Marine Sanctuary permit issued pursuant to § 940.9 or a Special Use permit issued pursuant to Section 310 of the Act.

(f) The prohibitions in paragraphs (a)(1), (2), and (4) through (8) of this section do not apply to any activity authorized by a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation and issued by any Federal, State or local authority of competent jurisdiction, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, provided that the holder of such authorization or right complies with § 940.10 and with any terms and conditions on the exercise of such authorization or right imposed by the Director or designee as a condition of certification as he or she deems necessary to achieve the purposes for which the Sanctuary was designated.

(g) The prohibitions in paragraphs (a)(1), (2), and (4) through (8) of this section do not apply to any activity authorized by any lease, permit, license, approval or other authorization issued after the effective date of Sanctuary designation and issued by any Federal, State or local authority of competent jurisdiction, provided that the applicant complies with § 940.11, the Director or designee notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director or designee deems necessary to protect Sanctuary resources and qualities. Amendments, renewals and extensions of authorizations in existence on the effective date of designation constitute authorizations issued after the effective date.

(h) Notwithstanding paragraphs (e) and (g) of this section 940.5, in no event may the Director or designee issue a permit under § 940.9, or under Section 310 of the Act, authorizing, or otherwise approving, the exploration for, development or production of industrial materials within the Sanctuary, or the disposal of dredged material within the Sanctuary (except by a certification, pursuant to § 940.10, of valid authorizations in existence on the effective date of Sanctuary designation) and any leases, licenses, permits, approvals or other authorizations authorizing the exploration for, development or production of industrial materials in the Sanctuary issued by other authorities after the effective date of Sanctuary designation shall be invalid.

§ 940.6 Emergency regulations.

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or to minimize the imminent risk of such destruction, loss or injury, any and all activities are subject to immediate temporary regulation, including prohibition.

§ 940.7 Penalties for violations of regulations.

(a) Each violation of the Act, any regulation in this Part, or any permit issued pursuant thereto, is subject to a civil penalty of not more than $100,000. Each day of a continuing violation constitutes a separate violation.

(b) Regulations setting forth the procedures governing the administrative proceedings for assessment of civil penalties, permit sanctions and denials for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

§ 940.8 Response costs and damages.

Under section 312 of the Act, any person who destroys, causes the loss of,

or injures any sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss or injury, and any vessel used to destroy, cause the loss of, or injure any sanctuary resource is liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury.

§ 940.9 National Marine Sanctuary permits—application procedures and issuance criteria.

(a) A person may conduct an activity prohibited by § 940.5(a)(1), (2), and (4) through (8) if conducted in accordance with the scope, purpose, manner, terms and conditions of a permit issued under this § 940.9.

(b) Applications for such permits should be addressed to the Director of the Office of Ocean and Coastal Resource Management; ATTN: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, Maryland 20910. An application must include a detailed description of the proposed activity including a timetable for completion of the activity and the equipment, personnel and methodology to be employed. The qualifications and experience of all personnel must be set forth in the application. The application must set forth the potential effects of the activity, if any, on Sanctuary resources and Sanctuary qualities. Copies of all other required licenses, permits, approvals, or other authorizations must be attached.

(c) Upon receipt of an application, the Director or designee may request such additional information from the applicant as he or she deems necessary to act on the application and may seek the views of any persons.

(d) The Director or designee, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by § 940.5(a)(1), (2), and (4) through (8), if the Director or designee finds that the activity will have only negligible short-term adverse effects on Sanctuary resources and qualities and will: further research related to Sanctuary resources and qualities; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary. In deciding whether to issue a permit, the Director or designee may consider such factors as: the professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. In addition, the Director or designee may consider such other factors as he or she deems appropriate.

(e) A permit issued pursuant to this § 940.9 is nontransferable.

(f) The Director or designee may amend, suspend or revoke a permit issued pursuant to this § 940.9 for good cause. The Director or designee may deny a permit application pursuant to this § 940.9, in whole or in part, if it is determined that the permittee or applicant has acted in violation of the terms or conditions of a permit or of these regulations or for other good cause. Any such action shall be communicated in writing to the permittee or applicant by certified mail and shall set forth the reason(s) for the action taken. Procedures governing permit sanctions and denials for enforcement reasons are set forth in 15 CFR part 904, subpart D.

(g) It shall be a condition of any permit issued that the permit or a copy thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

(h) The Director or designee may, *inter alia*, make it a condition of any permit issued that any data or information obtained under the permit be made available to the public.

(i) The Director or designee may, *inter alia*, make it a condition of any permit issued that a NOAA official be allowed to observe any activity conducted under the permit and/or that the permit holder submit one or more reports on the status, progress or results of any activity authorized by the permit.

(j) The applicant for or holder of a National Marine Sanctuary permit may appeal the denial, conditioning, amendment, suspension or revocation of the permit in accordance with the procedures set forth in § 940.12.

§ 940.10 Certification of pre-existing leases, licenses, permits, approvals, other authorizations or rights to conduct a prohibited activity.

(a) The prohibitions in § 940.5 (a)(1), (2), and (4) through (8) do not apply to any activity authorized by a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation and issued by any Federal, State or local authority of competent jurisdiction, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, provided that:

(1) The holder of such authorization or right notifies the Director or designee, in writing, within 90 days of the effective date of Sanctuary regulations, of the existence of such authorization or right and requests certification of such authorization or right;

(2) The holder complies with the other provisions of this § 940.10; and

(3) The holder complies with any terms and conditions on the exercise of such authorization or right imposed as a condition of certification, by the Director or designee, to achieve the purposes for which the Sanctuary was designated.

(b) The owner or holder of a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation and issued by any Federal, State or local authority of competent jurisdiction, or of any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, authorizing an activity prohibited by § 940.5, (a) (1), (2), and (4) through (8) may conduct the activity without being in violation of § 940.5, pending final agency action on his or her certification request, provided the holder is in compliance with this § 940.10.

(c) Any holder of a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation and issued by any Federal, State or local authority of competent jurisdiction, or any holder of a valid right of subsistence use or access in existence on the effective date of Sanctuary designation may request the Director or designee to issue a finding as to whether the activity for which the authorization has been issued, or the right given, is prohibited under (a) (1), (2), and (4) through (8).

(d) Requests for findings or certifications should be addressed to the Director, Office of Ocean and Coastal Resource Management; Attn: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, Maryland 20910. A copy of the lease, permit, license, approval or other authorization must accompany the request.

(e) The Director or designee may request additional information from the certification requester as he or she deems necessary to condition

appropriately the exercise of the certified authorization or right to achieve the purposes for which the Sanctuary was designated. The information requested must be received by the Director or designee within 45 days of the postmark date of the request. The Director or designee may seek the views of any persons on the certification request.

(f) The Director or designee may amend any certification made under this § 940.10 whenever additional information becomes available justifying such an amendment.

(g) The Director or designee shall communicate any decision on a certification request or any action taken with respect to any certification made under this § 940.10, in writing, to both the holder of the certified lease, permit, license, approval, other authorization or right, and issuing agency, and shall set forth the reason(s) for the decision or action taken.

(h) Any time limit prescribed in or established under this § 940.10 may be extended by the Director or designee for good cause.

(i) The holder may appeal any action conditioning, amending, suspending or revoking any certification in accordance with the procedures set forth in § 940.12.

(j) Any amendment, renewal or extension not in existence on the effective date of Sanctuary designation of a lease, permit, license, approval, other authorization or right is subject to the provisions of § 940.11.

§ 940.11 Notification and review of applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity.

(a) The prohibitions set forth in § 940.5(a) (1), (2), and (4) through (8) do not apply to any activity authorized by any valid lease, permit license, approval or other authorization issued after the effective date of Sanctuary designation by any Federal, State or local authority of competent jurisdiction, provided that:

(1) The applicant notifies the Director or designee, in writing, of the application for such authorization (and of any application for an amendment, renewal or extension of such authorization) within fifteen (15) days of the date of application or of the effective date of Sanctuary regulations, whichever is later;

(2) The applicant complies with the other provisions of this § 940.11;

(3) The Director or designee notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization (or amendment, renewal or extension); and

(4) The applicant complies with any terms and conditions the Director or designee deems necessary to protect Sanctuary resources and qualities.

(b) Any potential applicant for a lease, permit, license, approval or other authorization from any Federal, State or local authority (or for an amendment, renewal or extension of such authorization) may request the Director or designee to issue a finding as to whether the activity for which an application is intended to be made is prohibited by § 940.5(a) (1), (2), and (4) through (8).

(c) Notification of filings of applications and requests for findings should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, Maryland 20910. A copy of the application must accompany the notification.

(d) The Director or designee may request additional information from the applicant as he or she deems necessary to determine whether to object to issuance of such lease, license, permit, approval or other authorization (or to issuance of an amendment, extension or renewal of such authorization), or what terms and conditions are necessary to protect Sanctuary resources and qualities. The information requested must be received by the Director or designee within 45 days of the postmark date of the request. The Director or designee may seek the views of any persons on the application.

(e) The Director or designee shall notify, in writing, the agency to which application has been made of his or her review of the application and possible objection to issuance. After review of the application and information received with respect thereto, the Director or designee shall notify both the agency and applicant, in writing, whether he or she has an objection to issuance and what terms and conditions he or she deems necessary to protect Sanctuary resources and qualities. The Director or designee shall state the reason(s) for any objection or the reason(s) that any terms and conditions are deemed necessary to protect Sanctuary resources and qualities.

(f) The Director or designee may amend the terms and conditions deemed necessary to protect Sanctuary resources and qualities whenever additional information becomes available justifying such an amendment.

(g) Any time limit prescribed in or established under this § 940.11 may be extended by the Director or designee for good cause.

(h) The applicant may appeal any objection by, or terms or conditions imposed by, the Director or designee to the Assistant Administrator or designee in accordance with the provisions set forth in § 940.12.

§ 940.12 Appeals of administrative action.

(a) Except for permit actions taken for enforcement reasons (see 15 CFR part 904, subpart D, for applicable procedures), an applicant for, or a holder of, a § 940.9 National Marine Sanctuary permit, an applicant for, or a holder of, a Section 310 of the Act Special Use permit, a § 940.10 certification requester or a § 940.11 applicant (hereinafter appellant) may appeal to the Assistant Administrator or designee:

(1) The grant, denial, conditioning, amendment, suspension or revocation by the Director or designee of a National Marine Sanctuary or Special Use permit;

(2) The conditioning, amendment, suspension or revocation of a certification under § 940.10; or

(3) The objection to issuance or the imposition of terms and conditions under § 940.11.

(b) An appeal under paragraph (a) of this section must be in writing, state the action(s) by the Director or designee appealed and the reason(s) for the appeal, and be received within 30 days of receipt of notice of the action by the Director or designee. Appeals should be addressed to the Assistant Administrator, Office of Ocean and Coastal Resource Management, ATTN: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, Maryland 20910.

(c) While the appeal is pending, appellants requesting certification pursuant to § 940.10 who are in compliance with such section may continue to conduct their activities without being in violation of the prohibitions in § 940.5(a) (1), (2), and (4) through (8). All other appellants may not conduct their activities without being subject to the prohibitions in § 940.5(a) (1), (2), and (4) through (8).

(d) The Assistant Administrator or designee may request the appellant to submit such information as the Assistant Administrator or designee deems necessary in order for him or her to decide the appeal. The information requested must be received by the Assistant Administrator or designee within 45 days of the postmark date of

the request. The Assistant Administrator may seek the views of any other persons. The Assistant Administrator or designee may hold an informal hearing on the appeal. If the Assistant Administrator or designee determines that an informal hearing should be held, the Assistant Administrator or designee may designate an officer before whom the hearing shall be held. The hearing officer shall give notice in the **Federal Register** of the time, place and subject matter of the hearing. The appellant and the Director or designee may appear personally or by counsel at the hearing and submit such material and present such arguments as deemed appropriate by the hearing officer. Within 60 days after the record for the hearing closes, the hearing officer shall recommend a decision in writing to the Assistant Administrator or designee.

(e) The Assistant Administrator or designee shall decide the appeal using the same regulatory criteria as for the initial decision and shall base the appeal decision on the record before the Director or designee and any information submitted regarding the appeal, and, if a hearing has been held, on the record before the hearing officer and the hearing officer's recommended decision. The Assistant Administrator or designee shall notify the appellant of the final decision and the reason(s) therefor in writing. The Assistant Administrator or designee's decision shall constitute final agency action for the purposes of the Administrative Procedure Act.

(f) Any time limit prescribed in or established under this § 940.12 other than the 30 day limit for filing an appeal may be extended by the Assistant Administrator, designee or hearing officer for good cause.

APPENDIX I TO PART 940—STELLWAGEN BANK NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

[Appendix Based on North American Datum of 1927]

638 Square Nautical Miles

Pt.	Latitude	Longitude	Loran	
			9960W	9960X
E1	42 45 59.83	70 13 01.77	13,607.19	25,728.57
E2	42 05 35.51	70 02 08.14	13,753.39	25,401.78
E3	42 06 18.25	70 03 17.55	13,756.72	25,412.46
E4	42 06 29.53	70 04 03.36	13,760.30	25,417.53
E5	42 07 02.70	70 05 13.61	13,764.52	25,427.27
E6	42 07 13.80	70 06 23.75	13,770.54	25,434.45
E7	42 07 35.95	70 07 27.89	13,775.08	25,442.51
E8	42 07 42.33	70 08 26.07	13,780.35	25,448.27
E9	42 07 59.94	70 09 19.78	13,784.24	25,455.02
E10	42 08 04.95	70 10 24.40	13,790.27	25,461.28
E11	42 07 55.19	70 11 47.67	13,799.38	25,467.56
E12	42 07 59.84	70 13 03.35	13,806.58	25,474.95
E13	42 07 46.55	70 14 21.91	13,815.52	25,480.62
E14	42 07 27.29	70 15 22.95	13,823.21	25,484.05
E15	42 06 54.57	70 16 42.71	13,833.88	25,487.79
E16	42 07 44.89	70 28 15.44	13,900.14	25,563.22
E17	42 32 53.52	70 35 52.38	13,821.60	25,773.51
E18	42 33 30.24	70 35 14.96	13,814.43	25,773.54
E19	42 33 48.14	70 35 03.81	13,811.68	25,774.28
E20	42 34 30.45	70 34 22.98	13,803.64	25,774.59
E21	42 34 50.37	70 33 21.93	13,795.43	25,770.55
E22	42 35 16.08	70 32 32.29	13,787.92	25,768.31
E23	42 35 41.80	70 31 44.20	13,780.57	25,766.25
E24	42 36 23.08	70 30 58.98	13,772.14	25,766.14
E25	42 37 15.51	70 30 23.01	13,763.69	25,768.12
E26	42 37 58.88	70 30 06.60	13,758.09	25,771.07
E27	42 38 32.46	70 30 06.54	13,755.07	25,774.58
E28	42 39 04.08	70 30 11.29	13,752.75	25,778.35

[FR Doc. 93-25310 Filed 10-18-93; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Monensin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Moorman Manufacturing Co. The supplemental NADA provides for the use of an additional concentration of monensin Type A medicated article (80 grams of monensin per pound of product) to be used as currently approved to make Type C medicated blocks for free choice administration to pasture cattle.

EFFECTIVE DATE: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Warner J. Caldwell, Center for Veterinary Medicine (HFV-126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1638.

SUPPLEMENTARY INFORMATION: Moorman Manufacturing Co., Quincy, IL 62301, has filed a supplement to NADA 115-581, providing for the use of an 80-gram-per-pound monensin Type A medicated article in addition to the currently approved 60-gram-per-pound article. The Type A medicated article is to be used as currently approved in

§ 558.355(f)(3)(v) (21 CFR 558.355(f)(3)(v)) to make Type C medicated, free choice, protein-mineral blocks. The blocks are administered to cattle (slaughter, stocker, feeder, and dairy and beef replacement heifers weighing more than 400 pounds) on pasture at 50 to 200 milligrams of monensin per head per day for increased rate of weight gain.

The supplemental NADA is approved as of September 20, 1993, and the regulations are amended in paragraph (b)(13) of § 558.355 to reflect the approval.

Under 21 CFR 514.106(b)(1), this is a Category I supplement that did not require reevaluation of the underlying safety and effectiveness data in the parent application. The approved uses of the product and labeling have not been changed. Because the sponsor was not required to submit new safety and effectiveness data, a freedom of information summary was not required.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food producing animals does not qualify for marketing exclusivity because the supplemental application does not contain reports of new clinical or field investigations (other than bioequivalence or residue studies) and human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.24(d)(1)(iii) 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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is 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).

2. Section 558.355 is amended by revising paragraph (b)(13) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(13) To 021930: 60 and 80 grams per pound, paragraph (f)(3)(v) of this section.

* * * * *

Dated: October 8, 1993.

Robert C. Livingston,

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

[FR Doc. 93–25604 Filed 10–18–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 725

Release of Official Information for Litigation

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This regulation assigns responsibilities to Department of the Navy (DON) personnel in responding to requests from members of the public for official DON information (testimonial, documentary, or otherwise) in connection with litigation. It does not apply to requests unrelated to litigation or pursuant to the Freedom of Information Act or the Privacy Act. The publication of this DON instruction will assist members of the public in submitting such requests. It implements Department of Defense Directive 5405.2 of July 23, 1985, codified in 32 CFR part 97, regarding the release of official information in connection with litigation. It restates the requirements contained in Secretary of the Navy Instruction 5820.8A of August 27, 1991, and is intended to conform to that instruction in all respects.

EFFECTIVE DATES: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Captain Peter C. Wylie, JAGC, U.S. Navy, Office of the Judge Advocate General, General Litigation Division, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone: (703) 325–9870.

SUPPLEMENTARY INFORMATION:

(a) Purpose of the Regulation

This regulation establishes policy, assigns responsibilities, and prescribes procedures for responding to requests for the release of official DON information, including testimony by DON personnel as witnesses, in connection with actual or contemplated litigation. In addition to providing an orderly means for obtaining information needed in litigation to members of the public, its provisions also protect the interests of the United States, including the safeguarding of classified and privileged information. This regulation ensures that responses to litigation requests are provided in a manner that does not prevent the accomplishment of the mission of the command or activity affected. It sets forth the proper content of a request received from a member of the public for release of official DON information in connection with litigation and indicates the factors to be considered in deciding whether to authorize the release of official DON information or the testimony of DON concerning official information. The regulation also prescribes the conduct of DON personnel in response to a litigation request or demand.

(b) Impact of the Regulation

The regulation is not a "major rule" as defined by Executive order 12291. Therefore, no regulatory impact analysis has been prepared. The DON certifies that this regulation will not have an impact on a significant number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no regulatory flexibility analysis has been prepared. The regulation has no collection of information requirements and does not require the approval of OMB under 44 U.S.C. 3501 *et seq.* This regulation is not subject to the relevant provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), and does not contain reporting or record-keeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

(c) Request for Comments

Because it merely imposed technical requirements in which the public is not particularly interested or involved, this regulation appeared in the **Federal Register** on January 22, 1992 (57 FR 2462), as an interim rule, effective on publication. No public comments were received about this regulation in the 30 day period designated for that purpose in the interim rule ending February 21, 1992. No changes have been made to this regulation.

List of Subjects in 32 CFR Part 725

Courts, Government employees, Litigation requests, Subpoenas.

PART 725—RELEASE OF OFFICIAL INFORMATION FOR LITIGATION

Accordingly, the interim rule amending 32 CFR part 725 which was published at 57 FR 2462 on January 22,

1992, is adopted as a final rule without change.

Dated: October 7, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–25574 Filed 10–18–93; 8:45 am]

BILLING CODE 3810–AE–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–93–134]

Safety Zone; Deepavali Fireworks Festival, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Deepavali fireworks program located in the East River. This event is sponsored by the Association of Indians in America, Inc. and will take place on Sunday, October 24, 1993, from 6:30 p.m. until 7:30 p.m. This safety zone is needed to protect the boating public from the hazards associated with fireworks exploding in the area.

EFFECTIVE DATES: This rule is effective from 6;30 p.m. until 7:30 p.m. on October 24, 1993.

FOR FURTHER INFORMATION CONTACT: LT R. Trabocchi, Project Manager, Captain of the Port, New York (212) 668–7933.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LT R. Trabocchi, Project Manager, Captain of the Port, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Due to the date this application was received, there was not sufficient time to publish a proposed rule in advance of the event. Publishing a NPRM and delaying the event could be contrary to public interest since the fireworks display is for public viewing.

Background and Purpose

On September 14, 1993, the Association of Indians in America, Inc. submitted an application to hold a fireworks program in the East River off of the South Street Seaport, between Pier 16, Manhattan and Pier 1, Brooklyn, New York. This regulation establishes a temporary safety zone in the East River south of the Brooklyn Bridge and north of a line drawn from Pier 6, Brooklyn to the Coast Guard ferry slip in Manhattan. This safety zone is being established to protect boaters from the hazards associated with the explosion of fireworks in the area. No vessel will be permitted to enter or move within this area unless authorized to do so by the Coast Guard Captain of the Port, New York.

Regulatory Evaluation

This is not a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). No vessel traffic will be permitted to transit the East River south of the Brooklyn Bridge. Though there is regular traffic through this area, due to the limited duration of the event, the extensive advisories that will be made to the affected maritime community, and that pleasure craft can take an alternate route via the Hudson and Harlem Rivers, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

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

For the reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety and is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be included in the docket.

List of Subjects in 33 CFR Part 165

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

Regulations

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

PART 165—[AMENDED]

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

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

2. A temporary § 165.T01–134 is added to read as follows:

§ 165.T01–134 Deepavali Fireworks Festival, East River, New York.

(a) *Location.* This temporary safety zone includes all waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 6, Brooklyn to the Coast Guard ferry slip in Manhattan.

(b) *Effective period.* This section is effective from 6:30 p.m. until 7:30 p.m. on October 24, 1993.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the regulated area during the effective period of this section unless participating in the event as authorized by the Coast Guard Captain of the Port, New York.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Coast Guard Auxiliary members may be present to inform vessel operators of this section and other applicable laws.

Dated: October 1, 1993.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 93-25652 Filed 10-18-93; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 27-1-6058; FRL-4783-5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Knoll Group, a Wood Furniture Surface Coater

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires the Knoll Group (Knoll), a wood furniture surface coater located in Montgomery County, Pennsylvania, which is part of the Philadelphia severe ozone nonattainment area, to implement reasonably available control technology (RACT). The intended effect of this action is to approve source specific RACT requirements for Knoll, which is a major emitting source of volatile organic compounds (VOCs). This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on November 18, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; U.S. Environmental Protection Agency, Jerry Kurtzweg ANR-443, 401 M Street, SW., Washington, DC 20460; and Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597-9337, at the EPA Region III address.

SUPPLEMENTARY INFORMATION: On August 12, 1993 (58 FR 42914), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of reasonably available control technology (RACT) requirements for Knoll Group, a wood furniture surfacer coater located in the Philadelphia severe ozone nonattainment area. The formal SIP revision was submitted by Pennsylvania on March 29, 1993 and consisted of a plan approval (no. 46-326-001A) and an operating permit (no. 46-326-001A) for Knoll.

This source specific SIP revision would allow Knoll to meet certain coating emission standards by averaging its emissions across twenty-six wood furniture coating lines on a production-weighted basis. Knoll is required to calculate its allowable emissions on a daily basis. Recordkeeping and reporting requirements are also contained in the plan approval and operating permit.

Other specific elements of the RACT determination for Knoll and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Under part D of the Clean Air Act, Pennsylvania is required to submit RACT regulations for all major sources of VOC in the Pennsylvania portion of the Philadelphia ozone nonattainment area, which consists of Philadelphia, Delaware, Montgomery, Chester and Bucks Counties in Pennsylvania. A major VOC sources is defined as a source which emits or has the potential to emit 100 tons or more of VOC per year. Wood furniture surface coating was a category identified by Pennsylvania as one containing major sources for which RACT requirements were needed. Pennsylvania determined that Knoll Group was the only major source for wood furniture surface coating in the Philadelphia nonattainment area. Therefore, by Pennsylvania's submittal of the plan approval and operating permit for Knoll and EPA's approval of the requirements contained in those documents as RACT for Knoll, Pennsylvania has met its obligations under part D to implement RACT for this source category.

Final Action

EPA is approving Pennsylvania's plan approval no. 46-326-001A and operating permit no. 46-326-001A as RACT for Knoll as a revision to the Pennsylvania SIP.

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.

This action has been classified as a Table 3 action for signature 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 waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA 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 EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 17, 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, pertaining to the approval of RACT requirements for the wood furniture surface coater, Knoll Group, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 21, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(87) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(87) Revisions to the Pennsylvania State Implementation Plan submitted on March 29, 1993 by the Pennsylvania

Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter of March 22, 1993 from the Pennsylvania Department of Environmental Resources transmitting plan approval no. 46–326–001A and operating permit no. 46–326–001A for Knoll Group, P.O. Box 157, East Greenville, PA.

(B) Plan approval no. 46–326–001A and operating permit no. 46–326–001A which consist of emission standards, operating conditions and recordkeeping requirements applicable to Knoll Group, a wood furniture surface coater located in Montgomery County, PA, which is in the Philadelphia severe ozone nonattainment area. These requirements together are being approved as reasonably available control technology (RACT) for this wood furniture surface coater. The effective date of the plan approval and the operating permit is March 24, 1993.

(ii) Additional material.

(A) Remainder of March 29, 1993 Pennsylvania submittal consisting of a Background Information document prepared by Pennsylvania in support of the RACT proposal for Knoll, an evaluation of control options performed for Knoll by a contractor, public comments and responses, and a chart and computer diskette (LOTUS 1–2–3) showing how RACT calculations will be performed.

[FR Doc. 93–25664 Filed 10–18–93; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 81

[MT16–1–5699; FRL–4789–2]

Designation of Area for Air Quality Planning Purposes; Montana; Designation of Whitefish PM10 Nonattainment Area

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to section 107(d)(3) of the Clean Air Act (Act), EPA is taking final action to redesignate a portion of Flathead County, Montana as nonattainment for the PM10 (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) national ambient air quality standards (NAAQS).

EFFECTIVE DATE: November 18, 1993.

ADDRESSES: Information supporting this action can be found at the following location: EPA Region VIII, Air Programs Branch, 999 18th Street, 6th Floor, South Tower, Denver, Colorado 80202–2466.

The information may be inspected between 8 a.m. and 4 p.m., on weekdays, except for legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Callie Videtich, Air Programs Branch, EPA Region VIII, 999 18th Street, suite 500, Denver, Colorado, 80202–2405, (303) 293–1754.

SUPPLEMENTARY INFORMATION:

I. General

The EPA is authorized to redesignate areas (or portions thereof) as nonattainment for PM10 pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.

Following the process outlined in section 107(d)(3), on July 16, 1992, the Administrator of EPA Region VIII notified the Governor of Montana that EPA believed that the area around Whitefish should be redesignated as nonattainment for PM10. Under section 107(d)(3)(B), the Governor of Montana was required to submit to EPA the designation he considered appropriate for the area around Whitefish within 120 days after EPA's notification. The EPA received the State's response for Whitefish, Montana on November 13, 1992. The EPA proceeded to propose redesignation to nonattainment for Whitefish (see 58 FR 36908–36910, July 9, 1993). The EPA is taking final action as proposed.

Section 107(d)(1)(A) sets out definitions of nonattainment, attainment, and unclassifiable. The EPA is finalizing the redesignation of Whitefish, Montana to nonattainment. A nonattainment area is defined as any area that does not meet (or that significantly contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for PM10 [1] (see section 107(d)(1)(A)(i)). Thus, in determining the appropriate boundaries for the nonattainment area addressed in this final rule, EPA has considered not only the area where the violations of the PM10 NAAQS have been monitored, but nearby areas which significantly contribute to such violations.

II. Background for PM10

On July 1, 1987, the EPA revised the NAAQS for particulate matter (52 FR 24634), replacing total suspended particulates as the indicator for particulate matter with a new indicator called PM10, that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. At the same time, EPA set forth the regulations for implementing the revised particulate matter standards and announced EPA's State implementation plan (SIP) development policy, elaborating PM10 control strategies necessary to assure attainment and maintenance of the PM10 NAAQS (see generally 52 FR 24672). The EPA adopted a PM10 SIP development policy dividing all areas of the country into three categories based upon their probability of violating the new NAAQS: (1) Areas with a strong likelihood of violating the new PM10 NAAQS and requiring substantial SIP adjustment were placed in Group I; (2) areas which may have been attaining the PM10 NAAQS and whose existing SIPs most likely needed less adjustment were placed in Group II; and (3) areas with a strong likelihood of attaining the PM10 NAAQS and, therefore, needing adjustments only to their preconstruction review program and monitoring network were placed in Group III (52 FR 24672, 24679–24682). At that time, Whitefish was categorized as a Group III area.

Pursuant to section 107(d)(4)(B) and 188(a) of the Act, areas previously identified as Group I (55 FR 45799, October 31, 1990) and other areas which had monitored violations of the PM10 NAAQS prior to January 1, 1989, were, by operation of law upon enactment of the 1990 Amendments, designated nonattainment and classified as moderate for PM10. All other areas of the country, such as the Whitefish area, were similarly designated unclassifiable for PM10. (See section 107(d)(4)(B)(iii) of the Act; 40 CFR 81.327 (1992) as amended by 57 FR 56762, 56772 (Nov. 30, 1992) (PM10 designations for Montana).) In this action, EPA is redesignating as nonattainment, Whitefish, Montana which was previously designated as unclassifiable.

III. Response to Comments

In the July 9, 1993 proposal for today's action, EPA provided a 30-day comment period ending on August 9, 1993, in order to solicit public comments on all aspects of the proposal. EPA received no comments on the proposal.

IV. Significance of This Action for Whitefish, Montana

Whitefish, Montana, is designated as nonattainment in this action, is subject

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

to the applicable requirements of part D, title I of the Act and will be classified as moderate by operation of law (see section 188(a) of the Act). Within 18 months of the designation, Montana is required to submit to EPA an implementation plan for Whitefish containing, among other things, the following requirements: (1) Provisions to assure that reasonably available control measures (including reasonably available control technology) are implemented within 4 years of the redesignation; (2) a permit program meeting the requirements of section 173 governing the construction and operation of new and modified major stationary sources of PM10; (3) quantitative milestones which are to be achieved every three years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section 171(l), toward timely attainment; and (4) either a demonstration (including air quality modeling) that the plan will provide for attainment of the PM10 NAAQS as expeditiously as practicable, but no later than the end of the sixth calendar year after the area's designation as nonattainment, or a demonstration that attainment by such date is impracticable (see. e.g, sections 188(c), 189(a), 189(c) and 172(c) of the Act). The EPA has issued detailed guidance on the statutory requirements applicable to moderate PM10 nonattainment areas (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)).

The State is also required to submit contingency measures, pursuant to section 172(c)(9) of the Act, which are to take effect without further action by the State or EPA, upon a determination by EPA that an area has failed to make reasonable further progress or attain the PM10 NAAQS by the applicable attainment date (see 57 FR 13510–13512 and 13543–13544). The EPA is establishing the schedule for submission of contingency measures as called for in section 172(b) of the Act. Montana is to submit contingency measures for Whitefish within 18 months of designation.

VI. Miscellaneous

A. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities (5 U.S.C. 605(b)). Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area to nonattainment under section 107(d)(3) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the planning status of a geographical area and does not in itself, impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time Montana submits those regulations. I certify that approval of the redesignation request will not affect a substantial number of small entities.

B. Executive Order 12291

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has continued the temporary waiver until such time as it rules on EPA's request.

C. Section 307(b)(1)

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 17, 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 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7407, 7501–7515, 7601.

Dated: October 1, 1993.

Jack W. McGraw,

Acting Regional Administrator.

PART 81—[AMENDED]

40 CFR part 81 is amended as follows:

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.327 is amended by amending the attainment status designation table for PM10 to add an entry to "Flathead County" to read as follows:

§ 81.327 Montana.

* * * * *

MONTANA—PM 10 NONATTAINMENT AREAS

Designated area	Designation date	Designation type	Classification date	Classification type
* * *	*	*	*	*
Flathead County— * * *				
The City of Whitefish and surrounding vicinity bounded by lines from Universal Transmercator (UTM) coordinates 695000 mE, 5370000 mN, east to 699000 mE, 5370000 mN, south to 699000 mE, 5361000 mN, west to 695000 mN, 5361000 mN, and north to 695000 mE, 5370000 mN.	Nov. 18, 1993	Nonattainment	Nov. 18, 1993	Moderate.
* * *	*	*	*	*

* * * * *

[FR Doc. 93-25611 Filed 10-18-93; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 81

[FRL-4785-9]

State Implementation Plans for Nonattainment Areas for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice announcing findings of failure to submit required State implementation plans (SIP's) for lead.

SUMMARY: The EPA gives notice that it has made a finding, under the Clean Air Act (Act), triggering the 18-month clock for imposition of sanctions and the 24-month Federal implementation plan (FIP) clock for each State listed in Table A. The EPA has determined that each State has failed to submit an implementation plan for lead as required under the provisions of the Act. This notice addresses the requirement under the Act that any State containing an area designated nonattainment with respect to the primary national ambient air quality standard (NAAQS) for lead shall submit to EPA, within 18 months of the date of the designation, an applicable implementation plan meeting the requirements of part D, title I, of the Act.

FOR FURTHER INFORMATION CONTACT: General questions concerning this notice should be addressed to Laura D. McKelvey, Air Quality Management Division (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-5497. For questions related to a specific area, please contact the appropriate Regional Office listed below.

ADDRESSES:

Regional offices	States
Gale Wright, Chief, Air Programs Branch, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7681.	Missouri, Nebraska.
Douglas M. Skie, Chief, Air Programs Branch, EPA Region VIII, 999 18th Street—Suite 500, Denver, Colorado 80202-2405, (303) 293-1750.	Montana.
Douglas Neeley, Chief, Air Programs Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-2864.	Tennessee.

SUPPLEMENTARY INFORMATION:

I. Background

In a **Federal Register** notice published on November 6, 1991, 12 areas were designated as nonattainment for lead under section 107(d)(5) of the Act [1] (56 FR 56694, November 6, 1991). These initial nonattainment areas were codified in 40 CFR part 81 and became effective January 6, 1992. The States were required to submit implementation plans for these areas meeting the requirements of part D, title I, of the Act (section 191(b)). These implementation plans were required to meet the requirements of subparts 1 (nonattainment areas in general) and 5 (requirements specific to lead) of part D, title I; were required to be submitted within 18 months of the nonattainment designation (i.e., by July 6, 1993); and must provide for attainment of the lead NAAQS as expeditiously as practicable, but no later than 5 years from the nonattaiment designation (see sections 191(a) and 192(a) of the Act).

The Act establishes specific consequences if a State fails to meet certain requirements. Of particular relevance here is section 179 of the Act. Section 179 contains the provisions for mandatory application of sanctions. Section 179(a) sets forth the various findings upon which application of a sanction is based. The finding that a State has failed, for an area designated nonattainment, to submit a plan required under the Act is the finding relevant to this announcement.

Today EPA is announcing its previous determination that four States have failed to submit a required plan for a lead nonattainment area within the State. Under section 179(a), one of the sanctions specified in section 179(b), as selected by the Administrator, will be imposed 18 months after the finding unless EPA determines within that 18-month period that a complete submittal has been made. If the State still has failed to make a complete submittal after 6 months later, then the second sanction specified in section 179(b) will be imposed. In addition, a finding of failure to submit triggers the FIP requirement of section 110(c)(1).

II. States for Which EPA Is Making a Finding

A. Montana

On June 18, 1993, a letter was sent from Region VIII's Air Division Director to the Administrator of Montana's Environmental Sciences Division explaining the procedure the EPA intended to use to address any State failure to submit lead SIP's by the statutory deadline for lead nonattainment areas. On August 2, 1993, EPA carried out one step of this procedure and made a finding pursuant to section 179(a) of the amended Act that Montana had failed to submit a lead SIP by July 6, 1993 for the East Helena lead nonattainment area (see 40 CFR 81.327 (specifying lead nonattainment designation and boundaries for the city of East Helena and the vicinity)).

B. Missouri and Nebraska

On August 3, 1992, a letter was sent from Region VII's Air Division Director to Missouri's Director of Environmental Quality referencing the procedures EPA would use to address any State failure to submit lead SIP's by the statutory deadline for lead nonattainment areas. A letter outlining this policy was also sent from Region VII's Air Branch Chief to the Assistant Director of the Air and Waste Management Division of Nebraska's Department of Environmental Quality on February 10, 1993. On August 2, 1993, EPA made a finding, pursuant to section 179(a) of the Act, that the States of Missouri and Nebraska had failed to submit a lead SIP for their respective lead nonattainment areas by July 6, 1993. These nonattainment areas are a portion of Iron County, Missouri (Liberty and Arcadia Townships), as specified at 40 CFR 81.328, and a portion of Douglas County, Nebraska, as specified at 40 CFR 81.328.

C. Tennessee

In July 1993, Region IV had conversations with both the Director of the Tennessee Division of Air Pollution Control and the Manager of the Memphis-Shelby County Air Pollution Control Section explaining the procedure EPA would use to address any State failure to submit lead SIP's by the statutory deadline for lead nonattainment areas. On August 2, 1993, EPA carried out one step of this procedure and made a finding pursuant to section 179(a) of the Act that Tennessee had failed to submit a lead SIP by July 6, 1993 for the Shelby County lead nonattainment area (see 40 CFR 81.343 (specifying lead nonattainment designations and boundaries for that portion of Shelby County designated nonattainment)).

III. Conclusion

The EPA has made findings under section 179(a)(1) of the Act that the States listed in Table A failed to submit

[1] References herein are to the amended Clean Air Act ("the Act" or "CAA"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, et seq.

a plan as required under section 191(a) of the Act.

The EPA is not required to go through notice-and-comment rulemaking under the Administrative Procedure Act (APA), 5 U.S.C. 551, *et seq.*, when making findings of failure to submit under section 179(a)(1). Under section 110(k)(1), the Act provides EPA with a 60-day period in which to determine whether a submittal is complete. The EPA makes this completeness determination by letter sent to the State. However, prior to determining whether something is complete, EPA must determine whether the State made a submittal or whether the State failed to submit the required SIP element or elements. Therefore, EPA must make such a determination prior to the time that the Agency would be required to determine whether a submittal is complete. Since EPA has less than 60 days to determine whether a State failed to make a required submittal, and it is impossible to provide notice-and-comment in 60 days, EPA believes that Congress clearly intended that EPA should not go through notice-and-comment rulemaking prior to making the finding.

In addition, even if EPA's findings of failure to submit were subject to rulemaking procedures under the APA, EPA believes that the good cause exception to the rulemaking requirement applies (APA section 553(b)(B)). Section 553(b)(B) of the APA provides that the Agency need not provide notice and an opportunity for comment if the Agency, for good cause, determines that notice and comment are "impracticable, unnecessary, or contrary to the public interest." In the present circumstance, notice and comment are unnecessary. The finding of failure to submit does not require any judgment on the part of the Agency. The issue is clear in that the Agency must state whether or not it has received any submittal from the State in response to a specific statutory requirement. No substantive review is required for such a determination. If the Agency has received a submittal, it will perform a completeness determination. If the Agency has not received anything, then the State has failed to submit the required rules under section 179(a)(1). The Agency is the only judge of whether or not it has received the submittal. The public does not have access to this information and, therefore, cannot provide relevant comment on whether EPA has received a document from the State. Because there is nothing on which to comment, notice-and-comment rulemaking are unnecessary.

Authority: 42 U.S.C. 7502, 7509(a) and (b), 7514, 7514a, and 7601.

Dated: October 4, 1993.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

TABLE A.—STATES FOUND TO HAVE FAILED TO SUBMIT SIP'S FOR THE FOLLOWING LEAD NONATTAINMENT AREAS [1]

State	Area of concern
Montana	City of East Helena, Lewis and Clark County.
Missouri	Liberty and Arcadia Township, Iron County.
Nebraska	Omaha, Douglas County.
Tennessee ...	Memphis, Shelby County.

[1] For efficiency, the full legal boundaries for the areas addressed in today's notice have not been listed. The references to areas in this notice are general and intended to operate as substitutes for the full legal boundaries. The full legal boundaries are set forth in 40 CFR part 81.

[FR Doc. 93–25610 Filed 10–18–93; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–40

[FPMR Amendment G–104]

Transportation of Household Goods

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation retitles the section on the procedures for moving household goods and also revises the section on quality control. The regulation is necessary to reflect changes in GSA's centralized household goods traffic management program which place greater emphasis on the quality of a carrier's performance.

EFFECTIVE DATE: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Jim Warford, Travel and Transportation Management Branch (913–236–2510).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Regulatory Flexibility Act

This final rule is not required to be published in the Federal Register for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subject in 41 CFR Part 101–40

Freight, Government property management, Moving of household goods, Office relocation, Transportation.

For the reasons set out in the preamble, 41 CFR part 101–40 is amended as follows:

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

1. The authority citation for part 101–40 is amended as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–40.2—Centralized Household Goods Traffic Management Program

2. The heading for § 101–40.203 is revised to read as follows:

§ 101–40.203 Household goods movement procedures.

3. Section 101–40.205 is revised to read as follows:

§ 101–40.205 Quality control.

GSA Form 3080, Household Goods Carrier Evaluation Report (see § 101–40.4902), is a form used by GSA and other agencies for monitoring the performance and quality of household goods carriers' service. When household goods shipments are made under the GBL method, the employee (following delivery of the shipment) should promptly complete his/her portion of GSA form 3080 and send it to the agency GBL issuing officer responsible for the shipment to complete and forward to the Manager, GSA Centralized Household Goods Traffic Management Program, General Services Administration (6FBX), 1500 East Bannister Road, Kansas City, MO 64131. Information compiled from completed GSA Forms 3080 is used by GSA and other agencies to evaluate and rate the quality of carrier service and to determine if actions under § 101–40.208 should be considered. Agencies may submit other documentation of instances of inadequate carrier service or performance to the Manager, GSA

Centralized Household Goods Traffic Management Program, General Services Administration (6FBX), 1500 East Bannister Road, Kansas City, MO 64131. Sufficient details must be furnished to identify specific shipments.

Dated: September 23, 1993.

Julia M. Stasch,

Acting Administrator of General Services.

[FR Doc. 93–25669 Filed 10–18–93; 8:45 am]

BILLING CODE 6820–24–M

Proposed Rules

Federal Register
Vol. 58, No. 200
Tuesday, October 19, 1993

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1955 and 1965

RIN 0575–AB17

Transfer of Security Interests and Sales of Inventory on Indian Trust Lands

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations to provide direction for transfers of its security interests and sales of its inventory on Indian Trust Lands. This action is taken to comply with the Cranston-Gonzalez National Affordable Housing Act enacted on November 29, 1990. The intended effect of this action is to incorporate the requirements of this law into existing FmHA regulations.

DATES: Comments must be received on or before December 17, 1993.

ADDRESSES: Submit written comments, in duplicate to the office of the Chief, Regulations Analysis and Control Branch, Farmers Home Administration, U. S. Department of Agriculture, room 6348, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to this publication will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Betty Throne, Realty Specialist, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, room 5307, South Agriculture Building, Washington, DC 20250, Telephone (202) 720–1452.

SUPPLEMENTARY INFORMATION:

Classification

This rulemaking action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291 and has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions. Furthermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprise to compete with foreign based enterprises in domestic or import markets. This action is not expected to substantially affect budget outlay or affect more than one Agency or to be controversial. The net result is to provide better service to an underserved area.

Civil Justice Reform

This regulation has been reviewed in light of E.O. 12778 and meets the applicable standards provided in section 2(a) and 2(b) of that Order. Provisions within this part which are inconsistent with State Law are controlling. All administrative remedies pursuant to 7 CFR part 1900 subpart B must be exhausted prior to filing suit.

Background/Discussion

Public Law 101–625, Cranston-Gonzalez National Affordable Housing Act, dated November 29, 1990, requires that in the case of a defaulted loan involving a security interest in tribal allotted or trust land, liquidations shall only be pursued after offering to transfer the account to an eligible tribal member, the tribe, or the Indian Housing Authority. We interpret eligible tribal member in the statue to mean "member of the particular tribe." This does not mean that the tribal member must be "eligible" under FmHA regulations for a Section 502 rural housing loan, only that the tribal member is a member of the tribe which has jurisdiction over the property involved. In addition, inventory properties must not be sold, transferred or otherwise disposed of except to one of the entities described in the preceding sentences. FmHA is amending its regulations to comply with the provisions of this law. However, the revision will not be effective until FmHA amends its Privacy Act System Notice allowing for this disclosure.

Programs Affected

These programs/activities are listed in the Catalog of Federal Domestic Assistance under Nos.:

10.405 Farm Labor Housing Loans and Grants
10.411 Rural Housing Site Loans (Section 523 and 524 Site Loans)
10.415 Rural Rental Housing Loans

Intergovernmental Consultation

For the reasons set forth in the Final Rule related Notice(s) to 7 CFR part 2015, subpart V, the following programs are excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials: 10.404–Emergency Loans; 10.406–Farm Operating Loans; 10.407–Farm Ownership Loans; 10.416–Soil and Water Loans. However, this activity impacts the following programs which are subject to intergovernmental consultation with State and local officials: 10.405–Farm Labor Housing Loans and Grants; 10.411–Rural Housing Site Loans (Section 523 and 524 Site Loans); 10.415–Rural Rental Housing Loans.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program.

List of Subjects

7 CFR Part 1955

Government acquired property, Sale of Government acquired property, Surplus Government property, Disposal of acquired property.

7 CFR Part 1965

Administrative practice and procedure, Low and moderate income housing-Rental, Mortgages, Rural areas, Loan programs—Housing and Community development.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is proposed to be amended as follows:

PART 1955—PROPERTY MANAGEMENT

1. The authority citation for part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart C—Disposal of Inventory Property

2. In § 1955.144, paragraph (c) is added to read as follows:

§ 1955.144 Disposal of NP or surplus property to, through, or acquisition from other agencies.

* * * * *

(c) *Indian trust land.* Inventory property, which is located on Indian tribal allotted or trust land, will be sold, or otherwise disposed of only to a member of the particular tribe having jurisdiction over the allotted or tribal land, the tribe, or to an Indian housing authority serving the tribe on a first come, first served basis. The listing price will be determined in accordance with § 1955.113 of this subpart, except additional 10 percent administrative price reductions are authorized at successive 75-day intervals until the property is sold.

PART 1965—REAL PROPERTY

3. The authority citation for part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Security Servicing for Multiple Housing Loans

4. In § 1965.85, paragraph (d) is revised to read as follows:

§ 1965.85 Default and liquidation.

* * * * *

(d) *Nonmonetary defaults.* Attempts to resolve monetary defaults should be handled whenever possible at the District Office level with appropriate guidance and assistance from the State Office. The State Director should confer with OGC to determine the appropriate servicing actions in those cases where nonmonetary defaults cannot be resolved at the District level. These actions may include liquidation of the account. If the property is Indian tribal allotted or trust land, the District Director will alert the State Director, and liquidation shall only be pursued after offering to transfer the account to eligible tribal members, the tribe and the Indian housing authority serving the tribe.

* * * * *

5. Section 1965.85(e)(7) is amended by changing the reference "Form FmHA 465–7" to "Form FmHA 1955–2."

Subpart C—Security Servicing for Single Family Rural Housing Loans

6. In § 1965.125, paragraph (b) is revised to read as follows:

§ 1965.125 Liquidation.

* * * * *

(b) *Forced liquidation.* If the borrower will not agree to voluntary liquidation or fails to accomplish it within the time agreed to by FmHA, the County Supervisor will recommend foreclosure in accordance with subpart A of part 1955 of this chapter. Forced liquidation of FmHA security interests in Indian trust lands or on tribal allotted land will be recommended by the County Supervisor after handling the security servicing as outlined in § 1965.130 of this subpart and the State Director has determined that forced liquidation is in the best interest of the Government.

7. In § 1965.128, paragraph (e) is added to read as follows:

§ 1965.128 Assignment of promissory notes and security instruments.

* * * * *

(e) If the property is located within an Indian Reservation, an assignment may be made, with or without the request of the borrower, to the tribe, the Indian Housing Authority, or a member of the tribe upon payment of an amount which is the lesser of the market value or the remaining debt. Account acceleration is not required.

8. Section 1965.130 is added to read as follows:

§ 1965.130 Security interest in Indian trust land.

Security servicing for SFH loans secured by Indian tribal allotted or trust land will be handled in accordance with this section and borrower supervision, servicing and collection will be handled in accordance with subpart G of part 1951 of this chapter, except:

(a) If the account becomes three payments delinquent, the County Supervisor will send FmHA Guide Letter 1965–C–1, and Form FmHA 1965–21, "Inquiry for Assignment of Promissory Note and Security Instruments on Indian Trust Lands," by certified mail to the tribe, and the Indian housing authority serving the tribe. This guide letter will contain:

(1) The name and address of the borrower, and a brief legal description of the security property.

(2) The right of the FmHA borrower to sell the security property to whomever they wish, including the tribe, a member of the tribe, or the Indian housing authority serving the tribe and the possibility that the transferee may be able to assume the FmHA loan on program or nonprogram rates and terms in accordance with § 1965.126 of this subpart.

(3) The right of the tribe, Indian housing authority or a member of the tribe to be assigned the promissory notes and security instruments on a first come, first served basis in accordance with § 1965.128 of this subpart.

(i) The price for the assignment of FmHA's interest in the loan will be the present market value of the security property or the outstanding balance of the debt, exclusive of recapture, whichever is less, unless FmHA determines that some other amount is more appropriate.

(ii) The borrower need not request assignment and the account need not be accelerated for the account to be assigned to a tribe member, the tribe or Indian housing authority.

(4) A request for the tribe and/or Indian housing authority to assist in accomplishing one of the above.

(b) If a tribal member, the tribe, or Indian housing authority serving the tribe, does not indicate an interest in a transfer or assignment of the loan within a reasonable time agreed upon by FmHA, the County Supervisor may recommend foreclosure in accordance with § 1965.125 of this subpart.

Dated: August 10, 1993.

Bob Nash,

Under Secretary for Small Community and Rural Development.

[FR Doc. 93–25618 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–07–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–ANE–41]

Airworthiness Directives; General Electric Co. CF6 Series Turbofan Engines

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 General Electric Company (GE) CF6–6/–45/–50 series turbofan engines. This proposal would require an inspection for cracks in the stage 1 high pressure turbine (HPT) disk rim bolt holes, and stage 2 HPT disk rim and inner bolt holes; and replacement, if necessary, with serviceable parts. This proposal is prompted by a report of an uncontained stage 1 HPT disk failure which resulted in an aborted takeoff. The actions specified by the proposed AD are intended to prevent an uncontained stage 1 or stage 2 HPT disk failure, which could result in an inflight engine shutdown, rejected takeoff, or damage to the aircraft.

DATES: Comments must be received by November 18, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–41, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, OH 45246. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington MA.

FOR FURTHER INFORMATION CONTACT: Robert J. Ganley, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7138; fax (617) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–ANE–41." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–41, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

This proposed AD is applicable to General Electric Company (GE) CF6–6/–45/–50 series turbofan engines. The Federal Aviation Administration (FAA) has received a report that a GE Model CF6–80A engine experienced a separation of the stage 1 high pressure turbine (HPT) disk rim. This separation has been attributed to cracks in the rim bolt holes which initiated from damage caused by the drill and ream procedures used during manufacture of the rim bolt holes. The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** on January 9, 1992, (57 FR 857), that proposed to require a one-time inspection for cracks in the rim bolt holes in GE CF6–80A engines.

Though this cracking occurred on a GE Model CF6–80A engine, some GE CF6–6/–45/–50 stage 1 HPT disks were manufactured using the same drill and ream procedures, and therefore are susceptible to similar damage and cracking. The FAA has also received reports that during routine inspections, three additional HPT disks on other GE CF6 series engines were found cracked in either the rim or inner bolt holes. All three of these disks were removed from service, and the cracks have been attributed to the same manufacturing process which resulted in the reported GE Model CF6–80A rim separation. This condition, if not corrected, may result in an uncontained stage 1 HPT disk failure, which could result in an inflight engine shutdown, rejected takeoff, or damage to the aircraft.

The FAA has reviewed and approved the technical contents of GE CF6–6 Service Bulletin (SB) No. 72–1002, dated February 12, 1993; CF6–6 SB No. 72–1003, Revision 1, dated June 17, 1993; CF6–50 SB No. 72–1057, Revision 1, dated June 17, 1993; and CF6–50 SB No. 72–1059, dated February 12, 1993. These SB's describe procedures for an eddy current inspection for cracks in the stage 1 HPT disk rim bolt holes, and stage 2 HPT disk rim and inner bolt holes.

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 an eddy current inspection for cracks in the stage 1 HPT disk rim bolt holes, and stage 2 HPT disk rim and inner bolt holes; and replacement, if necessary, with serviceable parts. The actions would be required to be accomplished in accordance with the service bulletins described previously.

A compliance end date of February 28, 1994, is proposed for stage 2 HPT disks that have not previously accomplished the inner bolt hole inspection, if applicable. A compliance end date of May 31, 1994, is proposed for stage 1 and stage 2 HPT disks that have previously accomplished the inner bolt hole inspections, if applicable. The option "whichever occurs earlier" is required to ensure timely compliance, since disks in this cyclic interval have been identified as having the highest probability of a crack. The option "whichever occurs latest" is intended to allow high cycle accumulating operators additional time to accomplish the inspection without impacting safety.

There are approximately 650 GE CF6–6/–45/–50 series engines of the affected design in the worldwide fleet. The FAA estimates that 500 engines installed on aircraft of U.S. registry would be

affected by this proposed AD, that it would take approximately 108 work hours per engine to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $77,314 per engine. Based on these figures, and assuming all inspected disks require replacement, the total cost impact of the proposed AD on U.S. operators is estimated to be $41,627,000.

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. 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:

General Electric Company: Docket No. 93–ANE–41.

Applicability: General Electric Company (GE) CF6–6/–45/–50 series turbofan engines installed on but not limited to Airbus A300 series, Boeing 747 series, and McDonnell Douglas DC–10 series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained stage 1 or stage 2 high pressure turbine (HPT) disk failure, which could result in an inflight engine shutdown, rejected takeoff, or damage to the aircraft, accomplish the following:

(a) Eddy current inspect (ECI) stage 1 and stage 2 HPT disks for cracks in accordance with the Accomplishment Instructions of GE CF6–6 Service Bulletin (SB) No. 72–1002, dated February 12, 1993, and CF6–6 SB No. 72–1003, Revision 1, dated June 17, 1993, as follows:

(1) For GE CF6–6 series stage 1 HPT disks, Part Numbers (P/N) 9137M40P01 and 9687M39P07, with serial numbers (S/N) listed in Appendix I or II of GE CF6–6 SB No. 72–1002, dated February 12, 1993, which have accumulated less than 2,500 cycles since new (CSN) on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit after accumulating 2,500 CSN, but not to exceed 4,500 CSN or prior to May 31, 1994, whichever occurs later.

(2) For GE CF6–6 series stage 1 HPT disks, P/N 9137M40P01 and 9687M39P07, with S/N listed in Appendix I or II or GE CF6–6 SB No. 72–1002, dated February 12, 1993, which have accumulated 2,500 CSN or more, but less than 4,000 CSN on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit, prior to accumulating 4,500 CSN, or prior to May 31, 1994, whichever occurs latest.

(3) For GE CF6–6 series stage 1 HPT disks, P/N 9137M40P01 and 9687M39P07, with S/N listed in Appendix I or II of GE CF6–6 SB No. 72–1002, dated February 12, 1993, which have accumulated 4,000 CSN or more on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit, or prior to May 31, 1994, whichever occurs earlier.

(4) For GE CF6–6 series stage 2 HPT disks, P/N 9084M52P02 and 9084M52P05, with S/N listed in Appendix I or II of GE CF6–6 SB No. 72–1003, Revision 1, dated June 17, 1993, which have *not* accomplished the inner bolt hole ECI prior to the effective date of this AD in accordance with GE CF6–6 Shop Manual, GEK 9266, Chapter 72–53–04, accomplish the following:

(i) For disks which have accumulated less than 2,000 CSN on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit after accumulating 2,000 CSN, but not to exceed 3,500 CSN or prior to February 28, 1994, whichever occurs later.

(ii) For disks which have accumulated 2,000 CSN or more, but less than 3,000 CSN on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit, prior to accumulating 3,500 CSN, or prior to February 28, 1994, whichever occurs latest.

(iii) For disks which have accumulated 3,000 CSN or more on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit, or prior to February 28, 1994, whichever occurs earlier.

(5) For GE CF6–6 series stage 2 HPT disks, P/N 9084M52P02 and 9084M52P05, with S/N listed in Appendix I or II of GE CF6–6 SB No. 72–1003, Revision 1, dated June 17, 1993, which have accomplished the inner bolt hole ECI prior to the effective date of this AD in accordance with GE CF6–6 Shop Manual, GEK 9266, Chapter 72–53–04, and not found cracked, accomplish the following:

(i) For disks which have accumulated less than 2,000 CSN on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit after accumulating 2,000 CSN, but not to exceed 4,500 CSN or prior to May 31, 1994, whichever occurs later.

(ii) For disks which have accumulated 2,000 CSN or more, but less than 4,000 CSN on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit, prior to accumulating 4,500 CSN, or prior to May 31, 1994, whichever occurs latest.

(iii) For disks which have accumulated 4,000 CSN or more on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit, or prior to May 31, 1994, whichever occurs earlier.

(6) GE CF6–6 series stage 1 HPT disks referenced in paragraphs (a)(1), (a)(2), and (a)(3) of this AD, that have been inspected by ECI in accordance with the procedures outlined in GE CF6–6 All Operators Wire (AOW) 92–6–09, dated September 24, 1992, or GE CF6–6 Engine Shop Manual, GEK 9266, Chapter 72–53–03, prior to the effective date of this AD, and whose CSN at the time of inspection was 2,500 or more, already meet the inspection requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(7) GE CF6–6 series stage 2 HPT disks referenced in paragraphs (a)(4) and (a)(5) of this AD, that have been inspected by ECI in accordance with the procedures outlined in GE CF6–6 AOW 92–6–09, dated September 24, 1992; GE CF6–6 SB No. 72–1003, dated February 12, 1993; or GE CF6–6 Engine Shop Manual, GEK 9266, Chapter 72–53–04, prior to the effective date of this AD, and whose CSN at the time of inspection was 2,000 or more, already meet the inspection requirements of paragraphs (a)(4) and (a)(5) of this AD.

(b) ECI stage 1 and stage 2 HPT disks for cracks in accordance with the Accomplishment Instructions of GE CF6–50 SB No. 72–1057, Revision 1, dated June 17, 1993, and CF6–50 SB No. 72–1059, February 12, 1993, as follows:

(1) For GE CF6–45/–50 series stage 1 HPT disks, P/N 9283M31P02, 9283M55P04, and 9283M55P05, with S/N listed in Appendix I, II, or III of GE CF6–50 SB No. 72–1059, dated February 12, 1993, which have accumulated less than 2,500 CSN on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit after accumulating 2,500 CSN, but not to exceed 4,500 CSN or prior to May 31, 1994, whichever occurs later.

(2) For GE CF6–45/–50 series stage 1 HPT disks, P/N 9283M31P02, 9283M55P04, and 9283M55P05, with S/N listed in Appendix I, II, or III of GE CF6–50 SB No. 72–1059, dated February 12, 1993, which have accumulated 2,500 CSN or more, but less than 4,000 CSN on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit, prior to accumulating 4,500 CSN, or prior to May 31, 1994, whichever occurs latest.

(3) For GE CF6–45/–50 series stage 1 HPT disks P/N 9283M31P02, 9283M55P04, and 9283M55P05, with S/N listed in Appendix I, II, or III of GE CF6–50 SB No. 72–1059, dated February 12, 1993, which have accumulated 4,000 CSN or more on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit, or prior to May 31, 1994, whichever occurs earlier.

(4) For GE CF6–45/–50 series stage 2 HPT disks, P/N 9045M35P18 and 1474M49P06, with S/N listed in the Appendix of GE CF6–50 SB No. 72–1057, Revision 1, dated June 17, 1993, which have accumulated less than 2,000 CSN on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit after accumulating 2,000 CSN, but not to exceed 3,500 CSN or prior to February 28, 1994, whichever occurs later.

(5) For GE CF6–45/–50 series stage 2 HPT disks, P/N 9045M35P18 and 1474M49P06, with S/N listed in the Appendix of GE CF6–50 SB No. 72–1057, Revision 1, dated June 17, 1993, which have accumulated 2,000 CSN or more, but less than 3,000 CSN on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit, prior to accumulating 3,500 CSN, or prior to February 28, 1994, whichever occurs latest.

(6) For GE CF6–45/–50 series stage 2 HPT disks, P/N 9045M35P18 and 1474M49P06, with S/N listed in the Appendix of GE CF6–50 SB No. 72–1057, Revision 1, dated June 17, 1993, which have accumulated 3,000 CSN or more on the effective date of this AD, ECI the rim and inner bolt holes at the next engine shop visit, or prior to February 28, 1994, whichever occurs earlier.

(7) GE CF6–45/–50 series stage 1 HPT disks referenced in paragraphs (b)(1), (b)(2), and (b)(3) of this AD, that have been inspected by ECI in accordance with the procedures outlined in GE CF6–50 AOW 92–50–15, dated September 24, 1992, or GE CF6–50 Engine Task Numbered Shop Manual, GEK 50481, Chapter 72–53–03, prior to the effective date of this AD, and whose CSN at the time of inspection was 2,500 or more, already meet the inspection requirements of paragraphs (b)(1), (b)(2), and (b)(3) of this AD.

(8) GE CF6–45/–50 series stage 2 HPT disks referenced in paragraphs (b)(4), (b)(5), and (b)(6) of this AD, that have been inspected by ECI in accordance with the procedures outlined in GE CF6–50 AOW 92–50–15, dated September 24, 1992; GE CF6–50 SB No. 72–1057, dated February 12, 1993; or GE CF6–50 Engine Task Numbered Shop Manual, GEK 50481, Chapter 72–53–04, prior to the effective date of this AD, and whose CSN at the time of inspection was 2,000 or more, already meet the inspection requirements of paragraphs (b)(4), (b)(5), and (b)(6) of this AD.

(c) Remove from service disks found cracked, and replace with serviceable parts. Inspect replacement disks in accordance with paragraphs (a) or (b) of this AD, if applicable.

(d) For the purpose of this AD, an engine shop visit is defined as the induction of an engine into a shop for maintenance involving the separation of any major flange.

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

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

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

Issued in Burlington, Massachusetts, on October 8, 1993.

Jay J. Pardee,

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

[FR Doc. 93–25572 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM93–4–000]

Standards for Electronic Bulletin Boards

October 13, 1993.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of filing and opportunity to file comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) received a filing on October 12, 1993, from an industry working group containing recommendations for assigning common transaction point codes and is permitting interested persons an opportunity to file comments on this filing.

DATES: Comments are due by October 21, 1993.

ADDRESSES: An original and 14 copies of the comments should be filed in Docket No. RM93–4–000. All filings should refer to Docket No. RM93–4–000 and should be filed at: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–2294

Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–1283

Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–0666

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3104, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200, or 2400 bps, full duplex, no parity, 8 data bits, and 1 stop bit. CIPS can also be accessed at 9600 bps by dialing (202) 208–1781. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street, NE., Washington DC 20426.

Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations; Filing

Take notice that Industry Working Group 5 made a filing on October 12, 1993, containing recommendations for assigning common transaction point codes.

Any person desiring to submit comments on this filing should file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 on or before October 21, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–25602 Filed 10–18–93; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 11-93-002]

Drawbridge Operation Regulations; Snodgrass Slough, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: At the request of Sacramento County, the Coast Guard is considering a change to the regulation for the Twin Cities Road Bridge crossing over Snodgrass Slough, mile 4.4 near Walnut Grove, California. The change would require that the draw open on 72 hours advance notice. The bridge is presently required to open on 24 hours advance notice. The bridge has been opened only 38 times since 1979, including tests. This proposal is being made because of the extremely limited waterway traffic need for the opening of the draw and in order to accommodate the needs of vehicular traffic over the bridge. The action should still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before December 3, 1993.

ADDRESSES: Comments may be mailed to Commander (oan-br), Eleventh Coast Guard District, Building 10, room 214, Coast Guard Island, Alameda, CA 94501-5100, or may be delivered to room 214 at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (510) 437-3514. Commander (oan-br) maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at Bldg. 10, room 214, Coast Guard Island, Alameda.

FOR FURTHER INFORMATION CONTACT: Jerry P. Olmes, Bridge Administrator, Eleventh Coast Guard District at (510) 437-3514.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 11-93-002) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eleventh Coast Guard District will also evaluate all communications received during this comment period and determine a course of final action on this proposal. The proposed regulations may be changed in light of the comments received.

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

Drafting Information

The principal persons involved in drafting this document are Jerry P. Olmes, Project Officer, and Lieutenant Commander Craig M. Juckniess, Project Attorney, Eleventh Coast Guard District Legal Office.

Background and Purpose

The Twin Cities Road Bridge was built in 1931. It was built as a movable bridge to allow for the infrequent passage of dredges and marine construction equipment. No operating machinery was ever installed, and the bridge is opened by hand or by a gear attached to a truck. Including semiannual tests, the bridge opened, on average, fewer than three times each year. The majority of openings have been for recreational vessels. The county advises that openings require a maintenance crew, trucks and flagmen, and each opening costs $2,560. Openings also take Twin Cities Road out of service to vehicular traffic for extended periods. The County will be able to reduce both the number of personnel on call and the number of trips for servicing personnel by requiring greater advance notice. The small number of documented bridge openings indicates that there is minimal or no need for draw openings on an advance notice basis of less than 72 hours.

Discussion of Proposed Amendment

The Twin Cities Road bridge crosses Snodgrass Slough approximately 4.4 miles upstream of the slough's confluence with the Mokelumne River, near Walnut Grove, CA. Snodgrass Slough is a secondary recreational waterway in the Sacramento-San Joaquin River Delta. There are a few recreational boat docks and beaches downstream of the Twin Cities Road Bridge, but no such facilities upstream. The area downstream, the Meadows, has been proposed as a water-oriented recreation area. Many recreational boats use the area downstream of the bridge, and a few anchor upstream of the bridge. Most vessels using the waterway can pass under the closed bridge which provides 18 feet vertical clearance over Mean High Water and 21 feet vertical clearance over Mean Lower Low Water. The proposed rulemaking would require dredges, marine construction equipment and most sailboats and large powerboats to give more advance notice.

Economic Assessment and Certification

This proposed rulemaking is not a significant regulatory action under Executive Order 12866 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Vehicular traffic flow will be enhanced and no vessels desiring to use the waterway would be prevented from doing so. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

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

PART 117—DRAWBRIDGE OPERATION REQUIREMENTS

Subpart B—Specific Requirements

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

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

2. Section 117.195 is revised to read as follows:

§ 117.195 Snodgrass Slough.

The draw of the Sacramento County bridge, mile 4.4 at Walnut Grove, shall open on signal if at least 72 hours notice is given to the Sacramento County Highway Office at Sacramento.

Dated: October 1, 1993.

R.D. Herr,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 93–25649 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–14–M

PANAMA CANAL COMMISSION

35 CFR Part 10

RIN 3207–AA33

Implementation of the Privacy Act of 1974

AGENCY: Panama Canal Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends 35 CFR part 10, the agency's existing Privacy Act regulations, (1) to update §§ 10.21 "General Exemptions" and 10.22 "Specific Exemptions" by amending alphanumerical designations and titles, deleting obsolete systems and more precisely stating the exemptions pursuant to the Privacy Act of 1974 and OMB Circular A–130, and (2) to exempt two new systems of records maintained by the Office of Inspector General (OIG) and one existing system which was relocated to OIG. A notice establishing these two new systems of records and the amendment of the existing system appears elsewhere in today's **Federal Register**.

DATES: Comments must be submitted on or before November 18, 1993.

ADDRESSES: Comments should be addressed to Mrs. Carolyn H. Twohy, Agency Records Officer, Chief, Administrative Services Division, Panama Canal Commission, Unit 2300, APO AA 34011–2300.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, International Square, 1825 I Street NW., Suite 1050, Washington, DC 20006–5402. Telephone (202) 634–6441.

SUPPLEMENTARY INFORMATION: The Panama Canal Commission is proposing to revise 35 CFR part 10, §§ 10.21 and 10.22 by updating the number and category of exempt systems of records currently maintained by the agency. The Customs Division, Police Division and the Probation and Parole Unit of the former Canal Zone Government were disestablished in 1983 pursuant to the provisions of the Panama Canal Treaty of 1977. Exempt systems of records maintained by those units were transferred to the Commission's Agency Records Center located in the Republic of Panama and to Federal Records Centers in the United States and are no longer actively in use or have been destroyed. Pursuant to subsection (l) of the Privacy Act, inactive records transferred to records centers continue to be subject to the same rules and procedures as active records maintained by the agency. Of the active exempt files, several alphanumerical designations and system names have been changed due to reorganization or the transfer of duties to other departments. These revisions were published in 52 FR 49541, Dec. 31, 1987, however, due to administrative oversight were not revised in 35 CFR §§ 10.21 and 10.22. The following alphanumerical designations have been amended:

The Office of Financial Management PCC/FMAK–1, "Claims Files," was reorganized and portions relocated to the Office of General Counsel PCC/GCCL–1, "Marine Accident/Miscellaneous General Claims," the investigatory portion of which is exempt, and other portions remained in the Office of Financial Management, but redesignated as PCC/FMCL–1 which is not exempt; The Marine Bureau redesignated PCC/MRPA–1 as PCC/MRNA–1; The General Services Bureau PCC/GSIS, "Personnel Security Files," were relocated to the Office of Personnel Administration and designated as PCC/PR–7, "Personnel Reference Unit Files."

The title of the General Services Bureau PCC/GSCP–2, "Canal Protection Division Activity Report Files," was amended to "Canal Protection Division Incident Report Files."

The Office of Personnel Administration system designated as PCC/PR–11, "Minority Group Designator Records" has been deleted because the Government-wide OPM/GOVT–7, "Applicant Race, Sex, National Origin, and Disability Status Records" is applicable to this system. Likewise, the Personnel Board system designated as PCC/PB–1, "Merit System Recruiting, Examining and Placement Records" has been deleted because the Government-wide OPM/GOVT–5, "Recruiting, Examination and Placement Records is applicable to this system.

The following active and inactive systems have been destroyed and are hereby removed:

PCC/AMSE–2, Cardex File Contraband Violations;
PCC/CALS, Driver's License Investigatory File;
PCC/GSPL–5, Prisoner Record Cards;
PCC/GSPL–8, Pending Detective Investigation Records;
PCC/GSPL–9, Informant Name File;
PCC/GSPL–12, Youth Unit Name Index File;
PCC/OM–1, Ombudsman Investigation Files.

The Inspector General has determined that the existing "Cash Audit Files" system of records is in need of updating due to its relocation to the Office of Inspector General. The alphanumerical designation has changed from PCC/GA–1 to PCC/OIG–3. In addition, all references to the Office of General Audit have been changed to Office of Inspector General and references to General Auditor have been changed to Inspector General.

The Inspector General has also undertaken an internal review of its compliance with the Privacy Act and has determined that two new systems of records are necessary in order to account for information maintained about individuals. These new systems are exempt from certain provisions of the Privacy Act under Subsections (j) or (k).

The Commission has determined that this is not a major rule within the meaning of Executive Order 12291, nor will it have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

The Administrator has certified to the Office of Management and Budget that these proposed changes in regulations meet the applicable standards provided in section 2 of Executive Order 12778.

Finally, the proposed rule does not impose any new information collection requirements within the Paperwork Reduction Act.

List of Subjects in 35 CFR Part 10

Privacy.

Accordingly, it is proposed that 35 CFR part 10 be amended as follows:

PART 10—ACCESS TO INFORMATION ABOUT INDIVIDUALS

1. The authority citation for part 10 continues to read as follows:

Authority: 5 U.S.C. 552a.

2. Section 10.21 is revised to read as follows:

§ 10.21 General exemptions.

(a) The following systems of records are eligible for exemption under 5 U.S.C. 552a(j)(2) because each system is maintained by a component of the agency, or subcomponent, which performs as its principal function the enforcement of criminal laws, and which contains investigatory material compiled for criminal law enforcement purposes. Accordingly, these systems are exempt from the following sections of 552a of 5 U.S.C.: (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4) (G) and (H); (e)(5); (e)(8); (f); (g); (h); and (i).

(1) PCC/GSCP–2, Canal Protection Division Incident Report Files;

(2) PCC/OIG–1, Investigative Files of the Office of Inspector General;

(3) PCC/OIG–2, Allegation/Complaint Files of the Office of Inspector General;

(4) PCC/OIG–3, Cash Audit Files.

(b) The systems of records listed below, although no longer actively in use, continue to be subject to general exemption pursuant to 5 U.S.C. 552a(j)(2) because they were compiled by a component, or subcomponent, of the agency which performed as its principal function the enforcement of criminal laws, and which contain investigatory material compiled for criminal law enforcement purposes. Accordingly, the following systems of records are exempt from subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4) (G) and (H); (e)(5); (e)(8); (f); (g); (h); and (i) of 5 U.S.C. 552a:

(1) PCC/AEPR–1, Probation and Parole Unit Child Custody Reports;

(2) PCC/AEPR–2, Presentence and Preparole Investigation Reports;

(3) PCC/AEPR–3, Probation and Parole Unit Statistical File;

(4) PCC/GSPL–1, Law Enforcement Case Report Files;

(5) PCC/GSPL–2, Police Headquarters Confidential File;

(6) PCC/GSPL–3, Detective Confidential Files;

(7) PCC/GSPL–4, Convict Files;

(8) PCC/GSPL–6, Police Photo Files;

(9) PCC/GSPL–7, Fingerprint File;

(10) PCC/GSPL–10, Master Name File;

(c) Exemptions from the particular subsections are justified for the following reasons:

(1) From (c)(3) because release of an accounting of disclosures to an individual who is the subject of an investigation could reveal the nature and scope of the investigation and could result in the altering or destruction of evidence, improper influencing of witnesses and other evasive action that could impede or compromise the investigation.

(2) From (c)(4) because this subsection is inapplicable to the extent that an exemption is being claimed for subsection (d).

(3) From subsection (d) because access to the records contained in these systems would inform the subject of a criminal or civil investigation, matter or case of the existence of such, and provide the subject with information that might enable him or her to avoid detection, apprehension or legal obligations, and present a serious impediment to law enforcement and other civil remedies. Amendment of the records would impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation. In addition, information may be obtained concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, information should be retained because it may aid in establishing patterns of unlawful activity and provide leads for other law enforcement agencies. Further, in obtaining evidence during an investigation, information may be provided which relates to matters incidental to the main purpose of the investigation but which may be pertinent to the investigative jurisdiction of another agency. Such information cannot readily be identified.

(5) From subsection (e)(2) because in a law enforcement investigation it is usually counterproductive to collect information to the greatest extent practicable directly from the subject thereof. It is not always feasible to rely upon the subject of an investigation as a source for information which may implicate him or her in illegal activities. In addition, collecting information directly from the subject could seriously compromise an investigation by prematurely revealing its nature and scope, or could provide the subject with an opportunity to conceal criminal activities, or intimidate potential sources, in order to avoid apprehension.

(6) From subsection (e)(3) because providing such notice to the subject of an investigation, or to other individual sources, could seriously compromise the investigation by prematurely revealing its nature and scope, or could inhibit cooperation, or permit the subject to evade apprehension.

(7) From (e)(4) (G) and (H); (f); (g); (h); and (i) because these provisions concern an individual's access to records which concern him and such access to records in this system would compromise investigations, reveal investigatory techniques and confidential informants, and invade the privacy of private citizens who provide information in connection with a particular investigation.

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators to exercise their judgment in reporting on investigations and impede the development of information necessary for effective law enforcement.

(9) From subsection (e)(8) because the application of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation and could reveal investigative techniques, procedures or evidence.

3. Section 10.22 is revised to read as follows:

§ 10.22 Specific exemptions.

(a) The following systems of records are eligible for exemption under 5 U.S.C. 552a(k)(2) because they contain

investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of 5 U.S.C. 552a. Provided, however, that if any individual is denied any right, privilege or benefit that he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. Accordingly, the following systems of records are exempt from (c)(3); (d); (e)(1); (e)(4) (G) and (H); (f); (g); (h); and (i) of 5 U.S.C. 552a.

(1) PCC/GSCP–2, Canal Protection Division Incident Report Files;

(2) PCC/OIG–1, Investigative Files of the Office of Inspector General;

(3) PCC/OIG–2, Allegation/Complaint Files of the Office of Inspector General;

(4) PCC/OIG–3, Cash Audit Files;

(5) PCC/FMAC–1, Embezzlements, Burglaries, and Cash Shortages;

(6) PCC/EO–2, Equal Employment Opportunity Complaint File;

(7) PCC/GCCL–1, Marine Accident/ Miscellaneous General Claims Files;

(8) PCC/GSCS–2, Housing Complaints Files;

(9) PCC/GSCX–1, Administrative Reports, Transfer of Custody and Official Complaint Files;

(10) PCC/AEPR–1, Probation and Parole Unit Child Custody Reports;

(11) PCC/AEPR–2, Presentence and Preparole Investigation Reports;

(12) PCC/AEPR–3, Probation and Parole Unit Statistical File;

(13) PCC/CAPS–2, Case Investigations;

(14) PCC/GSPL–1, Law Enforcement Case Report Files;

(15) PCC/GSPL–2, Police Headquarters Confidential File;

(16) PCC/GSPL–3, Detective Confidential Files;

(17) PCC/GSPL–4, Convict Files;

(18) PCC/GSPL–6, Police Photo Files;

(19) PCC/GSPL–7, Fingerprint File;

(20) PCC/GSPL–10, Master Name File;

(21) PCC/CZG/HL–2, Medical Administration System.

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the accounting of disclosures would permit the subject of a criminal investigation and/or civil case or matter under investigation, in litigation, or under regulatory or administrative review or action to obtain valuable information concerning the nature of that investigation, case or matter and present a serious impediment to law enforcement or civil legal activities.

(2) From (d); (e)(4) (G) and (H); (f); (g); (h); and (i) because these provisions concern an individual's access to records which concern him and such access to records in this system would compromise investigations, reveal investigatory techniques and confidential informants, and invade the privacy of private citizens who provide information in connection with a particular investigation.

(3) From subsection (e)(1) because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation. In addition, information may be obtained concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, this information should be retained because it may aid in establishing patterns of unlawful activity and provide leads for other law enforcement agencies. Further, in obtaining evidence during an investigation, information may be provided which relates to matters incidental to the main purpose of the investigation but which may be pertinent to the investigative jurisdiction of another agency. Such information cannot readily be identified.

(c) The following systems of records are eligible for exemption under 5 U.S.C. 552a(k)(5) because they contain investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. Accordingly, these systems of records are exempt from 5 U.S.C. 552a (c)(3) and (d).

(1) PCC/FMAC–1, Embezzlements, Burglaries, and Cash Shortages;

(2) PCC/PB–2, Appeals, Grievances, Complaints and Assistance Records;

(3) PCC/PB–3, Personnel Investigation Records;

(4) PCC/PR–5, Recruiting and Placement Records;

(5) PCC/PR–7, Personnel Reference Unit Files;

(6) PCC/OIG–1, Investigative Files of the Office of Inspector General;

(7) PCC/OIG–2, Allegation/Complaint Files of the Office of Inspector General;

(8) PCC/OIG–3, Cash Audit Files.

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From (c)(3) because release of an accounting of disclosure to an individual who is the subject of an investigation could compromise the investigation.

(2) From (d) because access to or amendment of records in these systems would reveal the identity(ies) of the source(s) of information collected in the course of a background investigation. Such knowledge might violate the explicit or implicit promise of confidentiality made to the source during the investigation or constitute an unwarranted invasion of the personal privacy of third parties, or reveal sensitive investigative techniques and procedures. Such breaches could restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

(e) The following systems of records are eligible for exemption under 5 U.S.C. 552a(k)(6) because they contain testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process. Accordingly, these systems of records are exempt from 5 U.S.C. 552a(d).

(1) PCC–CZG/BRAE–1, Canal Zone Board of Registration for Architects and Professional Engineers Reference Files;

(2) PCC/MRBL–1, Marine License Files;

(3) PCC/MRNA–1, Admeasurer Examination File.

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) The exemption from (d) is justified because portions of records in these systems relate to testing or examining materials and are used solely to determine individual qualifications for appointment or promotion in the Federal service. Access to or amendment of this information would compromise the objectivity and fairness of the testing or examining process.

Dated: September 29, 1993.

Gilberto Guardia F.,

Administrator.

[FR Doc. 93–25523 Filed 10–18–93; 8:45 am]

BILLING CODE 3840–04–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–4791–4]

National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: National emission standards for hazardous air pollutants (NESHAP) for perchloroethylene (PCE) dry cleaning facilities were promulgated in the **Federal Register** on September 22, 1993 (58 FR 49354). In order to gain additional understanding of indoor air pollution, ground water contamination and solid waste generation resulting from dry cleaning facilities, EPA will convene a public meeting in New York, New York. Information also will be sought on the environmental impacts associated with the operation of wastewater evaporators. The objective of this public meeting will be to gather information on the magnitude of these problems, as well as potential solutions to these problems.

DATES: *Comments.* Individuals wishing to submit written comments in lieu of attending this public meeting should forward their comments on or before November 21, 1993.

Public Meeting. The public meeting will be held on November 3–4, 1993 in New York, New York. The meeting will start on both days at 9 a.m. There will be an evening session on the first day starting at 7 p.m.

Request to Speak at Meeting. Individuals wishing to speak at this public meeting should contact Mrs. Julia Latta at (919) 541–5578 by October 27, 1993. Each speaker is asked to limit his or her remarks to 10 minutes or less, unless otherwise arranged. Those wishing to speak longer than 10 minutes should contact Mr. George Smith at (919) 541–1549 after contacting Mrs. Latta.

ADDRESSES: *Comments.* Comments should be submitted to Mr. Bruce Jordan, Director; Emission Standards Division (MD–13), Environmental Protection Agency, Research Triangle Park, NC 27711.

Public Meeting. The public meeting will be held in New York, New York in the Gold Ballroom of the Ramada Hotel Pennsylvania on 401 7th Avenue (West 33rd Street and 7th Avenue in Manhattan, across from Pennsylvania Station). A limited number of hotel rooms will be made available at a reduced rate from the Ramada Inn to those that make reservations by October 19, 1993. In order to receive the reduced rate, those making reservations must say they will be attending the EPA public meeting. Telephone numbers for the Ramada Inn are (800) 223–8585 and (212) 502–8161.

Docket. Docket No. A–88–11, containing information considered by the EPA in development of the promulgated standards, is available for public inspection between 8:30 a.m. and 3:30 p.m., Monday through Friday, excluding Federal holidays, at the EPA's Air Docket (LE–131), Waterside Mall, room M1500, 1st Floor, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning the standards, contact Mr. George Smith at (919) 541–1549 or Mr. Fred Porter at (919) 541–5251, Standards Development Branch, Emission Standards Division (MD–13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The promulgated NESHAP will achieve significant reductions in PCE emissions from new and existing dry cleaning facilities. There remain, however, several major issues associated with dry cleaning facilities that merit further attention. These include: (1) Indoor air pollution in residences located above dry cleaning facilities and (2) groundwater pollution resulting from dry cleaning facilities. These issues were brought to light following proposal of the NESHAP by the New York Study (indoor air pollution) and the California Study (ground water pollution).

New York Study

The New York Study is an assessment of indoor air pollution in residences above dry cleaners performed by the State of New York. Many States and environmental groups referred to this study in their public comments on the NESHAP, and several commenters submitted copies of the study attached to their comments. They believed that the study shows the risk to public health from dry cleaners is significant and should be targeted for regulation. They mentioned that although the Act does not specifically address indoor air pollution, indoor air emissions eventually become ambient air emissions.

The New York Study focuses on dry cleaners located in Albany, New York. All 102 dry cleaners listed in the Albany telephone directory were contacted. Of these 102 dry cleaners, 67 cleaned or pressed clothes on the premises. Of these 67, 6 had occupied residences above them.

The levels of PCE in the indoor and outdoor air at residences located above the 6 dry cleaners were measured over a 24-hour period. Identical measurements were taken at the same time at 6 control residences located at least 100 meters (330 feet) away from each dry cleaner. The control residences were selected based on their similarity to the study residences in terms of building type, age, and neighborhood.

The study found indoor air concentrations of PCE ranging from 100 to 55,000 micrograms per cubic meter (mcg/m^3) [15 to 8,000 parts per billion (ppb)] in the 6 residences located above dry cleaners. The cancer risk estimate associated with these levels, based on the EPA's unit cancer risk estimate for PCE, is 1 in 100,000 to 1 in 100 (10^{-5} to 10^{-2}). Control residences had indoor air PCE concentrations ranging from 6 to 100 mcg/m^3 (1 to 15 ppb). The associated cancer risk associated with these levels is 1 in 1,000,000 to 1 in 100,000 (10^{-6} to 10^{-5}).

The New York study indicates that PCE emissions can accumulate in residences located above dry cleaning facilities, leading to increased public exposure to PCE. While not definitive, in the EPA's opinion, based on various observations included in the New York study, it appears the major contributor to the elevated PCE levels measured in the residences located above these dry cleaners is fugitive emissions.

California Well Investigation Program

The California Well Investigation Program is an assessment of ground water contamination undertaken by the State of California. The study contends that PCE contaminated discharges into sewer lines by dry cleaning facilities has contaminated ground water in several areas.

The California Study focuses on wells in the Central Valley Region, which supply drinking water to municipal water systems. Water drawn from 215 out of some 2,000 wells tested contained detectable levels of PCE. Of these 215 wells, water drawn from 47 wells contained levels of PCE above the maximum contaminant level (MCL) of 5

parts per billion (ppb) in the National Revised Primary Drinking Water Regulations.

Soil gas surveys and ground water movement around 21 of the 47 wells with levels of PCE above the MCL indicate the source of PCE contamination in these wells to have originated from sewer lines. In 20 out of these 21 wells, dry cleaning facilities were identified as the sole users of PCE connected to the sewer lines. Soil gas surveys along the main sewer lines downstream from sewer laterals connecting the dry cleaners to the main sewer lines also showed relatively high concentrations of PCE. As a result, the study concludes that dry cleaning facilities are the source of the observed PCE contamination.

Recovery of PCE for reuse within the dry cleaning process generates wastewater contaminated with PCE. Most of the PCE contained in this wastewater is recovered in a water separator. Water from the water separator, however, is routinely discharged to the sewer at many dry cleaning facilities. Separator water generally contains about 150 ppm of PCE; but it may contain as much as 30 percent PCE if the water separator is poorly operated.

Dry cleaning machines that use a refrigerated condenser for process vent control generate about 190 liters (50 gallons) per year of separator water; those with no process vent control generate even less. Dry cleaning machines that use a carbon adsorber for process vent control, on the other hand, generate about 7,600 liters (2,000 gallons) per year of separator water—40 times that generated by a refrigerated condenser.

The California study concludes that PCE discharged to sewers from dry cleaning facilities can contaminate ground water. Whether the primary source of PCE discharged to sewers by dry cleaning facilities is the result of leaking equipment, accidental spills, or PCE contaminated wastewater generated by dry cleaning or that generated by emission control equipment installed to control process vent emissions, however, is unclear.

The use of carbon adsorbers for process vent control significantly adds to the amount of PCE contaminated wastewater generated by dry cleaning facilities. While not conclusive, this suggests the use of carbon adsorbers for process vent control may be a primary contributor to ground water pollution resulting from dry cleaning facilities.

Public Meeting

The EPA believes, based on information received to date, that PCE contamination of indoor air and ground water are significant problems that may warrant additional Federal actions. The EPA considered seeking an extension of the court deadline for the final rule to deal fully with these issues. This course of action, however, would have postponed the health and environmental benefits of the rule for an extended period of time. The EPA determined that the best environmental protection would be achieved by issuing the final rule as expeditiously as possible, and deciding subsequently how to address remaining indoor air pollution and ground water contamination associated with PCE dry cleaners.

The final rule, while targeted primarily at reducing PCE contamination of outdoor air, may reduce indoor air contamination in some locations through requirements reducing fugitive and process vent emissions from dry cleaners. In addition, the rule requires uncontrolled machines to be controlled with refrigerated condensers, which will minimize generation of wastewater and solid waste.

In order to gain additional insight and understanding into the issues of indoor air pollution and ground water pollution associated with dry cleaning facilities, the EPA will convene a public meeting (see *Public Meeting* under ADDRESSES at the beginning of this preamble). The objective of this public meeting will be to gather additional information and solicit public comment on the magnitude and severity of the problems highlighted by the New York and the California studies, and potential solutions or approaches for dealing with these problems. Copies of the New York and California studies are included in Docket No. A–88–11 (see *Docket* under ADDRESSES). (The New York Study is Docket No. A–88–11, Item No. IV–D–5 with additional information in Item No. IV–J–40; the California Study is also part of Item No. IV–J–40.) The EPA also would like to be informed of other studies conducted by States (or others) that address the relative efficiency of carbon adsorbers and refrigerated condensers, and their impact on air emissions. Anyone wishing to speak and make presentations at the public meeting and/or wishing to submit written comments, please see the sections *Requests to Speak at Meeting* and *Comments* at the beginning of this notice.

The EPA will use the information received from the public meeting, as well as written comments, in deciding what additional actions should be taken to reduce health and environmental risks from dry cleaners. The EPA will, at a minimum, publish and distribute the information presented at the public meeting. The EPA may then use this information to develop guidance for States and local agencies, and/or develop additional regulations. At the meeting, the EPA will explore the desirability and feasibility of using a regulatory negotiation or other consensus-building approach to address these issues.

With respect to indoor air pollution, the EPA specifically requests States and the public to provide their views and any available information on:

a. The number of dry cleaners collocated in buildings with residences or businesses.

b. The extent and severity of indoor air contamination with PCE from dry cleaners, and the adequacy of existing data on this problem.

c. The extent and severity of PCE contamination of fatty foods in residences, restaurants, and food stores that are collocated with or located near dry cleaners.

d. The extent to which PCE indoor air contamination results from fugitive emissions or process vent emissions.

e. The amount of fugitive emissions from different types of dry cleaning machines, and from the various pieces of ancillary equipment associated with the dry cleaning process.

f. Methods for reducing PCE contamination of indoor air, including but not limited to:

(1) Improved maintenance involving the use of instruments to inspect dry cleaning equipment for leaks of PCE.

(2) Increased room ventilation and/or ducting of emissions outdoors.

(3) Collection of steam press emissions.

(4) The use of vapor barriers.

(5) Improved training of dry cleaning workers, or other information-dissemination activities.

(6) A phaseout of existing transfer machine systems (the final rule effectively bans new transfer machine systems but does not limit the period of time that existing transfer machine systems can remain in service).

(7) Other strategies, control technologies, and pollution prevention methods that can reduce fugitive emissions, especially at small dry cleaners.

g. The extent to which evaporators are in use, and their impact on air quality as well as wastewater contamination.

h. The relative performance of vented versus ventless machines in reducing perc emissions.

i. The relative effectiveness, cost, and affordability of the available options, as well as key advantages and drawbacks, including information on:

(1) The economic impact of a requirement to replace existing carbon adsorbers with refrigerated condensers.

(2) The economic impact of a requirement to replace existing transfer machines with dry-to-dry equipment.

j. The appropriate Federal role in encouraging or requiring steps to reduce PCE contamination of indoor air.

k. The proposition that the EPA should voluntarily conduct a residual risk analysis for area source dry cleaners, as well as a statutorily mandated risk analysis for major sources, to assess remaining health and environmental risks after installation of MACT and GACT technology. (Based on the results of this analysis, the EPA could assess whether more stringent, health-based standards are warranted); and

l. Examination of coin-operated dry cleaners exempt from the dry cleaning NESHAP to evaluate their potential contribution to indoor air pollution. With respect to ground water contamination and solid waste generation by dry cleaners, the EPA specifically requests that States and the public provide their views and any available information on:

(1) The extent and severity of contamination of ground water with PCE from dry cleaners, and the degree of health threat posed by this contamination;

(2) The relative contribution of wastewater discharges, accidental spills, equipment leaks, and improper hazardous waste disposal to this ground water contamination;

(3) Costs of treating well water contaminated with PCE to make it safe for drinking, and the costs and feasibility of cleaning up ground water contaminated with PCE;

(4) The degree of solid or hazardous waste generation associated with the prevention/control technologies, information on how these wastes are managed and their environmental impact.

(5) Potential measures to prevent or minimize further contamination of ground water with PCE, including but not limited to:

(a) Use of wastewater evaporators by dry cleaners.

(b) Required replacement of existing carbon adsorbers used for process-vent control with refrigerated condensers, perhaps through a gradual phaseout. (The EPA particularly solicits comment on how the EPA could use its legal authorities to require a gradual phaseout, the environmental benefits of a phaseout, and the economic feasibility of potential phase-out schedules.);

(c) Improved maintenance of dry cleaning equipment through improved training of dry cleaning workers or other information-dissemination activities;

(d) Encouragement of emerging PCE emission control technologies that use adsorption but do not generate wastewater because regeneration is performed through heat desorption rather than steam stripping;

(e) Spill prevention and control measures; (f) A ban or limit on the discharge of PCE-contaminated wastewater to sewers;

(g) Disposal of dry cleaner wastewater at hazardous waste facilities;

(h) The practical use of dry cleaner wastewater in boilers; and

(i) The relative effectiveness, costs, and affordability of the available options, as well as key advantages and drawbacks.

(6) The appropriate Federal role in encouraging or requiring steps to reduce the threat of ground water contamination from dry cleaners.

Dated: October 8, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93-25616 Filed 10-18-93; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-254, FCC 93-459]

Radio Broadcast Services; Television Commercial Programming

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: This Notice of Inquiry seeks comment on issues relating to the commercial programming practices of television broadcast stations. Specifically, the Notice seeks comment on whether the public interest would be served by establishing limits on the amount of commercial matter broadcast by television stations. Commenters are also invited to address the form that any such regulation would take. The Commission issued the Notice on its own motion.

DATES: Comments are due by November 29, 1993, and reply comments are due by December 14, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Paul R. Gordon, Mass Media Bureau, Video Services Division, (202) 632-6357.

SUPPLEMENTARY INFORMATION: This is the Commission's Notice of Inquiry in MM Docket No. 93-254, adopted on September 23, 1993, and released on October 7, 1993.

The complete text of this Notice of Inquiry is available for inspection and copying during normal business hours in the FCC Reference Center (room 239) at the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Notice of Inquiry

1. The Commission, on its own motion, is initiating this proceeding to evaluate the commercial programming practices of television broadcast stations. Specifically, we seek comment on whether the public interest would be served by establishing limits on the amount of commercial matter broadcast by television stations.

Background

2. Prior to 1984, the Commission had a longstanding policy precluding or discouraging television stations from devoting excessive time to commercial matter.[1] The Commission based this policy on the perception that excessive commercialization "subordinate[d] programming in the interest of the public to programming in the interest of its salability."[2] During this period, licensees were required to maintain detailed logs of their programming, partially to substantiate claims that they were in compliance with this policy. Moreover, the Commission frequently had to determine whether a particular program was a commercial, in order to determine whether it had been properly logged by the licensee.[3] Then, in 1984,

[1] See, e.g., En Banc Programming Inquiry, 44 FCC 2203 (1960).

[2] *Id.* at 149.

[3] See, e.g., Jimmy Lee Swaggart, 29 RR 2d 400 (1974) (promotions of religious tours, books, records, and tapes must be classified and logged as commercial programming); KISD, Inc., 22 FCC 2d 833 (1970) (when a record is played in conjunction with an advertisement for its sale, the duration of the play of the record must be computed as part of the commercial message); and KCOP-TV, Inc., 24 FCC 2d 149 (1970) (when the commercial and noncommercial portions of a program are sufficiently intermixed, the entire program must be logged as commercial).

after having deregulated commercial time for radio stations, the Commission similarly altered the manner by which it regulated commercial time for television stations.[4] Analyzing the effects of its commercial guidelines, the Commission determined that market forces, rather than Commission rules, were the decisive factor in determining the levels of commercialization for radio and television stations. The Commission therefore abolished the guidelines, concluding that competition would continue to regulate commercial excesses. Notably, the Commission retained its concern that programming in the public interest not become subordinated to programming in the interest of advertisers.[5] Indeed, the Commission stated that if the market were to fail to regulate commercial excesses, then it would be obligated to reconsider that aspect of deregulation.[6]

3. Upon the deregulation of commercial time in 1984, no television station had a programming format that consisted predominantly of sales presentations of program length commercials ("home shopping").[7] A small number of such stations had developed by 1987, when the Commission, stating that it had not contemplated this development, nevertheless found that the format was not contrary to the public interest.[8] However, the Commission at the same time noted that future developments could require it to reexamine that conclusion.[9]

4. In 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act").[10] Section 4(g) of the 1992 Cable Act added a new section 614(g) to the Communications Act of 1934, as amended, 47 U.S.C. 534(g), which required the Commission to determine, regardless of prior proceedings, whether stations that are predominantly utilized for the transmission of sales presentations or program length commercials are serving the public interest, convenience, and necessity.

5. Congress incorporated section 4(g) with the general rules concerning the mandatory cable carriage ("must-carry") of commercial television stations.[11] That section of the 1992 Cable Act directed the Commission to consider three specific factors in making its public interest determination: (1) The viewing of home shopping stations; (2) the level of competing demands for the spectrum allocated to such stations; and (3) the role of such stations in providing competition to nonbroadcast services offering similar programming. Based on our review of the record in that proceeding, we found that home shopping stations have been serving the public interest and are therefore qualified for must-carry status.[12]

Discussion

6. The public interest requires that were periodically reassess our notion of that term in light of changing circumstances. A policy that serves the needs of the public at one time may become anachronistic or burdensome at a later time.[13] Section 4(g) of the 1992 Cable Act directed the Commission to evaluate the public interest status of home shopping stations based on three specified criteria and in relation to the must-carry rules. However, congressional debates on the 1992 Cable Act also reflected a more generalized concern with the issue of commercialism in broadcasting. Thus, we are initiating this inquiry to determine whether the public interest would be served by reestablishing limits on the amount of commercial matter that a television station can broadcast.

7. In analyzing this matter, we invite commenters to address whether and in what specific manner an excess of commercial programming disserves the public. Should the Commission reexamine the basic assumptions of the 1984 Deregulation Order? Specifically, should some measure besides public acceptance be used to define an "excess" of commercial programming, and, if so, what should it be? What is the effect of our 1984 conclusions of changes in the number of viewing options? Is there a distinction between "commercialism" as it was defined in the 1984 Order, and the various formats used for commercial programming as it exists today?

8. Commenters are also invited to address the form that any such regulation would take. If we find that the adoption of limits is warranted, should we enact a strict rule setting specific limits?[14] Should any commercial limits be based on the amount of commercial programming per hour, thereby precluding the broadcasting of program length commercials, or should they be based on some longer period of time that would allow for informercials and extended sales presentations? Would licensees have greater flexibility in fulfilling their public interest obligations if we were instead to adopt informal processing guidelines (i.e., we would not grant under-delegated authority applications for new stations or for the sale or renewal of existing stations, if the applicants aired or proposed more than a certain level of commercialization)?[15] We also ask commenters to address how we would ensure compliance with any limit on commercialization. For example, should we again require television station licensees to maintain logs of their commercial programming, or would certification of compliance be sufficient? Finally, we request that commenters address the First Amendment implications of any proposed limitations on commercial programming.[16]

Procedural Matters

9. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before November 29, 1993, and reply comments on or before

[4] Report and Order in MM Docket No. 83–670 (Television Deregulation), 49 FR 33588 (Aug. 23, 1984) *recon. denied*, 51 FR 20292 (June 4, 1986), *aff'd in part and remanded in part sub. nom Action for Children's Television* v. *F.C.C.*, 821 F.2d 741 (D.C. Cir. 1987). The Commission had already deregulated radio in the same manner. Report and Order in BC Docket No. 79–219 (Radio Deregulation), 84 FCC 2d 968 at 1007–08 (1981), *recon. denied*, 87 FCC 2d 797 (1981), *aff'd in part, reversed in part sub nom. Office of Communication of the United Church of Christ* v. *F.C.C.*, 707 F.2d 1413 (D.C. Cir. 1983).

[5] Television Deregulation.

[6] Radio Deregulation.

[7] Our use of the term "home shopping" encompasses both sales presentations and program length commercials.

[8] Family Media, Inc., 2 FCC Rcd 2540 (1987).

[9] *Id.* at 2542. As of December 22, 1992, Home Shopping Network, Inc., the major distributor of broadcast home shopping programming, had affiliation agreements with 105 television stations. These stations comprise less than 10% of the total number of commercial television stations currently licensed by the Commission.

[10] Public Law 102–385, 106 Stat. 1460 (1992).

[11] The must-carry rules are codified in section 4 of the 1992 Cable Act, 47 U.S.C. 534. Section 4(g) required the Commission to qualify home shopping stations as local commercial television stations for the purposes of must-carry if it found that they were serving the public interest. If the Commission found that one or more such stations were not serving the public interest, however, then the Act required that the Commission provide them with reasonable time to provide different programming.

[12] Report and Order in MM Docket No. 93–8 (Home Shopping Stations), 58 FR 39156 (July 22, 1993), petition for reconsideration pending.

[13] Compare Mayflower Broadcasting Corp., 8 FCC 333 (1941) (broadcast editorials held to violate the public interest) with Opinion on Editorializing by Broadcasters, 13 FCC 1246 (1949) (broadcast editorials held not to violate the public interest).

[14] Only with regard to children's programming do we now impose such limits. 47 CFR 73.670.

[15] Such guidelines existed prior to our 1984 television deregulation decision. Amendments to Delegations of Authority, 43 FCC 2d 636 (1973).

[16] In that regard, we note the Supreme Court's recent admonition that government regulations not "place too much importance on the distinction between commercial and noncommercial speech." *City of Cincinnati* v. *Discovery Network, Inc.*, No. 91–1200, slip op. at 14 (U.S. March 24, 1993).

December 14, 1993. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (room 239) at the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

10. For further information concerning this Notice of Inquiry, please contact Paul R. Gordon, (202) 632–6357, Mass Media Bureau, Video Services Division, Federal Communications Commission, Washington, DC 20554.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–25531 Filed 10–18–93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC11

Endangered and Threatened Wildlife and Plants; Proposed Rule To Reclassify the Plant Isotria Medeoloides (Small Whorled Pogonia) From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to reclassify *Isotria medeoloides* (small whorled pogonia) from endangered to threatened pursuant to the Endangered Species Act of 1973 (Act), as amended. This action is proposed due to substantial improvement in the status of this orchid species and the fulfillment of reclassification criteria stated in the Small Whorled Pogonia (*Isotria medeoloides*) Recovery Plan: First Revision (U.S. Fish and Wildlife Service 1992). Reclassification from endangered to threatened may be proposed when a minimum of 25 percent of the known viable sites (as of 1992) are permanently protected. Currently, 61 percent of the viable sites are permanently protected.

The proposed change in classification will not significantly alter the protection of this species under the Act. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by December 17, 1993. Public hearing requests must be received by December 3, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, New England Field Office, U.S. Fish and Wildlife Service, 22 Bridge Street, Concord, New Hampshire 03301. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Susanna von Oettingen at the above address (telephone: 603/225–1411).

SUPPLEMENTARY INFORMATION:

Background

Isotria medeoloides (small whorled pogonia), a member of the orchid family (Orchidaceae), was first described by Frederick Pursh in 1814 as *Arethusa medeoloides*. Pursh based his description on a specimen found in a mountainous region along the borders of New York, New Jersey and Pennsylvania (Correll 1950). In 1838, this orchid was placed in its own genus and recognized as *Isotria medeoloides*; however, it also became known as *Pogonia affinis* and *Isotria affinis*. M. L. Fernald clarified the nomenclature in 1947, making the latter names synonyms of *Isotria medeoloides*

Isotria medeoloides is an herbaceous perennial with slender, hairy, fibrous roots that radiate from a crown or rootstock. The five or six milky-green or grayish-green, elliptic and somewhat pointed leaves (four leaves in some vegetative plants) are displayed in a whorl at the apex of a smooth, green stem. *Isotria medeoloides* flowers from mid-May in the south to mid-June in the northern part of its range. A single yellowish-green flower, or occasionally flower pair, stands in the center of the whorl of leaves.

An individual plant is usually single-stemmed, although two or more stems may occur; however, closely grouped double stems may in fact be two single plants. Because of the difficulty in differentiating double stemmed plants from closely neighboring plants, population estimates are often based on the number of stems, as opposed to the number of plants.

Isotria medeoloides can be confused with *Isotria verticillata* (Willd.) Raf. (large whorled pogonia), the only other species in the genus *Isotria*. Characteristics that distinguish *I. medeoloides* from *I. verticillata* include the stem and flower color, the relative lengths of the sepals and petals, and the length of the stem of the fruit capsule in relation to the length of the capsule itself (Rawinski 1989a). Colonies of *Isotria verticillata* are often found near colonies of *Isotria medeoloides* in the extensive region in which they occur together (Ware 1988; A. Belden, Virginia Division of Natural Heritage, *in litt.* 1991). They have also been reported to occur in mixed groups (Dixon and Cook 1988).

Isotria medeoloides occurs both in fairly young forests and in maturing stands of mixed-deciduous or mixed-deciduous/coniferous forests. The majority of small whorled pogonia sites share several common characteristics. These include: Sparse to moderate ground cover in the microhabitat of the orchids (except when among ferns); a relatively open understory canopy; and proximity to old logging roads, streams, or other features that create long-persisting breaks in the forest canopy (Mehrhoff 1989a). The soil in which the shallow-rooted small whorled pogonia grows is usually covered with leaf litter and decaying material (Mehrhoff 1980). The spectrum of habitats includes dry, rocky, wooded slopes to moist slopes or slope bases crisscrossed by vernal streams.

Isotria medeoloides is widely distributed with a primary range extending from southern Maine and New Hampshire through the Atlantic seaboard States to northern Georgia and southeastern Tennessee. Outlying colonies have been found in the western half of Pennsylvania, Ohio, Michigan, Illinois, and Ontario, Canada.

There are three main population centers of *Isotria medeoloides* today. The northernmost concentration, comprising 55 sites in 1992, is centered in the foothills of the Appalachian Mountains in New England and northern coastal Massachusetts, with one outlying site in Rhode Island. A second grouping of 18 sites is located at the southern extreme of the Appalachian chain in the Blue Ridge Mountains where North Carolina, South Carolina, Georgia, and Tennessee join. The third center, with 13 sites, is concentrated in the coastal plain and piedmont provinces of Virginia, with outliers in Delaware and New Jersey. Seven sites scattered in the outlying States and Ontario are considered disjunct populations.

Isotria medeoloides was listed as endangered on September 10, 1982 (47 FR 39827–39831). At that time, records for the species were known from 48 counties in 16 States and Canada, though there were only 17 known extant sites, in 10 States and Ontario, Canada. These sites had less than 500 stems. Subsequent searches led to the discovery of many new sites. The 1991 census totaled approximately 2,600 stems at 86 sites in 15 States and Canada (U.S. Fish and Wildlife Service 1992); in 1992, 7 additional sites were discovered. A number of States currently have only historic sites, these include Vermont, New York, Maryland, Missouri, and the District of Columbia (Table 1.).

TABLE 1.—ISOTRIA MEDEOLOIDES SITE DISTRIBUTION

State	# Sites 1985	# Sites (# Viable) 1992	# Sites Protected[1] 1992 (# Viable)
Maine	2	16(7)	4(4)
New Hampshire	16	32(15)	9(6)
Massachusetts	1	5(2)	2(2)
Rhode Island	1	1(0)	0(0)
Connecticut	1	1(0)	1(0)
Pennsylvania	1	3(0)	3(0)
New Jersey	2	3(1)	1(0)
Delaware	0	1(0)	0(0)
Virginia	3	9(6)	7(4)
North Carolina	2	5(2)	2(2)
South Carolina	1	4(2)	4(2)
Georgia	1	8(4)	7(4)
Tennessee	0	1(0)	0(0)
Ohio	0	1(0)	1(0)
Michigan	1	1(0)	1(0)
Illinois	1	1(0)	1(0)
Ontario, Canada	1	1(0)	1(0)
Total	34	93(39)	44(24)

[1] Protection as defined in the criteria for reclassification in the Small Whorled Pogonia Recovery Plan: First Revision (U.S. Fish and Wildlife Service 1992), and also discussed below.

The first Small Whorled Pogonia Recovery Plan was completed in 1985. The original objective, outlined in the 1985 recovery plan and based on the best available information at that time, was to locate and protect 30 populations (sites) of at least 20 individuals each, with at least 15 of the sites to be located in New England. Implementation of several recovery tasks generated additional life history and population information, the identification of new sites and protection of those sites deemed important to the survival and recovery of this species. Upon review of new life history and site information, this recovery objective was no longer considered appropriate. Viability, based on the reproductive status and persistence of a population, as opposed to merely a stem count, is now considered to be an important factor in determining the recoverability of this species.

The Small Whorled Pogonia Recovery Plan: First Revision, was completed and approved in 1992. New recovery goals for the reclassification and delisting of *Isotria medeoloides* and tasks for the recovery of this species were developed using the most recent information regarding population trends and dynamics, life history, and previous recovery efforts. The current recovery strategy is based on a multi-faceted approach of habitat protection and management (on a site specific basis), threat reduction, and environmental education.

The 1992 recovery plan determined that reclassification of *Isotria medeoloides* from endangered to threatened would be proposed when a minimum of 25 percent of the known, viable sites (as of 1992) are permanently protected. A site is considered viable if it has a geometric mean (over three years) of 20 emergent stems, of which at least 25 percent are flowering stems. Though not discussed in the recovery plan, an alternative viability definition has since been developed for sites located in the southern part of the range. This definition was based upon information provided by botanists familiar with these small, yet persistent populations (B. Sanders, U.S. Forest Service, pers. comm. 1993). Viability for smaller populations may be considered for those sites where less than 20 stems have persistently emerged for over 15 years. A determination of viability based on a stem count of less than 20 stems would require a long-term commitment to monitoring a site.

In addition to site viability and protection, reclassification would necessitate that the protected, viable sites be distributed proportionally throughout the species' current range. Site protection should include a sufficient buffer zone around the populations to allow the potential for natural colonization of adjacent, unoccupied habitat.

As defined in the 1992 recovery plan, protection can be accomplished through: (1) Ownership by a government agency or a private organization that considers maintenance of the *I. medeoloides* population to be a management objective for the site, or (2) a deeded easement or covenant that effectively commits present and future landowners to protecting the population and allowing the implementation of management activities when appropriate. This high level of landowner commitment to site protection may be critical if it is determined that the species needs management to counteract the loss of nearby unoccupied habitat. The need for habitat management would be reviewed on a site-by-site basis, and be dependent upon strategies developed as a result of the completion of the suggested status surveys of the 1992 recovery plan.

Adequate protection for the purposes of reclassification has been achieved for approximately 50 percent of the viable New England center sites; 57 percent of viable sites in the Virginia center; and 100 percent of the viable sites in the Blue Ridge center. No populations in the outlying States are considered to be viable, through 4 of the 6 extant populations are protected.

The ultimate goal of the 1992 recovery plan is to ensure long-term viability of *Isotria medeoloides*, facilitating the removal of the species from the Federal list. This objective would be reached when a minimum of 61 sites (75 percent of the number of viable sites known in 1992) are permanently protected.

As in the reclassification criteria, the distribution of these sites must be proportionate among the three geographic centers and the outliers. Viable sites for delisting the species are those sites with self-sustaining populations having an average of 20 emergent stems (over a 10-year period), of which an average of 25 percent are flowering stems. The extended period of monitoring time is required to ensure long-term viability, and should factor in the potential for naturally induced dormancy of individual plants. An alternative definition for viability of smaller populations in the southern portion of the small whorled pogonia's range may be considered and substantiated through the recovery process for sites where fewer than 20 stems, of which an average of 25 percent are flowering, have persistently emerged for over 15 years.

Ideally, unoccupied habitat adjacent to existing colonies must also be protected to allow for natural colonization and maintenance of a self-sustaining population. In some cases, only the immediate area encompassing *Isotria medeoloides* populations has been protected, while surrounding habitat has been destroyed. For these sites, management strategies to maintain self-sustaining populations may need to replace the historical availability of additional habitat.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and

regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for reclassifying species on the Federal lists. A species may be listed or reclassified as threatened or endangered due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Isotria medeoloides* (Pursh) Raf., (small whorled pogonia) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Following the listing of *Isotria medeoloides* as endangered, recovery activities carried out by Federal and State agencies, private organizations, and the academic community resulted in the discovery of many new sites. The number of extant sites tripled in the 10 years since the orchid was listed, with approximately 47 percent of the *I. medeoloides* sites afforded some level of protection.

Isotria medeoloides and its habitat continue to be vulnerable to development pressures throughout its range. With the exception of a few States, the upland habitat in which it is found receives limited protection through State or Federal regulatory means when occurring on private land. Residential and commercial development, both directly and indirectly, are primarily responsible for the destruction of *Isotria medeoloides* habitat. Of the 93 extant *I. medeoloides* sites, two States, Maine and New Hampshire, account for 52 percent (48 sites) of all of the known sites. Only 13 of the 48 sites in these two States are protected.

Historical records exist for localities throughout the small whorled pogonia's range. The habitat of many of these known historical sites has been destroyed; for example, sites in Vermont, Maryland, New Jersey, and the District of Columbia were lost to habitat destruction, primarily from development. Recent intensive efforts to relocate historical sites in eastern Pennsylvania, New York, Vermont, and Missouri have been unsuccessful (U.S. Fish and Wildlife Service 1992).

Since the listing of *Isotria medeoloides*, New Hampshire has seen the destruction of a large, viable population by the construction of summer housing and the potential destruction of a second, newly discovered (1992) population. This second population of over 30 stems will most likely be severely impacted, if not destroyed, within the next few years as the habitat is developed for a subdivision. In Virginia, one of the larger sites will most likely be destroyed within the next few years as its habitat, and adjoining suitable habitat, is developed for housing. Without voluntary landowner protection, many more *I. medeoloides* populations could be destroyed as development pressures increase.

Development in areas surrounding *Isotria medeoloides* habitat could be indirectly responsible for habitat destruction as roads, power lines and sewer mains are designed to connect settled areas. In addition, housing developments, though not necessarily directly destroying habitat, may cause the alteration of habitat parameters by creating large, permanent openings in the canopy that in turn encourage denser understory growth or alter soil conditions. Disturbance to populations through increased visitation (however unintentional) from people and pets might also cause direct damage to plants, and eventually a decline in affected populations.

This plant primarily appears to reproduce sexually, though little is known at this time regarding seed dispersal and seed banking. The formation of barriers to seed dispersal, either through development of adjacent habitat or from logging or land clearing, may prevent the recolonization of suitable habitat by naturally declining populations. Careful and selective logging may not necessarily be harmful to a population; however, heavy timbering and clear-cutting may have long-term impacts on *Isotria medeoloides* populations and their habitat. The creation of logging roads and use of heavy machinery that severely alters soil composition could significantly alter the habitat and cause the direct loss of plants.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The 1982 final listing identified the collecting for scientific purposes as contributing to the loss of *Isotria medeoloides* in the past. It was noted that there were as many preserved herbarium specimens as there were known plants in the wild. Since the listing and the release of both recovery plans, collecting for these purposes is no longer considered to be a threat to the species. However, the potential collecting by wildflower garden enthusiasts for transplanting is still great due to the rarity of this orchid. Furthermore, vandalism of populations (either out of capriciousness or for private collections) whose locations were publicized continue to be documented (Rawinski 1986b).

Significant commercial trade in the species is not known or expected in the future, nor is any significant import or export of this species expected. Therefore, taking of *I. medeoloides* for these purposes is not considered to be a factor in its decline.

C. Disease or Predation

Herbivory by white-tailed deer and invertebrates, including slugs and camel crickets, is a known threat of currently unknown extent. Increasing development pressure near *Isotria medeoloides* populations results in the concentration of deer onto smaller parcels of woodland and may affect local hunting pressure (in particular, a lack thereof) on suburban deer populations. As the local deer herd increases and is forced onto less land, with a concurrent increase in competition for food, there is a greater likelihood of herbivory on *Isotria medeoloides*. The precipitous decline of a large Virginia *I. medeoloides* population located near a housing development appears to be primarily due to grazing (Ware 1991).

Additional threats include wild pigs trampling or uprooting *I. medeoloides* plants in the southern portion of the small whorled pogonia's range (B. Sanders, pers. comm. 1993) and trampling and herbivory by moose in the northern portion.

D. The Inadequacy of Existing Regulatory Mechanism

Isotria medeoloides is currently afforded limited protection by the Endangered Species Act. The Act prohibits the removal and possessing of endangered plants from lands under Federal jurisdiction or in knowing violation of any State law or regulation, and prohibits the violation of any regulation pertaining to any endangered or threatened species of plant. Under the Act, Federal agencies are required to ensure that their actions do not jeopardize the continued existence of listed species and must consult (under Section 7 of the Act) when an activity may affect a listed species or critical habitat.

Section 7(a)(1) requires Federal agencies to carry out programs for the conservation of threatened and endangered species. In this respect, several Federal agencies have intensified their search and protection efforts on behalf of *Isotria medeoloides*. In Virginia, the National Park Service has provided funding for research and monitoring, and is seeking ways to prevent disturbance to sites under its jurisdiction. The Department of Defense has also facilitated searches and

monitoring of populations at two bases in Virginia. In Georgia, the U.S. Forest Service has been particularly successful in finding new sites. The Forest Service in this State conducts plant surveys in areas potentially impacted by management activities and regularly monitors known sites (B. Sanders, *in litt.*, 1993).

Consultations under section 7 of the Act provide protection for this species; a road and sewer main near an *Isotria medeoloides* population in Virginia were re-routed to avoid direct destruction of the plants and their habitat. Coordination with State and local agencies, as well as private developers, has resulted in the avoidance of adverse impacts to *Isotria medeoloides* and its habitat. In Connecticut, a trail was re-routed to avoid a population in a State forest.

Some protection through Federal and State legislation has been provided since *Isotria medeoloides* was listed. All States with current and historical populations have cooperative plant agreements with the Fish and Wildlife Service as specified under section 6(c)(2) of the Act. The 1988 amendments to the Act increased protection for plant species not on Federal lands, where State endangered species laws provide specific protection to endangered plant species.

Twenty-five sites have been discovered on lands under State and Federal jurisdiction and are afforded some level of protection. For those populations on private lands, conservation easements or agreements with the landowners have been actively pursued. Eight sites are on lands owned by private conservation organizations, while two other sites have deeded conservation easements ensuring the protection of the plants and their habitat. Some State agencies pursue voluntary registration of *I. medeoloides* sites. While such registration does not guarantee habitat protection, it does seek to recognize the importance of the site in the hopes of voluntary protection on the part of the landowners.

The number of States protecting *I. medeoloides* has increased from six in 1985 to include all States in its present range. With the exceptions of New Jersey, Rhode Island and South Carolina, all States have enacted laws that prohibit the take of State listed plants, including *I. medeoloides*, without the landowner's permission. However, plants growing on privately owned lands are subject to take by the landowner. Massachusetts, Michigan and Vermont provide additional protection to listed plants in that permits are required for take on both private and public lands.

In Georgia, *Isotria medeoloides* is protected under a regional Forest Service Manual regulation, 2670.44 R–8 supp 37. Since this species is Federally listed, it qualifies as a Forest Service Potential Endangered, Threatened or Sensitive (PET) species, and as such should receive a level of protection that will lead to identification of possible recovery opportunities and ensure that no adverse effects occur to plants on lands under the Forest Service's jurisdiction.

If the proposed reclassification to threatened becomes final, there will be no substantive change in the protection afforded this species under these regulatory mechanisms. Existing regulatory mechanisms determined necessary to protect this species and its habitat will remain in effect.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Recovery efforts have been directed toward research and environmental education. Educational materials in the form of posters, brochures and fact sheets were designed and made available to the general public. Ongoing research includes the investigation of mycorrhizal relationships, habitat manipulation to encourage or stabilize *I. medeoloides* populations, and the use of Geographical Information System (GIS) as a tool for developing a predictive habitat model.

Mycorrhizal associations are important factors in the germination and seedling establishment of most orchids. Though a mycorrhizal fungus was isolated from the closely related *Isotria verticillata*, host specific mycorrhizae have not been identified for *I. medeoloides*. Alterations to *I. medeoloides* habitat that adversely affect mycorrhizae would also result in adverse impacts to the orchid. However, until the specific mycorrhizal associate is determined, it will be difficult to understand the effects of subtle habitat alteration on the orchid or the fungal community.

Recent monitoring results indicate a decline in viability of many of the populations that have been followed over a number of years. It appears that no obvious changes have occurred to the habitat of most of these populations and no causes for this decline have been determined. Though life history and demographic studies have provided some clues to the habitat requirements of this species, there is still a large gap in the understanding of what is required to maintain viable populations.

Dormancy of *Isotria medeoloides* plants continues to be a matter of speculation and debate. The 1985 recovery plan provided preliminary information that a small whorled pogonia could remain dormant for 10 to 20 years. To date, this length of dormancy has not been verified. The dormancy period might also vary throughout the range of the orchid. Mehrhoff (1989b) conducted a six-year study and observed that no plants emerged after three or more consecutive years of nonemergence; other studies indicate that plants may be dormant up to four years and that dormancy may vary by year and by site (Brumback and Fyler 1988; Vitt 1991). Without better clarification of specific dormancy periods, it will continue to be difficult to determine if a plant is dead or dormant.

As adjacent, suitable habitat is developed, precluding the natural colonization of suitable habitat, management may be the only alternative for maintaining viable populations. It may be vital to develop habitat management strategies for existing sites in order to maintain self-sustaining populations. Without the knowledge of key habitat characteristics, management and the identification of potential habitat will be impossible. Soil type (including texture and moisture), nutrient availability, overstory cover, understory density, slope position and aspect are some of the habitat characteristics that might be important factors in population viability. Other unknown parameters include the variation of climatological factors and relative humidity throughout the species' range, and how these differences impact population stability, plant reproduction, recolonization and viability.

The dearth in knowledge of habitat characteristics and life history information may result in the further decline of many populations through benign neglect. The 1992 recovery plan identified a number of tasks required to advance the understanding of *Isotria medeoloides* in furtherance of its recovery.

Summary of Status

The dramatic increase in known, extant populations, the protection of 61 percent of the viable sites, and an improved understanding of habitat and life history support the Service's proposal to reclassify *Isotria medeoloides* as threatened, since it is unlikely that the species is in imminent danger of extinction at this time. However, it may still be likely to become an endangered species within

the foreseeable future without additional site protection and further investigation of its life history and habitat parameters.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to reclassify *Isotria medeoloides* from endangered to threatened. New life history and site information gathered by State biologists and academicians, as well as the protection of 47 percent of the known sites and 61 percent of the known viable sites, support this decision.

Available Conservation Measures

If made final, this rule would change the status of *Isotria medeoloides* from endangered to threatened. The final rule would formally recognize that this species is no longer in imminent danger of extinction throughout a significant portion of its range. The proposed reclassification to threatened does not significantly alter the protection for this species under the Act. Protection given to threatened species under sections 7 and 9 of the Act is essentially the same as that given to endangered species, with the exception that seeds from cultivated specimens of threatened plants are exempt from the trade prohibitions of section 9(a)(2) of the Act, provided that a statement of "cultivated origin" appears on their containers. Recovery provisions are the same for threatened species as for endangered species.

Conservation measures prescribed for *Isotria medeoloides* would proceed. The recovery program approved in 1992 prescribes continued efforts to: (1) Protect known *Isotria medeoloides* populations and essential habitat; (2) develop habitat management strategies; (3) manage protected sites; (4) monitor sites and determine viability; (5) survey for new sites; (6) investigate population dynamics and species biology; and (7) provide public information and education.

Many State and Federal agencies continue to monitor extant sites and search for new ones. The application of a predictive model (currently being developed) should further assist in the location of new sites. Investigations into the genetic structure of this species, the mycorrhizal relationships, and the development of habitat management measures have been targeted in the 1992 recovery plan as important tasks. These activities are either ongoing or proposed for the near future. Recovery activities are not expected to diminish as a result of this reclassification since the primary objective of the recovery strategy is delisting of the species.

This action will not be an irreversible commitment on the part of the Service. The action is reversible and reclassifying *Isotria medeoloides* to endangered would be possible should changes occur in management, habitat, or other factors that alter the present threats to the species' survival and recovery.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Isotria medeoloides;*

(2) The location of any additional populations of *Isotria medeoloides;*

(3) Additional information concerning the range distribution, and population size of *Isotria medeoloides;* and

(4) Current or planned activities in the subject area and their possible impacts on *Isotria medeoloides.*

Final promulgation of the regulations on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor (see ADDRESSES section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

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Mehrhoff, L.A. 1980. The reproductive biology of the genus *Isotria* (Orchidaceae) and the ecology of *Isotria medeoloides*. M.S. Thesis, University of North Carolina, Chapel Hill, N.C.

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Author

The primary author of this proposed rule is Susanna von Oettingen (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. § 17.12(h) is amended by revising the entry for *Isotria medeoloides* under the family Orchidaceae to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Orchidaceae—Orchid family:						
*	*	*	*	*	*	*
Isotria medeoloides	Small whorled pogonia	Canada (Ontario) and U.S.A. (CT, DE, GA, IL, ME, MD, MA, MI, MO, NC, NH, NJ, NY, PA, RI, SC, VA, VT).	T	121	NA	NA
*	*	*	*	*	*	*

Dated: September 29, 1993.

Richard N. Smith,

Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–25578 Filed 10–18–93; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 58, No. 200
Tuesday, October 19, 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

Office of the Secretary

Members of Performance Review Boards

AGENCY: U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: This notice announces the appointment of members of the Performance Review Boards (PRBs) for the U.S. Department of Agriculture (USDA). The USDA Performance Review Boards provide fair and impartial review of Senior Executive Service (SES) performance appraisals and make recommendations to the Secretary of Agriculture, regarding final performance ratings, performance awards, pay adjustments, and Presidential Rank Awards for SES members.

EFFECTIVE DATE: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Barbara Holland, Executive Resources and Services Division, Office of Personnel, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC 20250, (202) 720–6047.

SUPPLEMENTARY INFORMATION: The publication of PRB membership is required by section 4314(c)(4) of title 5, U.S.C. The following membership list represents a standing register, from which specific PRBs will be constituted.

Acord, Bobby R.
Ahalt, J. Dawson
Alexander, Michael
Allen, Richard Dean
Allen, Richard F.
Alspach, David B.
Andreuccetti, Eugene E.
Army, Thomas J.
Arnesen, John H.
Arnold, Richard W.
Arnoldi, Joan M.
Babcock, Stephen L.
Backus, Richard R.
Bagley, Edward B.
Bange, Gerald
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Barnes, Donald K.
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Barton, Michael A.
Bauer III, Henry A.
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Bembry, Lawrence
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Berg, Joel
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Burns, Dennie G.
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Callstrom, Raymond C.
Carey, Ann E.
Carlson, William D.
Carnevale, Richard A.
Carter, Mary E.
Cherry, John P.
Cipolla, Ronald D.
Clark, Cynthia
Clayton, Kenneth C.
Cohen, Kenneth E.
Collins, Keith J.
Comanor, Joan M.
Connelly, Kathleen
Conrad, Virgil L.
Conway, Roger
Conway, Thomas V.
Cross, Robert
David, Irwin T.
Deavers, Kenneth L.
Dewhurst, Stephen B.
Donald, James R.
Dornbusch, August J.
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Dubbert, William H.
Duesterhaus, Richard L.
Duffus, James E.
Duncan, Charles N.
Dunkle, Richard L.
Ebbitt, James R.
Elder, Alfred S.
Engel, Ronald E.
Erickson, John R.
Estill, Elizabeth
Evans, Reba Pittman
Evans, Gary R.
Fenton, Robert
Finney, Jr., Essex E.
Fishman, Michael
Fitzgerald, Oleta G.
Fitzpatrick, Jr., Martin F.
Foxworthy, Darold D.
Franco, Robert
Galliart, David R.
Gardener, Jr., William Earl
Geasler, Mitchell Ray
Gelburd, Diane E.
Gerloff, Eldean D.
Gifford, Claude W.
Giles, Jane L.
Gilliland, James S.
Gillum, Charles R.
Galvin, Margaret Agnes
Glosser, James W.
Goggans, Miles M.
Golden, John
Gonter, Robert W.
Greene, Frank
Greenshields, Bruce L.
Haas, Ellen A.
Hadlock, Earl C.
Hall, John W.
Hall, David C.
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Harris, Sharron L.
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Lewis, Sherman L.
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Miranowski, John A.
Mircetich, Srecko M.
Montrey III, Henry M.
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Moos, Eugene
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Mosley, Everett L.
Murrell, Kenneth D.
Mussman, Harry C.
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Nelson, Robert D.
Nelson, Allen D.
Nelson, Edgar H.
Nervig, Robert M.
Newman, James B.
Newsom, Conrad M.
Nies, Arthur H.
Norcross, Marvin A.
Novotny, Donald J.
O Brien, Patrick Michael
Oberlander, Herbert
Ohler, Barry A.
Okay, John L.
Oltjen, Robert R.
Oneil, Barbara T.
Oneth, Harry W.
Onstad, Charles
Overbay, James C.
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Peer, Wilbur
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Peters, Robert
Peterson, Kenneth R.
Peterson, John W.
Philpot, Charles W.
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Shipman, David R.
Simmons, Robert M.
Sirmon, Jeff M.
Skeen, David
Slagle, Larry B.
Small, Gordon H.
Smith, Dallas R.
Smythe, Richard V.
Sommers, William T.
Space, James C.
Spence, Joseph
Sprague, G. Lynn
Springfield, James E.
Squellati, Clarence P.
Steele, W. Scott
Stewart, James L.
Stewart, Ronald E.
Stewart, Bobby A.
Still, Gerald G.
Stockton, Jr., Blaine D.
Stolfa, Patricia F.
Strating, Alfred
Stuber, Charles W.
Tallent, William H.
Tankersley, Howard C.
Tharrington, Ronnie O.
Thiermann, Alejandro B.
Thomas, Irving W.
Tidd, Peter M.
Torgerson, Randall E.
Townsend, Jr., Wardell C.
Unger, David G.
Vail, Kenneth H.
Valsing, D. Charles
Van Schilfgaarde, Jan
Vance, John A.
Vogel, Frederic A.
Vogel, Ronald J.
Jensen, Patricia
Elias, Thomas
Williams, Anthony
Brewster-Walker, Sandra
Von Garlem, Thomas A.
Wachs, Lawrence
Walker, Larry A.
Wallace, William S.
Wallace, Joan S.
Walsh, Thomas M.
Watkins, Calvin W.
Webb, Aileen
Weber, Barbara C.
Weber, Bruce R.
Weisman, Sandra L.
White, Evelyn M.
White, Donald L.
Whiteman, Glenn
Wilcox, Sterling J.
Wilder, Manly S.
Williams, John W.
Williamson, Robert L.
Williamson, Robert M.
Willis, James D.
Wilson, Edward M.
Wilson, Jr., Larry
Witt, Timothy B.
Woods, Monroe
Wright, Lloyd E.
Zellers, Phillip

Mike Espy,

Secretary.

[FR Doc. 93–25530 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–96–M

Foreign Agricultural Service

Meeting of Advisory Committee on Emerging Democracies

AGENCY: Foreign Agricultural Service, Agriculture.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the second meeting of the Advisory Committee on Emerging Democracies will be held October 28–29, 1993. The purpose of the committee is to provide information and advice, based upon knowledge and expertise of the members, useful to the U.S. Department of Agriculture (USDA) in implementing the program on sharing agricultural expertise with emerging democracies. The committee will also advise USDA on ways to increase the involvement of the U.S. private sector in cooperative work with emerging democracies in food and rural business systems.

DATES: The meeting will be held Thursday, October 28, 1993 from 9 a.m. to 5 p.m., and Friday, October 29 from 9 a.m. to 1 p.m. Both meetings will be held at the U.S. Department of Agriculture in Washington, DC.

SUPPLEMENTARY INFORMATION: The minutes of the meeting announced in this Notice shall be available for review. Any members of the public may provide comments in writing to the Emerging Democracies Office at the address above, but should not make any oral comments at the meeting unless invited to do so by the Co-chairpersons.

Signed at Washington, DC, October 13, 1993.

Philip L. Mackie,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 93–25532 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–10–M

Forest Service

Exempt Decision for Aladdin Blow-down Salvage Sale From Appeal, Colville National Forest, WA

AGENCY: Forest Service, USDA.

ACTION: Notice to exempt decision from administrative appeal.

SUMMARY: This is a notification that the decision to implement Aladdin blow-down Salvage Sale on the Colville Ranger District of the Colville National Forest is exempt from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the **Federal Register** on January 23, 1989 (54 FR 3342).

EFFECTIVE DATE: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Edward L. Schultz, Forest Supervisor, Colville National Forest, 765 South Main, Colville, Washington 99114, or Meredith Webster, Colville District Ranger, 755 South Main, Colville, Washington, 99114, phone (509) 684–4557.

SUPPLEMENTARY INFORMATION: During Memorial Day weekend of 1993 there was a severe wind storm that damaged approximately 10 acres of timber in one timber sale area on the Colville Ranger District. The affected area is located within a suitable stand for timber management.

In the summer of 1993, the stand, where the proposed Aladdin Blow-down Salvage is located, was identified as a potential salvage sale area. This area is authorized for timber harvesting under the Colville National Forest Land and Resource Management Plan. The management direction for this area is Management Area 7, Timber/Forage, which provides optimum production of timber products while protecting basic resources.

In July of 1993, the Colville District Ranger proposed the salvage of these wind-thrown trees. Analysis was started in August of 1993, with letters being sent to individuals, State and Federal agencies and other interested parties discussing the proposed salvage sale. Issues identified were: Size of salvage; fuel hazard; the location of individual Pacific yew trees; and protection of sensitive plant species site.

The Aladdin Blow-down Salvage analysis proposes to harvest approximately 10 acres of wind-thrown trees scattered over an area of approximately 700 acres. Net volume estimates based on field reconnaissances from the summer of 1993 indicate that the harvest would produce about 117,000 board feet of timber. There would be no road construction associated with this salvage project.

An interdisciplinary team determined the need to salvage the wind-damaged and disease-infested timber in as short a time as possible so the logs would remain merchantable. Merchantable timber in the area averages 16 inches in diameter. Rapid drying of dead trees, which results in cracking or "checking", especially in the white woods and smaller diameter trees, will quickly reduce the merchantability of these trees.

In some areas, only individual trees within a fully stocked stand were blown down, which precludes the need to reforest these areas. In some areas, the scarification of the soils by logging operations and the site preparation will facilitate the natural regeneration of existing stands, which will help establish new stands more quickly. Using natural regeneration will result in a more diverse stand in the future. There are adequate seed sources in the adjacent stands and within the wind-created openings.

The area has been surveyed for cultural resources, with no new sites located. A biological evaluation of the area determined that the proposed project would have "no effect" on threatened, endangered, or sensitive species of wildlife or plants.

The sale and accompanying work is designed to accomplish the objectives as quickly as possible, protect area resources, minimize the amount of merchantable salvage volume lost, and the amount of potential volume growth lost. Based upon this environmental analysis for this salvage, I have determined that good cause exist to exempt the Aladdin Blow-down Salvage from administrative appeal (36 CFR part 217). Under this Regulation the following is exempt from appeal:

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

After publication of this notice in the **Federal Register**, the Decision Memo for Aladdin Blow-down Salvage Sale may be signed by the Colville District Ranger. Therefore, this project will not be subject to review under 36 CFR part 217.

Dated: October 13, 1993.

Jerry L. Monesmith,

Acting Deputy Regional Forester.

[FR Doc. 93–25580 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–11–M

Establishment of Coeur D'Alene Purchase Unit

AGENCY: Forest Service, USDA.

ACTION: Notice of establishment of Coeur D'Alene Purchase Unit.

SUMMARY: On September 20, 1993, the Assistant Secretary, Natural Resources and Environment, created the Coeur D'Alene Purchase Unit. This purchase unit comprises 160 acres, more or less, within Kootenai County, Idaho. A copy of the establishment document which includes the legal description of the lands within the purchase unit appears at the end of this notice.

EFFECTIVE DATE: The effective date of this purchase unit was September 20, 1993.

ADDRESSES: A copy of the map showing the purchase unit is on file and available for public inspection in the Office of the Chief of the Forest Service, Auditor's Building, 201 14th Street SW., Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: Ralph Bauman, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090 (202) 205–1248.

Dated: October 1, 1993.

James C. Overbay,

Deputy Chief.

Establishment of Coeur D'Alene Purchase Unit, Kootenai County, Idaho

Pursuant to the Secretary of Agriculture's authority under Section 17, P.L. 94–588 (90 Stat. 2949), the Coeur d'Alene Purchase Unit is being

created in Kootenai County, Idaho. The lands within the purchase unit are described as follows:

Kootenai County, Idaho, Guide Meridian

T. 48 N., R. 2 W.
Sec. 16: W1/2W1/2.

The area described contains 160 acres, more or less, and is adjacent to the Coeur d'Alene National Forest.

These lands are well suited for watershed protection and meet the requirements of the Act of March 1, 1911, as amended.

Dated: September 20, 1993.

James R. Lyons,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 93–25643 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–11–M

Prichard Creek Analysis Area, Idaho Panhandle National Forests, Shoshone County, ID; Draft Environmental Impact Statement

ACTION: Notice of availability of the draft environmental impact statement for proposed activities in the Prichard Creek Analysis Area.

DATES: The comment period on this draft environmental impact statement ends December 3, 1993.

ADDRESSES: Send written comments to District Ranger, Wallace Ranger District, P.O. Box 14, Silverton, ID 83867.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and environmental impact statement should be directed to Don Garringer, Planning Staff Officer, Wallace Ranger District, Idaho Panhandle National Forests, P.O. Box 14, Silverton, ID 83867. Phone: (208) 752–1221.

SUMMARY: The notice is hereby given that the Forest Service has prepared a Draft Environmental Impact Statement (DEIS) documenting a landscape-level approach to ecosystem management in the Prichard Creek Project Area. The area is located approximately 12 air miles northeast of Wallace, Idaho, and is approximately 29,700 acres in size.

Public participation is important. People may visit with Forest Service officials at any time prior to the decision, however, it is very important that public comment be made available to the Forest Service during review of this Draft EIS. After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service in preparing the Final Environmental Impact Statement (FEIS). The FEIS is scheduled to be completed by January, 1994. The Forest Service will respond to the comments received from the DEIS in the FEIS.

The District Ranger is the responsible official for this EIS, and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

SUPPLEMENTARY INFORMATION: A very specific proposed action was developed for the area, and included timber harvest, reforestation activities and watershed rehabilitation, through implementation of timber sales. The scope of the proposed action is limited to timber harvesting, reforestation, Precommercial thinning, related road construction, road obliteration, reconstruction activities and stream channel restoration. During development of the proposed action and alternatives to the proposed action, emphasis has been placed on the water resource needs and visual concerns of local residents.

Five alternatives were developed, including a No-Action Alternative. Alternative 6 is the alternative preferred by the Forest Service. Under Alternative 6, the harvest of green, dead and dying timber would be implemented in three separate but related projects. The projects would produce an estimated 10.5 million board feet of timber and treat 22 timber harvest units. Harvest methods include commercial thin, overstory removal, group selection and group shelterwood using helicopter, cable yarding and tractor. In this proposal 5.69 miles of road will be constructed, 1.36 miles will be reconstructed and 13.08 will be reconditioned. Approximately 80 acres will be precommercially thinned. After all activities are done in the area the new roads and some existing non-system roads will be obliterated while a few miles of stream course will undergo restoration.

Management activities would be administered by the Wallace Ranger District of the Idaho Panhandle National Forests in Kootenai County, Idaho. This DEIS will tier to the Forest Plan (September 1987) which provides the overall guidance (Goals, Objectives, Standards and Guidelines, and Management Area direction) in achieving the desired future condition for this area.

The agency invites written comments and suggestions on the issues and management opportunities in the area being analyzed. Written comments concerning the scope of the analysis must be received within 45 days from the date of publication in the **Federal Register**.

Dated: October 4, 1993.

Steve Williams,

District Ranger, Wallace Ranger District, Idaho Panhandle National Forests.

[FR Doc. 93–25391 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–11–M

Upper Wahoo Timber Sale, Wallowa-Whitman National Forest, Baker County, OR

AGENCY: USDA, Forest Service.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On May 9, 1991, a notice of intent to prepare an environmental impact statement (EIS) for the Upper Wahoo Timber Sale on the Wallowa-Whitman National Forest was published in the **Federal Register** (56 FR 21469). A notice of availability for the draft EIS was published in the **Federal Register** on May 21, 1993 (58 FR 29578), with a comment period on the draft EIS ending July 6, 1993. Due to additional analysis and interim management requirements from the Regional Forester's 8/18/93 letter on "Interim Approach for Sale Preparation, Eastside Forests," I have decided to terminate this environmental analysis process. When data are available and management direction is developed in response to Assistant Secretary Lyons' direction for the Agency to perform an Eastside assessment on ecosystem management, I will evaluate whether to initiate the process again. Therefore, there will be no final EIS for Upper Wahoo Timber Sale.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Joanne Britton, Environmental Coordinator, 3165 10th Street, Baker City, Oregon 97814 or telephone (503) 523–4476.

Dated: October 7, 1993.

Charles L. Ernst,

District Ranger.

[FR Doc. 93–25579 Filed 10–18–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy; Amendment to Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of amendment to final results of antidumping duty administrative review.

On July 26, 1993, the Department of Commerce published the final results of its 1991-92 administrative review of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof, from Italy. The classes or kinds of merchandise covered by these reviews were ball bearings and parts thereof, and cylindrical roller bearings and parts thereof. These reviews were for the period May 1, 1991 through April 30, 1992. Based on the correction of a clerical error, we have changed the margin for ball bearings for one of the reviewed firms, FAG-Italia S.p.A..

EFFECTIVE DATE: October 19, 1993.

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

SUPPLEMENTARY INFORMATION:

Background

On July 26, 1993, the Department of Commerce (the Department) published in the **Federal Register** (58 FR 39729) the final results of its administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof, from Italy. The classes or kinds of merchandise covered by these reviews were ball bearings and parts thereof (BBs) and cylindrical roller bearings and parts thereof (CRBs) from Italy. These reviews covered the period May 1, 1991 through April 30, 1992.

After publication of our final results, we received a timely allegation of clerical error from one of the respondents, FAG-Italia S.p.A.. We agree with the allegation of clerical error. Although the final results are currently the subject of litigation before the Court of International Trade (CIT), by order dated September 17, 1993, the CIT directed the Department to correct this error.

Amended Final Results of Review

In its calculations of dumping margins, the Department corrected the following ministerial error:

For FAG, with respect to BBs and CRBs, we corrected a database merge error by replacing abbreviated product codes with extended product codes. The extended product codes enabled us to make matches with home market sales models where there were previously no matches and to eliminate the use of best available information for these particular transactions.

As a result of our correction of clerical error, we have determined the following weighted-average margins to exist for the period May 1, 1991 through April 30, 1992:

Country	Company	Class or kind	Rate
Italy	FAG	BBs	05.19%
		CRBs	25.88% (unchanged)

Based upon these rates, the Department will instruct the Customs Service to collect cash deposits of estimated antidumping duties and to assess antidumping duties on all appropriate entries in accordance with the procedures discussed in the final results of these reviews (58 FR 39732).

These deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and 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.

This notice is published in accordance with section 751(f) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(f)) and 19 CFR 353.28(c).

Dated: October 15, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-25782 Filed 10-18-93; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-822]

Antidumping Duty Order: Certain Helical Spring Lock Washers From the People's Republic of China

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

EFFECTIVE DATE: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: William Crow, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230: (202) 482-0116.

Case History

On September 27, 1993, Hangzhou Spring Washer Plant and the American Association of Fastener Imports (respondents) alleged that the Department made several clerical errors in its final determination regarding the margin calculations. If we determine that there were clerical errors in the final determination, there may be an amended final determination and antidumping duty order.

Scope of Order

For purposes of this investigation, certain helical spring lock washers (HSLWs) are circular washers of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non heat-treated, plated or non-plated, with ends that are off-line. HSLWs are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other

metals, such as copper. The lock washers subject to this investigation are currently classifiable under subheading 7318.21.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Antidumping Duty Order

In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on September 13, 1993, the Department of Commerce (Department) made its final determination that certain HSLWs from the People's Republic of China (PRC) are being sold at less than fair value (58 FR 48833 September 20, 1993). On October 8, 1993, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that an industry in the United States is threatened with material injury by reason of such imports. The ITC did not determine, pursuant to section 735(b)(4)(B) of the Act, that but for the suspension of liquidation of entries of certain HSLWs from the PRC, the domestic industry would have been materially injured.

When the ITC finds threat of material injury, and makes a negative "but for" finding, the "Special Rule" provision of section 736(b)(2) applies. Therefore, all unliquidated entries, or warehouse withdrawals, for consumption of certain helical spring lock washers from the PRC made on or after October 15, 1993, the date on which the ITC proposes to publish its notice of final determination of threat of material injury, will be liable for the assessment of antidumping duties. The Department will direct U.S. Customs officers to terminate the suspension of liquidation for entries entered, or withdrawn from warehouse, for consumption before October 15, 1993, and to release any bond or other security, and refund any cash deposit, posted to secure the payment of estimated antidumping duties with respect to these entries.

The Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of certain helical spring lock washers from the PRC. These antidumping duties will be assessed on all unliquidated entries of certain helical spring lock washers from the PRC entered, or withdrawn from warehouse, for consumption on or after October 15, 1993. U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise.

Manufacturers/producers/exporters	Margin percentage
Hangzhou Spring Washer Plant	77.47
Hangzhou via IFI Morgan Limited	77.47
Hangzhou via Carway Development Limited	77.47
Hangzhou via Midway Fasteners Ltd	77.47
Hangzhou via Linkwell Industry Co., Ltd	77.47
Hangzhou via Fastwell Industry Co., Ltd	77.47
Hangzhou via Sunfast International Corp	77.47
Hangzhou via Winner Standard Parts Co., Ltd	77.47
All others	128.63

This notice constitutes the antidumping duty order with respect to certain helical spring lock washers from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: October 14, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–25712 Filed 10–18–93; 8:45 am]

BILLING CODE 3510–DS–P

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews; Decision of Panel

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of decision of panel.

SUMMARY: On October 6, 1993, a Binational Panel issued its decision in the review of the Final Affirmative Antidumping Duty Determination made by the Department of Commerce, International Trade Administration, Import Administration, respecting Pure Magnesium from Canada, Secretariat File No. USA–92–1904–04. The panel affirmed the Department of Commerce Redetermination pursuant to remand in all respects. A copy of the complete panel decision is available from the Binational Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 377–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The Rules were further amended and a consolidated version of the amended Rules was published in the **Federal Register** on June 15, 1992 (57 FR 26698). The panel review in this matter was conducted in accordance with these Rules.

Background

On August 16, 1993, at the request of the Department and with the consent of the other participants, the Binational Panel remanded the final determination to the Department of Commerce, for further action.

On May 27, 1993 the Department of Commerce filed its redetermination pursuant to remand which allowed adjustments for certain elements of the constructed value as contended by Norsk Hydro Canada, Inc. such that the dumping margin and the antidumping duty was reduced from 31.33% to 21% ad valorem.

Following further comments on the redetermination and an oral hearing on July 8, 1993, the panel issued its decision on October 6, 1993.

Panel Decision

The panel affirmed the Department of Commerce redetermination pursuant to remand in all respects.

Dated: October 13, 1993.

James R. Holbein,

U.S. Secretary, FTA Binational Secretariat.

[FR Doc. 93–25509 Filed 10–18–93; 8:45 am]

BILLING CODE 3510–GT–M

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award's Board of Overseers

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that there will be a meeting of the Board of Overseers of the Malcolm Baldrige National Quality Award on Tuesday, November 9, 1993, from 8:30 a.m. to 4 p.m. The Board of Overseers consists of six members prominent in the field of quality management and appointed by the Secretary of Commerce, assembled to advise the Secretary of Commerce on the conduct of the Baldrige Award. The purpose of the meeting on November 9, 1993, will be for the Board of Overseers to receive and then discuss reports from the National Institute of Standards and Technology with the Panel of Judges of the Malcolm Baldrige National Quality Award. These reports will cover the following topics: overview of the 1993 award program; report by the contractor, American Society for Quality Control; report by the chairman of the Judges Panel; discussions of plans for the 1994 award (outline key issues and plans and then outline recommendations), develop recommendations and report same to the Director of the National Institute of Standards and Technology.

DATES: The meeting will convene November 9, 1993 at 8:30 a.m., and adjourn at 4 p.m. on November 9, 1993.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Building 221, room A366, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT:

Dr. Curt W. Reimann, Director for Quality Programs, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2036.

Dated: October 12, 1993.

Samuel Kramer,

Associate Director.

[FR Doc. 93–25520 Filed 10–18–93; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 101393A]

Gulf of Mexico Fishery Management Council; Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council's (Council) Ad Hoc Advisory Panel (Panel), consisting of fishermen who use various types of traps and of law enforcement personnel, will meet on October 26, 1993, at the Council Office Conference Room, 5401 West Kennedy Boulevard, Tampa, FL; telephone: (813) 228–2815. The meeting will be held from 8 a.m. until 4 p.m.

The Panel will meet to assist the Council in constructing a legal definition of fish traps.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Beverly Badillo at the above address by October 19.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331, Tampa, FL; telephone: 813–228–2815.

Dated: October 13, 1993.

David S. Crestin,

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

[FR Doc. 93–25656 Filed 10–18–93; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 101393B]

Gulf of Mexico Fishery Management Council; Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council's (Council) Mackerel Advisory Panel (Panel) will meet on October 26, 1993, at the Ramada Airport Hotel and Conference Center, 5303 West Kennedy Boulevard, Tampa, FL; telephone: (813) 877–0534. The meeting will begin at 9 a.m. and adjourn at 3 p.m.

The Panel will review Draft Amendment #7 to the Fishery Management Plan for Coastal Migratory Pelagics (which involves commercial king mackerel allocations off South Florida) to provide recommendations to the Council at its November 17–18, 1993, meeting in Biloxi, Mississippi.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Beverly Badillo at the above address by October 19.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL; telephone: 813–228–2815.

Dated: October 13, 1993.

David S. Crestin

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

[FR Doc. 93–25657 Filed 10–18–93; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 101393C]

Pacific Fishery Management Council; Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Halibut Advisory Subpanel (Subpanel) will hold a public meeting on October 27, 1993, in the Clackamass Room of the Red Lion—Jantzen Beach, 909 North Hayden Island Drive, Portland, OR. The meeting will begin at 8 a.m.

The Subpanel's agenda is as follows:

(1) Discuss the Pacific halibut catch sharing plan for the 1994 season; and

(2) Discuss the ramifications of a pending court order concerning treaty Indian halibut fisheries for 1994 and future years.

Representatives of management agencies will meet with the Subpanel.

The Council will meet November 15–19, 1993, near San Francisco to adopt its allocation recommendations for 1994. The Subpanel may also discuss a process for addressing halibut proposals for the 1995 season.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326–6352.

Dated: October 13, 1993.

David S. Crestin,

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

[FR Doc. 93-25658 Filed 10-18-93; 8:45 am]

BILLING CODE 3510-22-P

Patent and Trademark Office

Request for Comments on Intellectual Property Issues Involved in the National Information Infrastructure Initiative

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of hearing and request for public comments.

SUMMARY: The Working Group on Intellectual Property of the Information Policy Committee of the National Information infrastructure (NII) Task Force is developing proposals for protecting works disseminated via the National Information Infrastructure from unauthorized use. To ensure that the Working Group's proposals are based on the views of all interested parties, the Working Group will hold a hearing on the intellectual property issues involved in the National Information Infrastructure initiative. Written comments may also be submitted.

DATES: The public hearing will be held on November 18, 1993, from 9 a.m. to 5 p.m. Requests to attend the hearing or to present oral testimony at the hearing should be received on or before November 8, 1993. Written comments of those persons offering testimony at the hearing that are related to the testimony should be submitted on or before November 8, 1993. All other written comments are due on or before December 10, 1993.

ADDRESSES: The hearing will be held in Marriott's Crystal Forum, a part of the Crystal City Marriott Hotel located in The Underground, 1999 Jefferson Davis Highway, Arlington, Virginia. Written comments and requests to present oral testimony should be submitted to the Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, Box 4, Washington, DC 20231, marked to the attention of Terri A. Southwick, Attorney-Advisor, Office of Legislation and International Affairs. Written comments and a transcript of the hearing will be made available for public inspection in room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Terri A. Southwick by telephone at (703) 305-9300 or by telefax at (703) 305-8885 or by mail marked to her attention and addressed to the Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, Box 4, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The National Information Infrastructure is a system of high-speed telecommunications networks, databases, and advanced computer systems that will make electronic information and entertainment products more widely available and accessible to the public than ever before. This increased availability and accessibility will dramatically affect the way information and entertainment products are created, marketed and delivered throughout the world. Consequently, the commercial viability of the NII hinges not only upon effectively promoting and encouraging use of the NII by all types of users, but also on implementing standards and policies for the NII in a manner that assures that the owners of products disseminated through the NII retain sufficient control over these products to prevent unauthorized use. In this regard, it is essential that the public and private sectors collaborate to ensure that the interests of owners and users of intellectual property are adequately considered in any standards and policies that are established.

On February 22, 1993, the President announced his plan to create a White House Information Infrastructure Task Force (IITF) to work with Congress and the private sector to develop comprehensive telecommunications and information policies aimed at articulating and implementing the Administration's vision for the NII. The IITF is chaired by the Secretary of Commerce and consists of three committees—the Telecommunications Policy Committee, the Information Policy Committee, and the Applications Committee. Within the Information Policy Committee there are three working groups—the Working Group on Intellectual Property Rights, the Working Group on Privacy, and the Working Group on Federal Information.

The Working Group on Intellectual Property Rights, which is chaired by the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, was established to resolve issues of concern to copyright and other intellectual property owners regarding the distribution of their works via the NII. The Working Group's mission is to help develop the NII in a manner that will ensure the integrity of intellectual property rights, make the wealth of information and entertainment products more widely available and accessible than ever before, and provide economic incentives to intellectual property rights owners so that they will make their products available through the NII.

The Working Group solicits testimony and written comments addressing one or more of the following issues:

- Is the existing copyright law adequate to protect the rights of those who will make their works available via the NII? What statutory or regulatory changes, if any, should be made?
- Do the existing fair use provisions of the copyright law adequately accommodate the interests of users of the works available via the NII? What statutory or regulatory changes, if any, should be made?
- Should standards or other requirements be adopted for the labeling or encoding of works available via the NII so that copyright owners and users can identify copyrighted works and the conditions for their use?
- Should standards be established to encourage or require the intercommunication or exchange of information and the interoperability of the different types of computer software and systems supporting or utilizing the NII?
- Should a licensing system be developed for certain uses of any or all works available via the NII? If so, should there be a single type of licensing or should the NII support a multiplicity of licensing systems?
- Are there technical means for preventing unauthorized reproduction or other unauthorized uses of copyrighted works that should be mandated or required to comply with certain standards (similar to the serial copying controls required in digital audio recording devices and digital audio interface devices under the Audio Home Recording Act of 1992)?
- What types of educational programs might be developed to increase public awareness of intellectual property laws, their importance to the economy, and their application to works available via the NII?

The public is invited to submit written comments, and any appropriate supporting material, on the issues set forth above or any related issues. Those submitting comments must include their name and/or professional affiliation.

Dated: October 13, 1993.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Tademarks.

[FR Doc. 93-25592 Filed 10-18-93; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

Title, Applicable forms, and OMB control number: Defense Outplacement Referral System (DORS) and Public and Community Service (PACS) Registry Programs; DD Forms 2580, 2581, and 2581–1; OMB Control Number 0704–0324.

Type of request: Expedited Processing; Approval date requested: 30 days following publication in the Federal Register.

Number of respondents: 26,000.

Responses per respondent: 1.5.

Annual responses: 38,000.

Average burden per response: 12 minutes.

Annual burden hours: 7,767.

Needs and uses: The information collected hereby is used to enroll spouses of separating DoD personnel in the Defense Outplacement Referral System (DORS). In accordance with 10 U.S.C. 1143 and 1144, the information is provided to private and public employers, including local, state, and Federal employment and outplacement agencies, as notice of available individuals with interest in potential employment. In accordance with 10 U.S.C. 1143a(c), the Public and Community Service (PACS) Registry provides PACS organizations with information regarding the availability of individuals with interest in working in a PACS organization.

Affected public: Individuals or households; State or local governments, Businesses of other for-profit, Federal agencies or employees; Non-profit institutions, and Small businesses or organizations.

Frequency: On occasion.

Respondent's obligation: Required to obtain or retain a benefit.

OMB desk officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD clearance officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce at WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: October 13, 1993.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–04–M

OPERATION TRANSITION
DEPARTMENT OF DEFENSE OUTPLACEMENT AND REFERRAL SYSTEM/ PUBLIC AND COMMUNITY SERVICE INDIVIDUAL APPLICATION

Form Approved
OMB No. 0704-0324
Expires May 31, 1994

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0324), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES.
RETURN COMPLETED FORM TO YOUR LOCAL MILITARY TRANSITION OFFICE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1143, 1144; EO 9397

PRINCIPAL PURPOSE(S): To assist separating DoD personnel and their spouses in securing employment. Individuals participating in the Defense Outplacement Referral System (DORS) and Public and Community Service Registry will have their employment skills included in a data base designed to link prospective employers with DORS and Public and Community Service applicants.

ROUTINE USE(S): To public and private employers (including Federal, State, and local employment agencies and outplacement agencies, public and community service agencies).

DISCLOSURE: Voluntary; however, failure to provide all requested information will result in applicant data not being included in the system.

If you are an active duty Servicemember, the following information will be added to your job referral form from your official military personnel records, if available: Rank, Years of Service, Most Recent Primary Occupation, and Branch of Service and Security Clearance. Information on race, ethnic background, sex, age, marital status, and religious preference will not be released to employers. Operation Transition is an equal opportunity program.

SECTION I - TO BE FILLED OUT BY ALL APPLICANTS *(Print or Type)*

1. REGISTRATION REQUEST *(Check all that apply)*

☐ DORS ONLY	☐ PUBLIC AND COMMUNITY SERVICE ONLY	☐ BOTH

2a. NAME *(Last, First, Middle Initial)*	2b. SOCIAL SECURITY NUMBER	3. DATE AVAILABLE FOR WORK *(YYMMDD)*

4. FILING STATUS *(X all that apply)*

a. **MILITARY** *(Branch of Service)*
- ☐ (1) Army
- ☐ (2) Navy
- ☐ (3) Marine Corps
- ☐ (4) Air Force

☐ b. SPOUSE OF ACTIVE DUTY MILITARY OR CIVIL SERVICE EMPLOYEE

☐ c. CIVIL SERVICE EMPLOYEE

5. U.S. CITIZEN *(X one)* ☐ YES ☐ NO

6. ADDRESS *(For next 6 months) (Street, City, State, Country, and Zip Code)* **AND TELEPHONE NUMBER** *(Include Area Code)*

a. ADDRESS LINE 1	f. COUNTRY CODE
b. ADDRESS LINE 2	g. FOREIGN ZIP CODE
c. CITY	h. U.S. TELEPHONE NUMBER
d. STATE / e. U.S. ZIPCODE	i. FOREIGN TELEPHONE NUMBER

7a JOB TYPE PREFERENCES *(See Instructions for job codes) (Enter one digit per block)*	b. INCLUDE MAJOR DUTIES ON RESUME? *(X one)*	8. REGIONAL WORK PREFERENCE *(See Instructions) (Enter one digit per block)*	9. SPECIFIC WORK PREFERENCES *(Nearest large town or city within commuting distance - does not have to be in region)*	
			a. STATE	b. CITY
	☐ Yes		(1)	
	☐ No		(2)	

10. HIGHEST EDUCATION LEVEL ACHIEVED *(X one)*

☐ a. Non-High School Graduate	☐ f. Bachelor's Degree
☐ b. High School Graduate or GED	☐ g. Post Bachelor's Degree
☐ c. Less than 2 years of college	☐ h. Master's Degree
☐ d. Associate Degree or equivalent	☐ i. Post Master's Degree
☐ e. Less than 4 years of college	☐ j. Doctorate Degree

11. YEAR ACHIEVED	12. SUBJECT OF DEGREE *(If applicable)*	13. COLLEGE / UNIVERSITY FROM WHICH DEGREE ACHIEVED *(If applicable)*

14. PERSONAL INFORMATION (See Instructions). (Please provide no more than 10 lines (76 spaces per line; maximum of 760 spaces). Database limitations do not permit entering additional personal information.)

DRAFT

SECTION II - SPOUSE
(Military Member - Go to Section III)

15. SPONSOR DATA

a. NAME (Last, First, Middle Initial)	b. SOCIAL SECURITY NUMBER

16. YOUR JOB HISTORY (See Instructions for job codes) (Enter one digit per block)

	a. JOB CODE	b. LENGTH OF TIME JOB HELD	
(1) CURRENT JOB		YEARS	MONTHS
(2) PRIOR JOB		YEARS	MONTHS
(3) PRIOR JOB		YEARS	MONTHS

17. HAVE YOU EVER HELD A SUPERVISORY POSITION? (X one)

☐ YES ☐ NO

18. HAVE YOU EVER HELD A SECURITY CLEARANCE? (X one)

☐ YES ☐ NO

SECTION III - ALL APPLICANTS MUST READ AND SIGN

19. AUTHORIZATION

I hereby authorize release of the data on this form to civilian agencies and / or private organizations for employment purposes. If I am a civil service employee or an active duty service member, I also authorize the release of data from extracts of my computerized personnel records.

a. SIGNATURE	b. DATE SIGNED (YYMMDD)

OPERATION TRANSITION DEPARTMENT OF DEFENSE OUTPLACEMENT AND REFERRAL SYSTEM/PUBLIC AND COMMUNITY SERVICE INDIVIDUAL APPLICATION

DETAILED INSTRUCTIONS

SECTION I - TO BE FILLED OUT BY ALL APPLICANTS

If you are a service member, complete Items 1 through 14 and Item 19 in their entirety. You do not need to fill out Items 15 through 18. They will be extracted from your personnel records. It is important that you verify the accuracy of these records prior to entering this program to ensure that the information that is put on your resume is accurate. If you are a spouse, you must complete all items on the form.

Item 1. Place an X next to the program(s) you wish to register for. If you selected the early retirement option, you must X Public and Community Service or both.

Item 2a. Name. Print/type your name, last name first.

Item 2b. SSN. Enter your Social Security Number.

Item 3. Date Available for Work. Enter the date you will be available for work as year, month, day (YYMMDD). Availability should not be beyond 6 months from the current date.

Item 4. Filing Status. Place an X in the box that applies.

Item 5. Citizenship. If you are a U.S. citizen, X the YES box. If not, X the NO box.

Item 6. Address and Telephone Number. Print/type the address and telephone number where you can be contacted during the next three months.

Item 7. a. Job Type Preferences. Enter up to three codes from the Guideline of Standard Occupation Classification (SOC) Codes, FIPS Pub 92, that most closely match(es) the type of job(s) you are seeking/qualified to perform.

b. If you select yes, your primary occupational description will be included in your resume. Select no if you do not want your primary occupational description included.

Item 8. Regional Work Preference. Refer to the regional preference list below, and enter the two-digit code for the geographical area in which you are seeking employment.

REGION 0
Only the specific cities selected

REGION 1
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

REGION 2
Delaware
New Jersey
New York
Pennsylvania

REGION 3
District of Columbia
Maryland
North Carolina
South Carolina
Virginia
West Virginia

REGION 4
Alabama
Florida
Georgia
Mississippi
Puerto Rico
Tennessee
Virgin Islands

REGION 5
Indiana
Kentucky
Michigan
Ohio

REGION 6
Iowa
Minnesota
Montana
North Dakota
South Dakota
Wisconsin

REGION 7
Illinois
Kansas
Missouri
Nebraska

REGION 8
Arkansas
Louisiana
Oklahoma
Texas

REGION 9
Arizona
Colorado
Idaho
Nevada
New Mexico
Utah
Wyoming

REGION 10
California
Oregon
Washington

REGION 11
Alaska

REGION 12
American Samoa
Hawaii
Guam

REGION 13
Anywhere in the U.S.A.

REGION 14
Outside the U.S.A.

REGION 15
Anywhere

Item 9. Specific Work Preferences. Enter your first and second work location preferences. Refer to the list below and enter the two-letter abbreviation for the state and print / type the name of the largest city within commuting distance of where you want to work for your first and second work preferences. These cities do not have to be in the region chosen in Item 8.

STATE	CODE	STATE	CODE	STATE	CODE
Alabama	AL	Kentucky	KY	North Dakota	ND
Alaska	AK	Louisiana	LA	Ohio	OH
Arizona	AZ	Maine	ME	Oklahoma	OK
Arkansas	AR	Maryland	MD	Oregon	OR
California	CA	Massachusetts	MA	Pennsylvania	PA
Colorado	CO	Michigan	MI	Rhode Island	RI
Connecticut	CT	Minnesota	MN	South Carolina	SC
Delaware	DE	Mississippi	MS	South Dakota	SD
District of Columbia	DC	Missouri	MO	Tennessee	TN
Florida	FL	Montana	MT	Texas	TX
Georgia	GA	Nebraska	NE	Utah	UT
Hawaii	HI	Nevada	NV	Vermont	VT
Idaho	ID	New Hampshire	NH	Virginia	VA
Illinois	IL	New Jersey	NJ	Washington	WA
Indiana	IN	New Mexico	NM	West Virginia	WV
Iowa	IA	New York	NY	Wisconsin	WI
Kansas	KS	North Carolina	NC	Wyoming	WY

Item 10. Highest Education Level Achieved. X the box which most closely matches your highest education level achieved.

Item 11. Year Achieved. Enter the year you achieved Item 10.

Item 12. Subject of Degree. Print/type the degree achieved (if applicable) in Item 10 (e.g. BS, Mechanical Engineering; BA, Western Civilization; MS, Physics; etc.).

Item 13. College/University. Print/type the name of the college/university where Item 10 was obtained if applicable.

Item 14. Personal Information. Print/type in this space any information about yourself you feel would help you obtain a job in the field you are searching. All information in this space will be printed verbatim on your DORS resume. If you are seeking a job in a field other than your primary military duty this information is the most important since it will comprise a majority of your resume. Carefully choose your words and grammar.

Examples:
- Fluent in Chinese, Russian and Spanish
- Virginia State licensed electrician
- 14 years experience in personnel management
- Owned personal computer training business, Jones Computer Training
- American Society of Mechanical Engineers member

SECTION II - SPOUSE

This section is to be completed only by spouses of military and DoD civilians whose personnel files are not kept by the government.

Item 15. Sponsor Data.

a. Name. Print/type your sponsor's name, last name first.

b. SSN. Enter your sponsor's Social Security Number.

Item 16. Your Job History.

a. Job Codes. Consult the Guideline for Standard Occupational Classification (SOC) Codes, FIPS Pub 92, and enter the job codes that most closely match the previous three jobs you held.

b. Length of Time Job Held. Enter the number of years and months the job was held (03 years, 09 months).

Item 17. Supervisory Experience. If you have supervisory experience, X the YES box. If not, X the NO box.

Item 18. Security Clearance. If you had a security clearance, X the YES box. If not, X the NO box.

SECTION III

All applicants must sign and date. Turn in the completed form to the transition assistance office.

OPERATION TRANSITION EMPLOYER REGISTRATION

Form Approved
OMB No. XXXX-XXXX
Expires

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (xxxx-xxxx), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES ABOVE.
RETURN COMPLETED FORM TO: OPERATION TRANSITION, 99 PACIFIC ST., SUITE 155A, MONTEREY, CA 93940-2453

1. ORGANIZATION NAME AND ADDRESS *(Include 9-digit ZIP Code)*	2. EMPLOYMENT CONTACT ADDRESS *(If different from Item 1) (Include 9-digit ZIP Code)*
3. ORGANIZATION CONTACT	4. EMPLOYMENT CONTACT *(If different from Item 3)*
5. ORGANIZATION TELEPHONE NUMBER	6. EMPLOYMENT CONTACT TELEPHONE NUMBER *(If different from Item 5)*
7. FAX TELEPHONE NUMBER	8. FAX ROUTING ADDRESS
9. HOW DID YOU HEAR ABOUT OPERATION TRANSITION?	10. IS YOUR ORGANIZATION A *(Check one)* ☐ a. Private Sector Employer ☐ b. Public or Community Service Employer

11. TYPES AND LOCATIONS OF POSITIONS IN ORGANIZATION LIKELY TO BE AVAILABLE *(Briefly describe)*

12. PROCEDURES FOR APPLYING FOR AVAILABLE POSITIONS *(Please indicate if you do not wish to receive unsolicited resumes)*

13a. SIZE OF ORGANIZATION	13b. MAJOR FUNCTION/BUSINESS ACTIVITY OF ORGANIZATION

14a. IS YOUR ORGANIZATION INVOLVED IN *(Check applicable block(s))*		14b. ARE YOUR POSITION(S)	14c. IS AN INVESTMENT OR FEE NECESSARY
☐ (1) Placement Services	☐ (4) Franchise Operations	☐ (1) Commission only	☐ (1) YES ☐ (2) NO
☐ (2) Direct Marketing	☐ (5) None of the above	☐ (2) Salary only	(3) IF YES, SPECIFY AMOUNT
☐ (3) Multi-level Marketing		☐ (3) Combination of commission and salary	$

15. AGREEMENT

I understand this agreement covers the Operation Transition automated systems including the Defense Outplacement Referral System (DORS), the Public and Community Service (PACS) Personnel Registry, and the Transition Bulletin Board (TBB). I hereby agree to use the DORS and PACS Personnel Registry only for employment purposes at no charge to the individual. I also agree not to use the DORS and PACS Personnel Registry to develop mailing lists or to promote business opportunities such as franchise or direct or multi-level marketing operations.

I certify that the information provided is true, accurate, and complete. I acknowledge that any false statement may be punishable pursuant to Title 18 U.S.C. Section 1001.

16. SIGNATURE	17. DATE (YYMMDD)

GOVERNMENT USE ONLY

18. REGISTRATION NUMBER	19. CLERK	20. DATE (YYMMDD)

DD Form 2581, 930819 Draft *Previous edition may be used.*

DD FORM 2581 COMPLETION INSTRUCTIONS

Retain a copy for your records. Do not fill out the section at the bottom of the form titled "GOVERNMENT USE ONLY".

1. ORGANIZATION NAME AND ADDRESS. Enter your organization name and address exactly as you would like it to appear on information FAXed or mailed to you. P.O. Boxes not preferred. Include your Employer ID number.

2. EMPLOYMENT CONTACT ADDRESS. Enter the address of your Human Resources or Personnel Department *(if different from item 1).*

3. ORGANIZATION CONTACT. Enter the name of the individual who will serve as organizational contact to Operation Transition.

4. EMPLOYMENT CONTACT. Enter the name of an individual in your Human Resources or Personnel Department who can answer specific questions on employment and positions available *(if different from item 3).*

5. ORGANIZATION TELEPHONE NUMBER. Enter the area code and telephone number for your organization contact. If this contact has a direct line or voice mail, enter that number.

6. EMPLOYMENT CONTACT TELEPHONE NUMBER. Enter the area code and telephone number for your employment contact *(if different from item 5).* If this contact has a direct line or voice mail, enter that number.

7. FAX TELEPHONE NUMBER. Enter the telephone number of the FAX machine where resumes may be sent within your organization.

8. FAX ROUTING ADDRESS. Enter any additional information that may be required on the FAX cover sheet to ensure that the FAXes reach your point of contact.

9. HOW DID YOU HEAR ABOUT OPERATION TRANSITION? List the source(s) where you first heard about Operation Transition.

10. IS YOUR ORGANIZATION A PRIVATE SECTOR EMPLOYER OR A PUBLIC OR COMMUNITY SERVICE EMPLOYER? Indicate whether your organization is a private sector employer or a public or community service employer.

11. TYPES AND LOCATIONS OF POSITIONS IN ORGANIZATION LIKELY TO BE AVAILABLE. Briefly describe the positions and the location of the positions which will be made available to the job seekers.

12. PROCEDURES FOR APPLYING FOR AVAILABLE POSITIONS. Briefly describe how the applicant should apply for available positions.

13a. SIZE OF ORGANIZATION. Briefly describe size (number of personnel, branch offices, etc.) of your organization.

13b. MAJOR FUNCTION/BUSINESS ACTIVITY OF ORGANIZATION. Provide your organization's primary functions/business activity.

14a. IS YOUR ORGANIZATION INVOLVED IN: Indicate if positions you are offering are in Placement Services, Direct Marketing, Multi-level Marketing, or a Business Opportunity as in a Franchise. If none of the above applies, check none of the above.

14b. ARE YOUR POSITION(S): Indicate if the salary paid on these positions is commission only, salary only, or commission and salary combined.

14c. IS AN INVESTMENT OR FEE NECESSARY: Indicate if the position will require a monetary outlay by the applicant. If yes, how much would it be?

15. AGREEMENT. By signing the DD Form 2581, you are agreeing to use DORS and the Public Service Personnel Registry for employment referral purposes only, and will neither release this data to anyone for any other purpose nor charge the individual for employment referral. You further agree that you will not use individual data to promote business opportunities, such as franchise or direct or multi-level marketing operations; but, instead will promote business opportunities on the applicable section of the TBB.

Please make certain that all items above have been completed in their entirety. Sign and date the form in items 16 and 17.

MAIL OR FAX THE COMPLETED FORM TO:

Operation Transition, DMDC
99 Pacific Street, Suite 155A
Monterey, CA 93940-2453
FAX: (408) 656-2131
Telephone: 800-727-3677

DD Form 2581, 930819 Draft (BACK)

PUBLIC AND COMMUNITY SERVICE ORGANIZATION VALIDATION

Form Approved
OMB No. 0704-0324
Expires

Public reporting burden for this collection of information is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0324), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES ABOVE.
RETURN COMPLETED FORM TO: DMDC, ATTN: OPERATION TRANSITION, BOX 100, FORT ORD, CA, 93941-0100

1. NAME OF ORGANIZATION

2. ADDRESS OF ORGANIZATION *(Include Apartment Number and 9-digit ZIP Code)*

3. POINT OF CONTACT FOR ORGANIZATION

4. TELEPHONE NUMBER FOR POINT OF CONTACT *(Include Area Code)*
a. HOME NUMBER
b. WORK NUMBER

5. PRIMARY SERVICE CATEGORY (IES)

	a. ELEMENTARY, SECONDARY, OR POSTSECONDARY SCHOOL TEACHING OR SCHOOL ADMINISTRATION				
	b. SUPPORT OF ELEMENTARY, SECONDARY, OR POSTSECONDARY SCHOOL TEACHING OR SCHOOL ADMINISTRATION				
	c. SOCIAL SERVICES		d. PUBLIC HEALTH CARE		e. LAW ENFORCEMENT
	f. PUBLIC HOUSING		g. PUBLIC SAFETY		h. CONSERVATION
	i. EMERGENCY MANAGEMENT		j. ENVIRONMENT		k. JOB TRAINING

6. AS A PRIMARY FUNCTION, DOES YOUR ORGANIZATION PROVIDE SERVICES IN CATEGORIES OTHER THAN THESE LISTED ABOVE? IF YES, BRIEFLY DESCRIBE THESE MAJOR FUNCTIONS.

YES ☐ NO ☐

7. TYPE OF SERVICE

	a. PUBLIC *(Federal, State, or Local Government - go to Item 8)*
	b. COMMUNITY *(Non-profit Organization or Association - go to Item 9)*

8. PUBLIC SERVICE HEADQUARTERS AGENCY
a. ORGANIZATION NAME AND ADDRESS *(Include 9-digit ZIP Code)*
b. HEADQUARTERS POINT OF CONTACT AND POSITION
c. TELEPHONE NUMBER FOR POINT OF CONTACT *(Include Area Code)*

9. COMMUNITY / NON-PROFIT ORGANIZATION
IMPORTANT: Please attach a copy of the IRS Letter if Determination indicating your organization has received IRS 501 (C) (3) tax-exempt status. Also include a copy of your organization's annual report, mission statement, or other documentation of your organization's function. Indicate below if your organization is affiliated with the United Way, Contained Federal Campaign or some other non-profit association.
a. AFFILIATE NAME AND ADDRESS *(Include 9-digit ZIP Code)*
b. AFFILIATE POINT OF CONTACT AND POSITION
c. TELEPHONE NUMBER FOR POINT OF CONTACT *(Include Area Code)*

10. AGREEMENT
I understand this form provides information to help the Department of Defense establish a Public and Community Service organizational registry which will be accessible to departing Service members. I also understand certain individuals may receive additional entitlements based on the information as specified in Public Law 102-484. I certify the information provided is true, accurate, and complete. I acknowledge that any false statement may be punishable pursuant to Title 18 U.S.C. Section 1001.

a. NAME AND TITLE OF EMPLOYEE *(Please print or type)*
b. SIGNATURE OF EMPLOYEE
c. DATE OF SIGNATURE *(YYMMDD)*

DD Form 2581-1, 930927 Draft

INSTRUCTIONS FOR COMPLETING DD FORM 2581-1

This form collects information to be used to certify an organization on the Public and Community Service Organization Registry under the provisions of Section 4462 of Public Law 102-484.

Public service organizations are defined as federal, state, or local governmental entities.

Community service organizations are non-profit organizations or associations which provide or coordinate the delivery of services in the public interest. Organizations affiliated with the United Way of Combined Federal Campaign presumptively qualify as community service organization.

Organizations involved in the following activities will not be considered public or community organizations:

(1) Business organized for profit;

(2) Labor union;

(3) Partisan political organization; and

(4) Organization engaged in religious activities, unless such activities are unrelated to religious instruction, worship services, or any form of proselytization.

Public Law 102-484 also provides that certain member of the military services retiring early from active duty receive additional military retirement credits by working in public or community service organizations. To receive this credit, the retiree's employing organization must be on the Public and Community Service Organization Registry and have as its primary function(s) one or more of the following categories of public or community service:

a. Elementary, secondary, or postsecondary school teaching or school administration (Teacher).

b. Support of elementary, secondary, postsecondary school teaching or school administration (Librarian).

c. Social services

d. Public health care

e. Law enforcement

f. Public housing

g. Public safety

h. Conservation

i. Emergency management

j. Environment

k. Job training

ALL ITEMS MUST BE COMPLETED

1. NAME OF ORGANIZATION. Print or type the name of your organization. Please be specific. For example, if the police department of the city of Oakdale is registering, use Oakdale Police Department as the organization instead of the City of Oakdale.

2. ADDRESS OF ORGANIZATION. Enter the address of your organization exactly as you would like it to appear on information mailed to you. Please avoid P.O. Box when possible.

3. POINT OF CONTACT FOR ORGANIZATION. Provide the name and job title of a person who can answer specific questions about the organization.

4. TELEPHONE NUMBER FOR POINT OF CONTACT . Enter the area code and telephone number for the point of contact. Please enter a direct line or voice mail extension if available.

5. PRIMARY SERVICE CATEGORY (IES). Select the category that represents the core mission of your organization or department. If you provide primary services in two or more of the categories, select all applicable categories. As discussed above, the organization's primary functions must be in one or more of the listed categories (5a - 5k) for a military retiree to be eligible for additional retirement credit.

6. ORGANIZATION FUNCTIONS. If your organization provides primary services in categories other than 5a-5k function(s).

7. TYPE OF SERVICE. Indicate whether your organization provides public or community service by checking the appropriate block. Public service refers to federal, state, local government organizations or agencies. Community service refers to certified nonprofit organizations or associations.

8. PUBLIC SERVICE HEADQUARTERS AGENCY. If public service, provide the name and address of the organization, if any, to which your organization reports. Include the name, job title, and telephone number of a person who can answer specific questions about headquarters organization.

9. COMMUNITY / NON-PROFIT ORGANIZATION. If a community service organization, attach copy of the IRS Letter of Determination indicating that your organization has received IRS 501 (C) (3) tax-exempt status. A community service organization will NOT be validated without the Letter of Determination. Also include a copy of your organization's annual report or mission statement or attach other documentation about your organization's functions.

Provide the name and address of the organization, if any, to which your organization reports or with which it is affiliated. Provide the name, job title, and telephone number of a person who can answer specific questions about the headquarters affiliate.

10. AGREEMENT. Completion of this action of the form attests to the information's accuracy and completeness. Mail or fax the completed form to:

DMDC
ATTN: OPERATION TRANSITION
Box 100
Ft. Ord, CA 93941-0100

FAX: (408) 656-2132

Please call the Department of Defense's Operation Transition Help Desk at 1-800-727-3677 between the hours of 6 AM and 6 PM Pacific time if you have questions or need assistance with this form.

Community service organizations - - Remember to attach a copy of your IRS Letter of Determination and an annual report or mission statement.

DD Form 2581-1, 930927 Draft (BACK)

[FR Doc. 93–25534 Filed 10–18–93; 8:45 am]

BILLING CODE 5000-04-C

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

Title: DoD FAR Supplement, Part 209, Contractor Qualifications, and Related Clause at 252.209.

Type of request: New collection.

Number of respondents: 21.

Responses per respondent: 1.

Annual responses: 21.

Average burden per response: 40 hours.

Annual burden hours: 840.

Needs and uses: The Defense FAR Supplement, Part 209, prescribes policies and procedures for, among other things, avoiding organizational conflicts of interest. The information collected by this requirement will be used by the Government to determine if an actual or potential conflict of interest exists, and to determine the best course of action to avoid or mitigate such a conflict.

Affected public: Businesses of other for-profit, Non-profit institutions, and Small businesses or organizations.

Frequency: On occasion.

Respondent's obligation: Required to obtain or retain a benefit.

OMB desk officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD clearance officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: October 13, 1993.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–25535 Filed 10–18–93; 8:45 am]

BILLING CODE 5000–04–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

Title, applicable forms, and OMB control number: DoD FAR Supplement, Part 242, Contract Administration, and Related Clauses at 252.242; DD Forms 375, 375C, and 1659; OMB Control Number 0704–0250.

Type of request: Revision.

Number of respondents: 154,550.

Responses per respondent: 1.3.

Annual responses: 199,500.

Average burden per response: 3.3 hours.

Annual burden hours (Including recordkeeping): 676,500.

Needs and uses: The information collected hereby is used by contract administration offices to determine contractor progress, identify factors delaying performance, the reasonableness of insurance/pension costs in Government contracts, and whether contractors' disclosed Material Management and Accounting Systems conform to DoD standards; and by contract administration offices and transportation officers in providing Government bills of lading to contractors.

Affected public: Businesses of other for-profit, Non-profit institutions, and Small businesses or organizations.

Frequency: On occasion.

Respondent's obligation: Required to obtain or retain a benefit.

OMB desk officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DoD clearance officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: October 13, 1993.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–25536 Filed 10–18–93; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

[CFDA Nos. 84.044 and 84.066]

Talent Search and Educational Opportunity Centers Programs; Notice of Technical Assistance Workshops

SUMMARY: The Department of Education will conduct 10 technical assistance workshops for the Talent Search and Educational Opportunity Center Programs. At these workshops, Department of Education staff will assist prospective applicants in developing proposals and will provide budget information regarding these programs. The technical assistance workshops will be held as follows:

October 25, 1993, 8:30 a.m.–4 p.m.

Morris Brown College, Atlanta University Center, Robert W. Woodruff, Library, Exhibition Hall—Upper Level, 111 James P. Brawley Dr., SW., Atlanta, Georgia 30314, Contact: Marvin King, (404) 220–0384.

October 25, 1993, 8:30 a.m.–4 p.m.

University of Chicago, Ida Noyes Hall, East Lounge—2nd Floor, 1212 East 59th Street, Chicago, IL 60637, Contact: Deveta McKee, (312) 702–8288.

October 25, 1993, 8:30 a.m.–4 p.m.

California State University, 5151 State University Drive, Oak Room, Los Angeles, CA 90036, Contact: Maria Godoy, (213) 343–3238.

October 27, 1993, 8:30 a.m.–4 p.m.

University of Massachusetts, 100 Morrissey Blvd., Faculty Club, 11th Floor Library, Boston, MA 02125, Contact: Judith Owens, (617) 287–5840.

October 27, 1993, 8:30 a.m.–4 p.m.

Penn Valley Community College, 3201 Southwest Traffic Way, Campus Center, Rm. 503, Kansas City, MO 64111, Contact: Melanie Bailey, (816) 759–4400.

October 27, 1993, 8:30 a.m.–4 p.m.

Portland State University, Smith Center, Rm. 294 & 296, Portland, OR 97207, Contact: Peggy Adams, (503) 725–4010.

October 29, 1993, 8:30 a.m.–4 p.m.

John Jay College of Criminal Justice, 899 10th Avenue, Rm. 630T, New York, NY 10019, Contact: Marie Conti, (212) 237–8275.

October 29, 1993, 8:30 a.m.–4 p.m.

University of New Orleans, Lakefront, 2000 Lakeshore Drive, University

Center, Rm. 211A & 211B, New Orleans, LA 70148, Contact: Dave Shroyer, (504) 286–6289.

October 29, 1993, 8:30 a.m.–4 p.m.

Metropolitan State College of Denver, 1006 11th Street, Student Center, Rm. 330A & 330B, Denver, CO 80204, Contact: Chuck Maldonado, (303) 556–2812.

November 3, 1993, 9 a.m.–4:30 p.m.

Wilbur J. Cohen Federal Building, Auditorium, 330 Independence Avenue SW., Washington, DC 20202, Contact: EOB Staff, (202) 708–4804.

FOR FURTHER INFORMATION CONTACT: Prince O. Teal, U.S. Department of Education, 400 Maryland Avenue SW., room 5065, Washington, DC 20202–5249. Telephone: (202) 708–4804. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Dated: October 14, 1993.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 93–25645 Filed 10–18–93; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER93–983–000, et al.]

The Montana Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 7, 1993.

Take notice that the following filings have been made with the Commission:

1. The Montana Power Company

[Docket No. ER93–972–000]

Take notice that on September 30, 1993, the Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.3 a Supplement to the Transmission Agreement (Colstrip Project) dated April 17, 1981 and executed by the United States of America, Department of Energy acting by and through the Bonneville Power Administration and the Montana Intertie Users. Certificates of Concurrence from Puget Sound Power & Light Company and The Washington Water Power Company are included within the filing. Montana requests that the Commission grant a waiver of the 60-day prior notice requirement pursuant to 18 CFR 35.11.

Montana states that the Agreement relates to the exchange of transmission services by Bonneville and the Montana Intertie Users and the supplement relates to revisions proposed by Bonneville to Exhibits D and G to the Agreement. Copies of the filing were served upon the Bonneville Power Administration, PacifiCorp, Portland General Electric Company, Puget Sound Power & Light Company and The Washington Water Power Company.

Comment date: October 20, 1993, in accordance with Standard Paragraph E end of this notice.

2. Metropolitan Edison Company

[Docket No. ER93–718–000]

Take notice that on September 17, 1993, Metropolitan Edison Company (Met-Ed) tendered for filing an amendment in the above-referenced docket.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Central Power and Light Company

[Docket No. ER93–828–000]

Take notice that on September 30, 1993, Central Power and Light Company (CPL) filed additional information in response to a Commission Staff inquiry regarding the Capacity Sales Agreement between CPL and Southwestern Electric Service Company (SESCO) filed in this docket on July 29, 1993.

A copy of the filing was served on SESCO, the Public Utilities Commission of Texas and all parties in Docket No. ER93–828–000.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Company

[Docket No. ER93–988–000]

Take notice that on September 30, 1993, Portland General Electric Company (PGE) tendered for filing a Certificate of Concurrence with Montana Power Company's Filing of Revisions to Exhibits D and G to Bonneville Power Administration Contract Nos. DEOM579–8BP90210 (Montana Intertie). Copies of this agreement have been served on the parties included in the distribution list defined in the filing letter.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Electric and Gas Company

[Docket No. ER93–845–000]

Take notice that Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey, on behalf of itself and Baltimore Gas and Electric Company (BG&E) of Baltimore, Maryland, on September 30, 1993, tendered for filing a First Supplement to an agreement for the sale, purchase, and/or exchange of Pennsylvania-New Jersey-Maryland Interconnection (PJM) Installed Capacity Credits. In response to discussions with Commission Staff, PSE&G submits the First Supplement to the Agreement which quantifies the price caps for the sale, purchase, and/or exchange of PJM Installed Capacity Credits. The initial filing made reference to the price caps as those set forth in Schedule 4.01, or successor schedules, of the PJM Agreement.

Copies of the filing have been served upon BG&E and interested state commissions.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Southwestern Public Service Company

[Docket No. ER93–981–000]

Take notice that Southwestern Public Service Company (Southwestern) on September 30, 1993, tendered for filing a proposed supplement to its rate schedule for service to Cap Rock Electric Cooperative, Inc. (Cap Rock).

The proposed supplement contains an agreement between Southwestern and Cap Rock in connection with Southwestern's guarantee of certain financing obtained by Cap Rock and provides an arrangement for Cap Rock to repay the financing. The financing will be used by Cap Rock to construct additional transmission facilities on its system to increase its reliability and to facilitate purchases of full-requirements wholesale power and energy from Southwestern.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Pennsylvania Electric Company

[Docket No. ER93–984–000]

Take notice that on September 30, 1993, Pennsylvania Electric Company (Penelec) tendered for filing pursuant to Rule 205 of the Commission's Rules of Practice and Procedure (18 CFR 385.205) a proposed Wheeling and Supplemental Power Agreement with the Borough of Seaside Heights, New Jersey. Under such Agreement, Penelec proposes to provide supplemental

power service to Seaside Heights through a delivery point in New Jersey which is now being provided with supplemental power service by Penelec's affiliate, Jersey Central Power & Light Company (JCP&L).

The rates proposed to be charged by Penelec for such supplemental power service to such delivery point for Seaside Heights will be essentially similar to the rates charged by Penelec to Allegheny Electric Cooperative, Inc. (Allegheny) for supplemental power service to the approximately 158 delivery points of Allegheny's member cooperatives now served by Penelec, after excluding from such Penelec rates the transmission component thereof. These rates are also essentially similar to those employed by Penelec, beginning July 29, 1993, for service to Allegheny's member cooperatives through 16 additional delivery points in Pennsylvania and one additional delivery point in New Jersey in accordance with a rate schedule that became effective July 29, 1993 (FERC Letter Order, dated July 23, 1993, Docket No. ER93–669–000).

The transmission service to deliver such Penelec supplemental power to Seaside Heights will be provided by JCP&L. After the adjustment necessary to reflect the difference between delivery at primary distribution voltage as opposed to delivery at transmission voltage, the rate charged by JCP&L to deliver such supplemental power to Seaside Heights will be comparable to the rate now charged by JCP&L to deliver Penelec supplemental power service to Allegheny's New Jersey member, Sussex Rural Electric Cooperative, Inc.

Copies of the filing have been served on Seaside Heights.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Pacific Gas and Electric Company

[Docket No. ER93–987–000]

Take notice that on September 30, 1993, Pacific Gas and Electric Company (PG&E) tendered for filing two agreements between PG&E and Northern California Power Agency (NCPA): (1) An Operations and Maintenance Agreement For NCPA Special Facilities At PG&E's Bellota Substation (O&M Agreement); and (2) a Construction Agreement For Facilities At Bellota Substation For Interconnection Of Collierville-Bellota Circuit #2 (Construction Agreement).

The O&M Agreement sets forth the rate, terms and conditions under which PG&E will operate and maintain the site improvements and customer-specific facilities installed to provide the interconnection at PG&E's Bellota Substation of NCPA's new transmission line. Under the O&M Agreement, PG&E proposes to charge NCPA an annual rate equal to the cost of ownership rate for transmission-level, customer-financed facilities filed with the California Public Utilities Commission (CPUC). The cost of ownership rate is expressed as an annual percentage of the installed costs of the site improvements and special facilities.

The Construction Agreement sets forth the terms and conditions under which PG&E will engineer, procure, construct and install the special facilities to interconnect the second Collierville-Bellota 230 kV transmission circuit at PG&E's Bellota Substation.

PG&E has requested permission to use automatic rate adjustments whenever the CPUC authorizes a new Electric Rule No. 2 Cost of Ownership Rate, limited by a cap of 6.2% annually.

Copies of this filing have been served upon NCPA and the CPUC.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Arizona Public Service Company

[Docket No. ER93–986–000]

Take notice that on September 30, 1993, Arizona Public Service Company (APS or Company) tendered for filing Amendment No. 1 (Amendment) to the Transmission Service Agreement between APS and Department of the Air Force (Air Force) (APS–FERC Rate Schedule No. 162). This Amendment provides for the firm transmission and ancillary services to be furnished for the purpose of transmitting the Air Force's allocation of capacity and energy from the Salt Lake City Area Integrated Projects to Luke Air Force Base.

APS requests waiver of the Commission's Notice Requirements to allow the Amendment to become effective October 1, 1993.

Copies of this filing have been served on the Air Force and the Arizona Corporation Commission.

Comment date: October 20, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Pool

[Docket No. ER93–985–000]

Take notice that on September 30, 1993, twenty-nine New England Power Pool (NEPOOL) Participant systems filed an amendment to the NEPOOL Agreement, dated as of June 1, 1993, (AMENDMENT) which changes provisions of the NEPOOL Agreement (NEPOOL FPC No. 2), dated as of September 1, 1971, (as previously amended by twenty-nine amendments, the most recent dated May 1, 1993).

The NEPOOL Participants that executed the AMENDMENT state that the AMENDMENT has been adopted to modify the planning provisions in the NEPOOL Agreement, to provide new categories of Pool-Planned Facilities and Pool-Planned Purchases, and to change the definition of Pool-Planned Unit to refer only to existing generating units. The NEPOOL Participants further state that the AMENDMENT is expected to have the effect of facilitating use of revenue bond financing by Participants which are Massachusetts municipal utilities and avoid future controversies regarding criteria for the designation of Pool-Planned units.

The NEPOOL Participants that executed the AMENDMENT request that the Commission waive the customary notice period and permit the AMENDMENT to become effective as of September 30, 1993.

Comment date: October 20, 1993, in accordance with Standard Paragraph E of this notice.

11. Commonwealth Edison Company

[Docket No. ER93–777–000]

Take notice that on October 1, 1993, Commonwealth Edison Company (Edison) tendered for filing supplemental information relating to Edison's Transmission Service Tariff TS–1.

Copies of the filing were served on the Illinois Commerce Commission, interested persons and the Commission's staff.

Comment date: October 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Monongahela Power Company

[Docket No. ER93–978–000]

Take notice that Monongahela Power Company, on September 27, 1993, tendered for filing proposed changes in its FERC Electric Tariff, First Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $626,831 based on the twelve-month period ending December 31, 1994. The proposed effective date for the increased rates is December 1, 1993.

The changes proposed are for the purpose of recovering increased cost incurred by the company and to modify, update and clarify language in the existing Tariffs.

Copies of the filing were served upon the jurisdictional customers, Maryland Public Service Commission, Pennsylvania Public Utility Commission, Public Utilities

Commission of Ohio, West Virginia Public Service Commission, and Virginia State Corporation Commission.

Comment date: October 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Central Illinois Public Service Company

[Docket No. ER93-664-000]

Take notice that on September 28, 1993, Central Illinois Public Service Company (CIPS) tendered for filing a letter agreement, dated September 22, 1993, modifying certain aspects of the Supplemental Agreement for the purchase of power by Norris Electric Cooperative (Norris) submitted for filing on May 24, 1993 in this docket and the underlying Power Supply Agreement between CIPS and Norris.

Copies of the filing were served on Norris and the Illinois Commerce Commission.

Comment date: October 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. Boston Edison Company

[Docket No. ER93-509-000]

Take notice that on September 17, 1993, Boston Edison Company tendered for filing supplemental information to its original filing submitted on March 30, 1993 in the above-mentioned docket.

Comment date: October 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. 93-25529 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10895 Indiana]

Michiana Hydro-electric Power Corp.; Availability of Environmental Assessment

October 13, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for minor license for the proposed Mishawaka Project located in St. Joseph County, Mishawaka, Indiana, and has prepared a Draft Environmental Assessment (DEA) for the proposed project. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the project, with appropriate mitigation or enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, room 3104 the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Please submit any comments within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Please affix the project number to all comments. For further information, please contact Allan E. Creamer, Environmental Coordinator, at (202)-219-0365.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25566 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD94-00026T New Mexico-56]

Department of the Interior, Bureau of Land Management; NGPA Notice of Determination by Jurisdictional Agency Denying Designation of Tight Formation

October 13, 1993.

Take notice that on October 5, 1993, the United States Department of the Interior, Bureau of Land Management (BLM) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Mesaverde Group Formation underlying certain lands in the Jicarilla Area of the Blanco Mesaverde Pool in Rio Arriba County, New Mexico, does not qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers approximately 6,488 acres, 89.5% of which are administered by the Bureau of Land Management and 10.5% by the State of New Mexico. The recommended area is described as follows:

Township 24 North, Range 5 West, NMPM

Sections 5-6: All

Township 24 North, Range 6 West, NMPM

Sections 1-2: All

Township 25 North, Range 5 West, NMPM

Sections 21-22: S/2
Sections 27-28: All
Sections 31-32: All
Sections 33-34: N/2

The notice of determination contains BLM's findings that the referenced portion of the Mesaverde Group Formation does not meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25563 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD94-00029T Oklahoma-55]

State of Oklahoma; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

October 13, 1993.

Take notice that on October 4, 1993, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Hartshorn Formation, underlying a portion of Pittsburgh County, Oklahoma, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The recommended area is described as Sections 2 and 11, Township 6 North, Range 16 East, and Section 35, Township 7 North, Range 16 East, Pittsburgh County, Oklahoma, and contains both federal and state leases.

The notice of determination also contains Oklahoma's findings that the referenced formation meets the

requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25564 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD94-00030T Oklahoma-56]

State of Oklahoma; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

October 13, 1993.

Take notice that on October 4, 1993, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Hartshorne Formation, underlying a portion of Latimer County, Oklahoma, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The recommended area is described as Sections 8 and 17, Township 6 North, Range 18 East, Latimer County, Oklahoma, and contains both federal and state lands.

The notice of determination also contains Oklahoma's findings that the referenced formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25565 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD94-00025T Texas-151]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

October 13, 1993.

Take notice that on October 4, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Travis Peak Formation, Teague, W. (Travis Peak) Field, underlying certain portions of Freestone County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 5 and consists of portions of the following surveys:

I. Hollman Survey, Abstract 13
W. Elliott Survey, Abstract 213
J. Evans Survey, Abstract 214
J. Lawrence Survey, Abstract 365

The notice of determination also contains Texas' findings that the referenced portion of the Travis Peak meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25562 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-428-006]

CNG Transmission Corp.; Report of Refunds

October 13, 1993.

Take notice that on June 14, 1993, CNG Transmission Corporation (CNG) tendered for filing with the Federal Energy Regulatory Commission (Commission) a refund report detailing a $287,032.11 refund made to Tennessee Gas Pipeline Company on May 14, 1993.

CNG states the refund relates to service under its Rate Schedule X-81 (Norex Project) for the period November 1, 1990 through October 31, 1992, in accordance with the December 9, 1992 order in CP87-428-005.

CNG doesn't state if respective state regulatory commissions received copies of this report.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before November 3, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25560 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES94-2-000]

Electric Energy, Inc.; Application

October 13, 1993.

Take notice that on October 8, 1993, Electric Energy, Inc. (EEI) filed an application under section 204 of the Federal Power Act seeking authorization to issue not more than $70 million of Senior notes from time to time over the 24 month period, with a final maturity date no later than December 31, 2005. Also, EEI requests exemption from the Commission's competitive bidding and negotiation placement regulations.

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 November 4, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25561 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-137-011]

Williston Basin Interstate Pipeline Co.; Report of Refunds

October 13, 1993.

Take notice that on August 30, 1993, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing with the Federal Energy Regulatory Commission (Commission) a refund report detailing a $1,297,492.23 refund including interest made to its customers on August 12, 1993.

Williston Basin states that the refund complies with Ordering Paragraph (E) of the Commission's July 16, 1993 order issued in Docket No. RP90-137-008, et al. Williston Basin states that the refund is based on amounts collected under its volumetric take-or-pay surcharge for the period July 1, 1990 through October 31, 1990, with interest calculated under the Commission's regulations through August 12, 1993.

Williston Basin states the respective state regulatory commissions and customers have received copies of this report.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 21, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-25567 Filed 10-18-93; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Basic Energy Sciences Advisory Committee; Open Meeting

Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Basic Energy Sciences Advisory Committee (BESAC).

Date and time: November 4, 1993—8 a.m.–5 p.m.; November 5, 1993—8 a.m.–3 p.m.

Place: Gaithersburg Hilton Hotel, 620 Perry Parkway, Gaithersburg, Maryland 20877.

Contact: Iran L. Thomas, Department of Energy, Office of Basic Energy Sciences (ER-10), Office of Energy Research, Washington, D.C. 20585, Telephone: 301-903-3081.

Purpose of the Committee: To provide advice on a continuing basis to the Department of Energy (DOE) on the many complex scientific and technical issues that arise in the planning, management, and implementation of the research program for the Office of Basic Energy Sciences (BES).

Tentative Agenda: Briefings and discussions of:

November 4, 1993

- Discussion of Charge
- BESAC Report
- Status of BES Program and Budget
- Committee Schedule for the Year
- Status Reports by BES Subprograms
- Public Comment (10 Minute Rule)

November 5, 1993

- Assignments for BESAC Tasks
- Update on Facilities by Selected Contractors
- Update on Research by Selected Contractors
- Public Comment (10 Minute Rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact: Iran L. Thomas at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on October 13, 1993.

Marcia L. Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 93-25667 Filed 10-18-93; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of August 9 Through August 13, 1993

During the week of August 9 through August 13, 1993 the decisions and orders summarized below were issued with respect to applications for the relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Refund Applications

Great Salt Lake Minerals & Chemicals Corporation, 08/16/93, RF272-16370, RD272-16370

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of Great Salt Lake Minerals & Chemicals Corporation in the crude oil special refund proceeding being disbursed by the DOE under 10 C.F.R. Part 205, Subpart V. The DOE determined that the refund claim was meritorious and granted a refund of $9,428. In granting the Application, the DOE determined that "Pale Oil" was a covered product eligible for a refund because it was purchased from a refinery. The DOE also denied a Motion for Discovery filed by a consortium of 29 States and two Territories (the "States") and rejected their objections to the claim. The DOE found that the industry-wide econometric data submitted by the States did not rebut the presumption that the Applicant was injured by the crude oil overcharges.

Gulf Oil Corporation/John E. Jones Oil Co., Inc., 08/12/93, RF300-434

The DOE considered an Application for Refund filed on behalf of John E. Jones Oil Company, Inc. (Jones) by Energy Refunds, Inc. (ERI) in the Gulf Oil Corporation refund proceeding. Jones, a reseller of propane, requested a full volumetric refund of $18,262. To receive a refund at that level, Jones was required to demonstrate injury. In order to make this showing, ERI, on Jones' behalf, supplied data regarding Jones' bank and other evidence purporting to demonstrate that Jones was unable to pass through Gulf overcharges. After reviewing the data, the DOE found that it was insufficient. In particular, the DOE pointed out that ERI filed numerous submissions purporting to correct earlier erroneous filings. The DOE found these numerous corrections indicated that ERI had not compiled the refund application carefully and concluded that it could not rely on the injury showing as submitted. The DOE also pointed out that even ERI's latest submissions had obvious mathematical and computer errors. Because of the overall unpersuasive record, the DOE found that Jones had not demonstrated that it had actually incurred an injury at the full volumetric level. However, the DOE concluded that since the evidence submitted did not show that Jones was not injured by the alleged Gulf overcharges, Jones should receive a refund at the presumptive level. Accordingly, Jones received a refund of 40 percent of its volumetric refund, $7,305, plus interest of $5,479.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Aberdeen School Dist et al	RF272–81859	08/12/93
Atlantic Richfield Company/Rod Hall's Arco	RF304–14337	08/11/93
City of East Lansing	RF272–87028	08/12/93
City of Somerville et al	RF272–93746	08/11/93
Corrugated Container Corp. et al	RF272–90008	08/12/93
Gilbert A. Castillo et al	RF272–90934	08/11/93
Glasscock Trucking Co	RF272–94546	08/10/93
Glasscock Trucking Co	RF272–94598	
Gulf Oil Corporation/Auchter Co. et al	RF300–21000	08/11/93
Gulf Oil Corporation/City of Ithaca et al	RF300–20803	08/10/93
Gulf Oil Corporation/Lamarque Ind. School District et al	RF300–20600	08/10/93
Gulf Oil Corporation/Melton & Son et al	RF300–16724	08/11/93
Gulf Oil Corporation/Peach County et al	RF300–20701	08/10/93
Gulf Oil Corporation/U-Totem #8 et al	RF300–16043	08/11/93
Gulf Oil Corporation/William Milson Co	RF300–18736	08/10/93
Gulf/Ed Rowe's Gulf et al	RF300–20355	08/12/93
Jefferson County, Nebraska et al	RF272–85267	08/11/93
Lauderdale County et al	RF272–87028	08/12/93
Texaco Inc./Archie's Texaco et al	RF321–14284	08/12/93
Texaco Inc./Arthur Kelley's Texaco #2	RF321–19834	08/12/93
Texaco Inc./Dameron's Texaco	RF321–19835	08/12/93
Texaco Inc./Haleyville Texaco et al	RF321–10893	08/13/93
Texaco Inc./Rovira's Texaco et al	RF321–10952	08/12/93
Y.E. Hall, Inc	RF272–65744	08/13/93

Dismissals

The following submissions were dismissed:

Name	Case No.
Bud Fox Texaco #1	RF321–12072
Burleson Independent School District.	RF272–83522
C.A. Fleurent Fuel Co	RF321–12070
City of Buckley	RF272–83588
City of Desoto	RF272–83345
City of Franklinton	RF272–83369
City of Ft. Bragg	RF272–83489
Dunes Center Service, Inc	RF321–16916
Etowah County	RF272–87039
Family Rec Center	RF300–14617
Gim Metal Products, Inc	RF272–66449
Greenfield-Central Community School.	RF272–87380
Jenkins County School District.	RF272–87387
John Cupp's Service Station	RF321–18950
Oxford City School District	RF272–81043
Red Bluff Union High	RF272–87486
Slidell Independent School District.	RF272–87444
Southeastern Fiberboard, Inc	RF272–65748
Tallahatchie County School District.	RF272–83322
Town of Stoneham	RF272–83482
Wanamingo School District	RF272–87924
Whiteside County	RF272–87450

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m. except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 13, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–25666 Filed 10–18–93; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4791–1]

Public Water System Supervision Program Revision for the State of Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Public notice is hereby given in accordance with the provisions of section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*, and 40 CFR part 142, subpart B, the National Primary Drinking Water Regulations (NPDWR), that the State of Minnesota is revising its Public Water System Supervision (PWSS) primacy program. The Minnesota Department of Health (MDH), has adopted: (1) Drinking water regulations for total coliform that correspond to the NPDWR for total coliform promulgated by the U.S. Environmental Protection Agency (U.S. EPA) on June 29, 1989, (54 FR 27544–27568); and (2) drinking water regulations for the treatment of surface water that correspond to the NPDWR for Surface Water Treatment promulgated by the U.S. EPA on June 29, 1989, (54 FR 27486–27541). The U.S. EPA has completed its review of Minnesota's PWSS primacy program revision.

The U.S. EPA has determined that the current Minnesota Surface Water Treatment and Total Coliform rule revisions substantially meet the requirements of the Federal rules. However, there are several changes that need to be made before the U.S. EPA can grant approval. The necessary changes have been documented in a Memorandum of Agreement (MOA) between the U.S. EPA and the MDH (available at the State and the U.S. EPA offices listed at the end of this notice). Minnesota has agreed to incorporate these changes into its Surface Water Treatment and Total Coliform rules. Minnesota's revised Surface Water Treatment and Total Coliform rules are scheduled to become effective no later than April 1, 1994. Upon notification that Minnesota's revised regulations, containing the agreed upon changes, have become effective, the U.S. EPA will grant approval of the Minnesota Surface Water Treatment and Total Coliform rules without further solicitation of public input.

All interested parties are invited to submit written comments on these proposed determinations, and may request a public hearing on or before November 18, 1993. If a public hearing is requested and granted, the corresponding determination shall not become effective until such time,

following the hearing, at which the Regional Administrator issues an order affirming or rescinding this action. All comments and requests for a public hearing should be addressed to: William Spaulding (WD-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his own motion, these determinations shall become effective November 18, 1993.

Any request for a public hearing shall include the following:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determinations and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of Minnesota. A notice will also be sent to the person(s) requesting the hearing as well as to the State of Minnesota. The hearing notice will include a statement of purpose, information regarding the time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Please bring this notice to the attention of any persons known by you to have an interest in these determinations.

All documents relating to these determinations are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Minnesota Department of Health, Water Supply and Well Management Section, 925 SE., Delaware Street, P.O. Box 59040, Minneapolis, MN 55459-0040, State Docket Officer: Mr. Gary Englund, (612) 627-5133.

Safe Drinking Water Branch, Drinking Water Section, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: William Spaulding, Region 5, Drinking Water Section at the Chicago address given above, telephone 312/886-9262.

Authority: Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: October 6, 1993.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region 5.

[FR Doc. 93-25641 Filed 10-18-93; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4791-3]

Ozone Transport Commission for the Northeast United States; Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing a meeting of the Ozone Transport Commission to be held on October 19, 1993.

This meeting is for the Transport Commission to deal with appropriate matters within the transport region, as provided for under the Clean Air Act Amendments of 1990. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended.

DATES: The meeting will be held on October 19, 1993.

ADDRESSES: The meeting will be held at: The Mystic Hilton, 20 Coogan Boulevard, Mystic, CT 06355.

FOR FURTHER INFORMATION CONTACT: Doug Gutro, State Relations Coordinator, Region I, U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Boston, MA 02203, (617) 665-3383.

For Press Inquiries Contact: Margot Callahan, Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106, (203) 566-3489.

For Documents Contact: Stephanie A. Cooper, Ozone Transport Commission, 444 North Capitol Street, NW., suite 604, Washington, DC 20001, (202) 508-3840.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at section 184 provisions for the "Control of Interstate Ozone Air Pollution." Section 184(a) establishes an ozone transport region comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the commission in New York City on May 7, 1991. The purpose of the Transport Commission is to deal with appropriate matters within the transport region.

The purpose of this notice is to announce that this Commission will meet on October 19, 1993. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of Transport Commissions are not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits, beginning at 9 a.m.

Type of Meeting: Open.

Agenda: The meeting begins at 9 a.m. and is expected to last until 4 p.m. The purpose of the meeting is to receive reports from its committees, particularly on the Low Emission Vehicle program and control measures being studied for the November 15, 1994 State Implementation Plan revisions.

Patricia L. Meaney,

Acting Regional Administrator, EPA Region I.

[FR Doc. 93-25609 Filed 10-18-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4790-6]

Public Meeting on the Waste Minimization and Combustion Strategy

AGENCY: Environmental Protection Agency [EPA].

ACTION: Announcement of meeting.

SUMMARY: EPA is conducting a public National Roundtable on Hazardous Waste Minimization and Combustion on November 15-18, 1993. Waste minimization issues will be discussed on Nov. 15-16, and EPA's technical regulatory program for hazardous waste incinerators and boilers and industrial furnaces will be discussed on Nov. 17-18. The purpose of the Roundtable is to give a broad range of interested parties and stakeholders (e.g., local citizen groups, environmental organizations, regulated companies, and State, local, and regional regulatory officials) an opportunity to share concerns and information regarding waste

minimization and combustion. In particular, EPA would like to hear about what is working or not working with respect to the Agency's waste minimization and combustion programs.

The Roundtable will not be formal negotiation sessions but rather will feature informal discussions among invited participants in a small group format as well as in open plenary sessions. EPA will invite representative organizations to designate a total of 75–90 persons to participate in each session (i.e., waste minimization and combustion). These representative organizations will include industry trade associations, local citizen and environmental organizations, and State and local regulatory officials.

The public is welcome to observe discussions among the invited participants, and to participate at designated open public comment sessions during these proceedings. One or more Discussion Documents framing the issues and the agenda for both sessions will be available to the public prior to the start of the Roundtable. Written summaries of the proceedings will be prepared and made publicly available subsequent to the Roundtable.

DATES: The Roundtable will be held on November 15–18 from 8:30 a.m. to 5 p.m. No prior registration is required for attendees. However, EPA would appreciate attendees notifying the EPA RCRA/Superfund/OUST Hotline at 1–800–424–9346, in advance, of their intentions to attend.

ADDRESSES: The Roundtable will be held at the Renaissance Hotel, Dulles International Airport, 13869 Park Center Road, Herndon, VA 22071. (Telephone number: 703–478–2900) Please contact the hotel directly concerning accommodations and travel directions. To obtain the special room rates for Roundtable attendees, mention that you will be attending the EPA National Roundtable.

FOR FURTHER INFORMATION CONTACT: EPA's RCRA/Superfund/OUST Hotline at 1–800–424–9346 (in the Washington, DC, area, 703–412–9810); TDD 1–800–553–7672 (Washington area TDD 703–412–3323).

Dated: October 4, 1993.

Jeffrey D. Denit,

Acting Director, Office of Solid Waste.

[FR Doc. 93–25614 Filed 10–18–93; 8:45 am]

BILLING CODE 6560–50–M

[FIFRA Docket No. 656; FRL–4790–7]

Pesticide Product WipeOut Cold Sterilizing Disinfecting Solution

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of objections and request for hearing.

Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, EPA has promulgated the Rules of Practice Governing Hearings on Pesticide Registrations under FIFRA (Rules), 40 CFR part 164.

Notice is hereby given, pursuant to Section 164.8 of the Rules, that Health Care Products, Inc., the registrant of the pesticide product WipeOut Cold Sterilizing Disinfecting Solution (WipeOut), has filed objections to and has requested a hearing under § 164.20 of the Rules, concerning the EPA Administrator's notice of intent to cancel the registration of the pesticide product WipeOut. The Administrator's notice of intent to cancel was published in the **Federal Register** on May 21, 1993, 58 Fed. Reg. 29579.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, United States Environmental Protection Agency, Room 3708 (Mail Code A–110), 401 M Street, SW., Washington, DC 20460 (Telephone 202–260–4865).

Pursuant to Section 164.31(b) of the Rules, any person wishing to file a motion for leave to intervene in this proceeding should file such motion prior to the commencement of the first Prehearing Conference, which is scheduled for November 16, 1993, at EPA Headquarters.

Dated: October 7, 1993.

Daniel M. Head,

Administrative Law Judge.

[FR Doc. 93–25615 Filed 10–18–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4790–9]

Notification of Request for Research Assistance, Genetic Manipulation of Pseudomonas Cepacia

AGENCY: Environmental Protection Agency, Environmental Research Laboratory, Gulf Breeze, Florida.

ACTION: Notification of request for research assistance.

SUMMARY: The Environmental Research Laboratory, Gulf Breeze (ERL-Gulf Breeze) requests assistance to develop strategies and techniques to enhance the bioremediation potential of *Pseudomonas cepacia*. Innovative and creative approaches in genetic engineering are sought to improve the efficiency, control, and robustness of biotechnological processes in an environmentally safe manner. Specific topics to be addressed include: (a) Organization of the *P. cepacia* genome and mechanisms of genetic exchange; (b) evolution and regulation of degradative pathways; (c) recruitment of genetic information for the expansion of catabolic capabilities; (d) factors that affect biodegradation by specialized strains under conditions of physiological stress; (e) novel methods to monitor microbial processes. Respondents and their associated research group should be able to demonstrate expertise and experience in the following areas: (a) Bacterial genetics, principles and practical manipulations in particular of microbes commonly used in bioremediation; (b) roles of insertion sequences in the evolution of catabolic pathways; (c) improved growth of microorganisms under unique conditions as required by biotechnological applications; (d) molecular characterization of organisms with potential application in bioremediation.

SUPPLEMENTARY INFORMATION: Cooperative agreements are intended to promote collaborative interaction with EPA researchers. Selectees will be expected to collaborate with personnel engaged in biodegradation and bioremediation research at ERL-Gulf Breeze. This research program encompasses genetic and enzymatic characterization of biodegradative pathways, optimization of biodegradative activities and field studies of populations with specialized biodegradative abilities. Both aerobic and anaerobic processes are investigated. Ongoing research is focused on degradation of PAHs, PCBs, TCE, petroleum, and inorganic contaminants, such as heavy metals.

FOR FURTHER INFORMATION CONTACT: Dr. P.H. Pritchard (904–934–9260) for technical information and Ms. Jan Kurtz (904–934–9286) for budgetary and administrative questions. Eight copies of the application (1 original and 7 copies) should be mailed by November 15, 1993 to Ms. Kurtz, U.S. EPA, Environmental Research Laboratory, 1 Sabine Island Drive, Gulf Breeze, Florida 32561–5299. Applicants should summarize research objectives, significance of proposed research and qualifications of the investigator(s). A time frame and budgets (annual and total) should be

specified. Proposals should be limited to 15 pages, including all attachments.

Dated: October 12, 1993.

Gary J. Foley,

Acting Assistant Administrator for Research and Development.

[FR Doc. 93-25612 Filed 10-18-93; 8:45 am]

BILLING CODE 6560-50-P

[FRL-4790-7]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; Walled Lake Mercury Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), notice is hereby given of a proposed administrative cost recovery settlement concerning the Walled Lake Mercury Site in Walled Lake, Michigan. The settlement resolves a claim by the U.S. Environmental Protection Agency ("EPA") under Section 107 of CERCLA against Mr. Al Nichols of Union Lake, Michigan. The settlement requires the settling party to pay $10,000 to the Hazardous Substance Superfund. In exchange, the Settling Party will receive a complete release from further civil or administrative liability for the costs incurred at the Site.

DATES: For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590, and should refer to: Walled Lake Mercury Site, Walled Lake, Michigan.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed administrative settlement agreement or additional background information relating to the settlement is available for review and may be obtained in person or by mail from John J. Breslin, U.S. Environmental Protection Agency, Office of Regional Counsel, CS-3T, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886-7165.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601-9675.

Dated: October 7, 1993.

Gail C. Ginsberg,

Regional Counsel.

[FR Doc. 93-25613 Filed 10-18-93; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Petition Nos. P76-93, P77-93, and P78-93]

Petitions for Temporary Exemption From Electronic Tariff Filing Requirements; Petition of Tropical Shipping & Construction Co., Ltd.; Petition of Effective Tariff Management on Behalf of Various Carriers; Petition of Effective Tariff Management for Tecmarine Lines, Inc. and U.S.A. Tecmarine, Inc.; Notice of Filing of Petitions

Notice is hereby given of the filing of petitions by the above named petitioners, pursuant to 46 CFR 514.8(a), for temporary exemption from the electronic tariff filing requirements of the Commission's ATFI System. Petitioners request exemption from the October 8, 1993, electronic filing deadline.

To facilitate thorough consideration of the petitions, interested persons are requested to reply to the petitions no later than October 22, 1993. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-0001, shall consist of an original and 15 copies, and shall be served on the following:

P76-93—Paul D. Coleman, Esq., Hoppel, Mayer & Coleman, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036

P77-93 & P78-93—Tanga S. FitzGibbon, Executive Vice President, Effective Tariff Management Corporation, 4000 Mitchellville Road, Suite 326-B, Bowie, Maryland 20716

Copies of the petitions are available for examination at the Washington, D.C. office of the Secretary of the Commission, 800 N. Capitol Street, NW., room 1046.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 93-25521 Filed 10-18-93; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Lee County Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 10, 1993.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Lee County Bancshares, Inc., Marianna, Arkansas; to become a bank holding company by acquiring at least 81 percent of the voting shares of The First National Bank at Marianna, Marianna, Arkansas.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Flint Hills Bancshares, Inc., Gridley, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens State Bank, Gridley, Kansas.

Board of Governors of the Federal Reserve System, October 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-25575 Filed 10-18-93; 8:45 am]

BILLING CODE 6210-01-F

MBNA Corporation; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to

engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 8, 1993.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. MBNA Corporation, Newark, Delaware; to engage *de novo* through its subsidiary, MBNA Consumer Services, Inc., Newark, Delaware, in making consumer loans that will be secured by first mortgages pursuant to § 225.25(b)(1)(iii); and to offer credit insurance (life, disability and involuntary unemployment) for such loans pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-25576 Filed 10-18-93; 8:45 am]

BILLING CODE 6210-01-F

Resource Bancshares Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 8, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Resource Bancshares Corporation, Columbia, South Carolina; to acquire 1st Performance Interim, FSB, Jacksonville, Florida, and thereby establish an interim Federally-chartered thrift institution pursuant to § 225.25(b)(9) of the Board's Regulation Y.

In connection with this application, 1st Performance Interim, FSB, will purchase the assets of and assume the liabilities of 1st Performance National Bank, Jacksonville, Florida, pursuant to section 3(a)(4) of the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, October 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-25577 Filed 10-18-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Committee on Vital and 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: National Committee on Vital and Health Statistics (NCVHS).

Times and dates: 1 p.m.–5 p.m., November 3, 1993; 9 a.m.–5 p.m., November 4, 1993; and 9 a.m.–1 p.m., November 5, 1993.

Place: Room 703A–729A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The purpose of this meeting is for the committee to consider reports from each NCVHS subcommittee; to receive reports from offices of the Department of Health and Human Services; to explore information needs for health reform; and to address new business as appropriate.

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 301/436–7050.

Dated: October 13, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–25571 Filed 10–18–93; 8:45 am]

BILLING CODE 4160–18–M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1993:

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: November 17–19, 1993, 9 a.m.

Place: Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on November 17, 1993, 9 a.m.–10 a.m.

Closed for Remainder of Meeting

Purpose: To review research grant applications in the program area of maternal and child health administered by the Maternal and Child Health Bureau.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Systems, Education and Science, Maternal and Child Health Bureau, who will report on program issues, congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on November 17 at 10 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92–463.

Anyone requiring information regarding the subject Council should contact Gontran Lamberty, Dr.P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, room 18A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301)443–2190.

Agenda items are subject to change as priorities dictate.

Dated: October 13, 1993.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 93–25547 Filed 10–18–93; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–93–3661; FR 3566–N–04]

Task Force on Occupancy Standards in Public and Assisted Housing

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of extension of comment period.

SUMMARY: The Task Force on Occupancy Standards in Public and Assisted Housing was established on December 31, 1992 in accordance with the provisions of section 643 of the Housing and Community Development Act of 1992 (Pub. L. 102–550) and the Federal Advisory Committee Act (FACA) (5 U.S.C App 2). The Task Force's charter was published in the **Federal Register** on January 7, 1993 at 58 FR 3039. The Task Force was created to review all rules, policy statements, handbook and technical assistance memoranda issued by the Department on the standards and obligations governing residency in public and assisted housing; and make recommendations in its final report to HUD and Congress for the establishment of reasonable criteria for occupancy, so that HUD could revise its standards, regulations, and guidelines to provide accurate and complete guidance to owners and managers of federally assisted housing. The **Federal Register** on August 31, 1993 at 58 FR 45905 announced the publication of the Task Force's preliminary report for public comment. This notice is to announce the extension of the comment period from November 1, 1993 to December 1, 1993.

COMMENT DUE DATE: Written comments must be received on or before December 1, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding the preliminary report to the Office of General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address. Copies of the Task Force's preliminary report will be made available by calling the Fair Housing Information Clearinghouse at 1–800–343–3442. Copies of the preliminary report will also be made available on tape or large print for those with impaired vision who request them, and on computer disk. They may be obtained from HUD's Office of FHEO in room 5226.

FOR FURTHER INFORMATION CONTACT: Laurence D. Pearl, Office of Fair Housing and Equal Opportunity, room 5226, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–0288 (voice) or (TDD) (202) 708–0113 (These are not toll-free numbers.)

Bonnie Milstein,

Chair, Task Force on Occupancy Standards in Public and Assisted Housing.

Roberta Achtenberg,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 93–25628 Filed 10–18–93; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–942–4210–05; UTU–65091]

Correction of Previous FR Notice; Goshute Indian Reservation; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: The notice published in 58 FR 48074, dated September 14, 1993, is corrected by changing the following legal description of lands under the heading.

2. The surface only of the following described land is held in trust:

T. 10 S., R. 19 W.,
Sec. 9, N½NE¼, NE¼NW¼, S½NW¼, N½SW¼;

Robert Lopez,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 93–25541 Filed 10–18–93; 8:45 am]

BILLING CODE 4310–DQ–M

[WY–920–41–5700; WYW126347]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188(d), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW126347 for lands in Hot Springs County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate

lease WYW126347 effective March 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

[FR Doc. 93-25668 Filed 10-18-93; 8:45 am]

BILLING CODE 4310-22-M

[NV-930-4210-04; N-57859]

Amended Notice of Realty Action; Exchange of Public Lands in Clark Co., NV

AGENCY: BLM, Interior.

ACTION: Exchange of public lands.

SUMMARY: The Notice of Realty Action published in the **Federal Register** on June 4, 1993 (58 FR 31751; FR Doc 93-13194), is hereby amended with respect to the case file number and to include an additional paragraph, as follows:

(1) Serial number is changed to N-57859.

(2) Litigation (*Lancaster* v. *Roy, et al., CV-S-93-263-HDM*) is pending which affects some of the Federal lands being considered in this exchange. Proceeding with the exchange as proposed will depend on the outcome of said litigation.

Dated: October 6, 1993.

Gary Ryan,

Acting District Manager, Las Vegas, NV.

[FR Doc. 93-25542 Filed 10-18-93; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for reinstatement approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service Clearance Officer and the Office of Management and Budget, Paperwork Reduction Project (1018-0007) Washington, DC 20503, telephone 202-395-7340.

Title: Certification of Fishing and Hunting License Holders.

OMB Approval Number: 1018-0007.

Abstract: The Federal Aid in Fish and Wildlife Restoration Acts provide that funds are apportioned to the states, in accordance with a prescribed formula, for projects that restore, conserve, and enhance wild birds and mammals and sport fish. Part I, is used to collect numbers of paid hunting and fishing license holders from state fish and wildlife agencies, and is used by the Service to compute the apportionment of grant funds available to each state.

Part II, is used to collect information on hunting and fishing license sales. This information is made available to the public and is used by the Service and the public as indicators of trends in sport hunting and fishing.

Service Form Number(s): Part I, Form 3-154a; Part II, Form 3-154b

Frequency: Annually

Description of Respondents: State fish and wildlife agencies

Estimated Completion Time: 1 hour

Annual Burden Hours: 50

Service Clearance Officer: Phyllis H. Cook, 703-358-1943, Mail Stop—224 Arlington Square, U.S. Fish and Wildlife Service, Washington, DC 20240

Dated: September 20, 1993.

Michael J. Spear,

Assistant Director, Ecological Services.

[FR Doc. 93-25573 Filed 10-18-93; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Seismic Reassessment of Offshore Platforms; Workshop

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of public workshop.

SUMMARY: The Minerals Management Service (MMS) and California State Lands Commission (SLC) are reassessing the ability of older offshore oil and gas platforms to structurally withstand earthquakes. This notice announces a public workshop to solicit discussion and feedback from the public on policy issues to be considered in the development of any future regulations on seismic requalification of offshore platforms.

DATES: November 10, 1993, Wednesday, from 8 a.m. until 5 p.m.

ADDRESSES: The workshop will be held in the first floor training facility at the Minerals Management Service's Pacific OCS Region office, 770 Paseo Camarillo, Camarillo, CA 93010.

FOR FURTHER INFORMATION CONTACT: Ms. Leslie Monahan, Minerals Management Service, at the above address, telephone (805) 389-7568, or Mr. Martin Eskijian, State Lands Commission, ARCO Towers, 200 Oceangate, 12th Floor, Long Beach, CA 90802-4471, telephone (310) 590-5198.

SUPPLEMENTARY INFORMATION: Some older platforms offshore California were designed and built according to earlier codes used at that time for onshore structures. Later, more elaborate methods of analysis and design criteria were developed specifically for offshore platforms. The majority of the platforms located in State waters and some of those located in Federal waters were designed according to the earlier codes.

Following the San Francisco-area earthquake in October 1989, both the Minerals Management Service (MMS) and California State Lands Commission (SLC) reviewed those earlier requirements and determined that further analyses were needed to evaluate how these older platforms would perform using current techniques for new platforms. As with many other structures both onshore and offshore, codes have not been developed to evaluate their structural performance once they have been built. There are no regulations specifically governing the requalification of older platforms, but, in the interest of safety, each agency has developed its own case-by-case evaluation for the regulation of the platforms. From this information, it was determined that a more comprehensive set of regulations need to be developed for platform requalification, so that there will be definitive guidelines for offshore platforms, with an appropriate level of consistency between State and Federal regulations.

The American Petroleum Institute is developing codes for the requalification of offshore platforms. These codes will cover the technical aspects of general platform requalification. It is up to the regulatory agencies to develop regulations that address both technical and policy issues. Policy issues need to be resolved outside of the technical forum. These policies should involve public input.

The MMS and SLC are jointly sponsoring a one-day workshop on policy issues related to seismic requalification of offshore platforms. The workshop will be structured to first inform the public on the status of the seismic requalification efforts, and then to elicit thoughts and concerns from the group on what policies the MMS and SLC as regulatory bodies should consider adopting. The workshop will be designed to encourage opportunities for public comment and discussion. The goal is to form a consensus on

appropriate policies that might affect the seismic requalification of offshore structures in the future.

Registration

There is no registration fee for this workshop. However, to assess the probable number of participants, MMS and SLC request that participants contact the agency personnel listed above to obtain a registration form.

Proceedings

A workshop summary report and attendance list will be prepared by the MMS and SLC and provided to the workshop participants. Requests for copies of the report can also be made to the MMS and SLC at the addresses listed above.

Dated: October 8, 1993.

J. Lisle Reed,

Regional Director, Pacific OCS Region.

[FR Doc. 93–25540 Filed 10–18–93; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Gates of the Arctic National Park and the Chairperson of the Subsistence Resource Commission for Gates of the Arctic National Park announce a forthcoming meeting of the Gates of the Arctic National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Call to order.
(2) Roll call.
(3) Approval of summary of minutes.
(4) Review agenda.
(5) Superintendent's welcome:
  (a) Introduction of guests.
  (b) Review of SRC function and purpose.
  (c) Park Subsistence Program Update.
(6) Old business:
  (a) State Oil and Gas Lease Sale 57 update.
  (b) Resolution 85–05: hunting plan outline.
  (c) Review public comments and finalize draft Hunting Plan Recommendations #7 and #8:
  #7—Implement ANILCA Section 809 Cooperative Agreements to prepare the Hunting Plan.
  #8—Oppose the construction of a permanent road between Bettles and the Dalton Highway.
  (d) Federal Subsistence Program Update.
(7) Public and other agency comments.
(8) Determine time and place of next SRC meeting.
(9) Adjournment.

DATES: The meeting will be held Tuesday and Wednesday, October 19–20, 1993. The meeting will begin at 8:30 a.m. each day and conclude around 5 p.m.

LOCATION: The meeting will be held at the Regency Fairbanks Hotel in Fairbanks, Alaska.

FOR FURTHER INFORMATION CONTACT: Stephen P. Martin, Superintendent, PO Box 74680, Fairbanks, Alaska 99707. Phone (907) 456–0281.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Paul R. Anderson,

Acting Regional Director.

[FR Doc. 93–25655 Filed 10–18–93; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 9, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by November 3, 1993.

Carol D. Shull,

Chief of Registration, National Register.

COLORADO

Weld County

Greeley Union Pacific Railroad Depot, Jct. of 7th Ave. and 9th St., Greeley, 93001180

GEORGIA

Dougherty County

Tift Park, Bounded by N. Jefferson St., 5th Ave., 7th Ave. and Palmyra Rd., Dougherty, 93001179

Walton County

Jones, Walter, Rock House, 4435 GA 186 NE, Good Hope vicinity, 93001190

IOWA

Polk County

Keeler, Rev. R.W. and Fannie E., House, 1430 10th St., Des Moines, 93001184

NORTH CAROLINA

Alamance County

Braxton, Hiram, House, (Log Buildings in Alamance County MPS), 3440 Newlin Rd., Snow Camp vicinity, 93001193

Cook, William, House, (Log Buildings in Alamance County MPS), NC 2131 W side at jct. with NC 2132, Mebane vicinity, 93001194

Fogleman,Polly, House, (Log Buildings in Alamance County MPS), 4331 Brick Church Rd., Burlington, 93001197

Guy, Thomas, House, (Log Buildings in Alamance County MPS), NC 2135 N side, 0.3 mi. W of jct. with NC 2142, Mebane vicinity, 93001195

McBane, Camilus, House, (Log Buildings in Alamance County MPS), Off NC 2345 N side, 0.3 mi. W of jct. with NC 2340, 0.2 mi. down unnamed rd., Snow Camp vicinity, 93001196

Spoon, A.L., House, (Log Buildings in Alamance County MPS), NC 1107 N side, 0.7 mi. SW of jct. with NC 1005, Snow Camp vicinity, 93001192

Thompson, James Monroe, House, (Log Buildings in Alamance County MPS), NC 2158 E side, 0.1 mi. S of jct. with NC 2150, Saxapahaw vicinity, 93001198

Guilford County

College Hill Historic District, (Greensboro MPS), Roughly bounded by W. Market St., S. Cedar St., Oakland Ave. and McIver St., Greensboro, 93001191

RHODE ISLAND

Kent County

Wilson—Winslow House, 2414 Harkney Hill Rd., Coventry, 93001182

Providence County

Smith Hill Historic District, 57–65 Brownell St., 73–114 Holden St., 23–80 Jewett St., 189–240 Smith St. and 10–18 W. Park St., Providence, 93001183

Veterans Memorial Auditorium—Masonic Temple, Jct. of Brownell and Park Sts., Providence, 93001181

TENNESSEE

Robertson County

Thomas Drugs, 7802 TN 25 E., Cross Plains, 93001189

Warren County

Magness, William H. and Edgar, Community House and Library, 118 W. Main St., McMinnville, 93001177

Washington County

Aquone, 110 Barberry Rd., Johnson City, 93001199

White County

Oldham Theater, W. Liberty Sq., Sparta, 93001188

VERMONT

Chittenden County

Johnson, Dan, Farmstead, (Agricultural Resources of Vermont MPS), Jct. of US 2 and Johnson Ln., Williston, 93001178

Franklin County

Ballard Farm, (Agricultural Resources of Vermont MPS), Jct. of Ballard Rd. and Town Hwy. 6, Georgia, 93001176

West Berkshire School, (Educational Resources of Vermont MPS), Jct. of Town Hwy. 26 and Town Hwy. 3, Berkshire, 93001174

Windsor County

Spaulding, Zachariah, Farm, (Agricultural Resources of Vermont MPS), Town Hwy. 38 S. of Ludlow town center, Ludlow, 93001175

WISCONSIN

Columbia County

Bellmont Hotel, 120 N. Main St., Pardeeville, 93001170

Iowa County

Linden High School, 344 E. Main St., Linden, 93001168

Juneau County

Lemonweir Glyphs, (Wisconsin Indian Rock Art Sites MPS), Address Restricted, Kildare, 93001173

Kewaunee County

Marquette Historic District, Roughly bounded by Lake Michigan and Center, Juneau and Lincoln Sts., Kewaunee, 93001167

Portage County

Pipe School, Jct. of Pipe Rd. and Co. Hwy. T, Lanark, 93001171

Vilas County

Sunset Point, 1024 Everett Rd., Eagle River, 93001169

Wood County

Daly, Elizabeth, House, 641 Baker St., Wisconsin Rapids, 93001172

Marshfield Central Avenue Historic District, Roughly, Central Ave. from Depot St. to Third St., Marshfield, 93001166

WYOMING

Johnson County

Holland House, 312 N. Main St., Buffalo, 93001185

Natrona County

Casper Fire Department Station No. 1, 302 S. David St., Casper, 93001187

Consolidated Royalty Building, 137–141 S. Center St., Casper, 93001186

[FR Doc. 93–25648 Filed 10–18–93; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 93–1]

Robert Takos, M.D.; Grant of Restricted Registration

On May 1, 1992, The Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert Takos, M.D., (Respondent), at the University Medical Center, 2500 North State Street, Jackson, Mississippi. The Order to Show Cause proposed to deny his application for registration filed with the DEA pursuant to 21 U.S.C. 823(f). The statutory predicate for the proposed action was Respondent's conviction of unlawful possession of heroin, in violation of the Mississippi Uniform Controlled Substances Act, Section 41–29–139(a)(1), a felony offense relating to controlled substances.

Respondent requested a hearing on the issue raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Paul A. Tenney. Following prehearing procedures, a hearing was held in New Orleans, Louisiana on April 13, 1993. On June 7, 1993, Judge Tenney issued his findings of fact, conclusions of law, and recommended ruling. Neither party filed exceptions to the administrative law judge's opinion and recommended decision and, on July 19, 1993, the administrative law judge transmitted the record to the Administrator. The Administrator has considered the record in its entirety and, pursuant to 21 CFR 1316.67, hereby enters his final order in this matter.

The administrative law judge found that in 1984, the Respondent underwent treatment for drug addiction at the Mississippi State Hospital in Whitfield, Mississippi. After thirty days of treatment, the Respondent left the treatment program. Sometime later in February, the Respondent travelled to Pakistan, where he purchased heroin. The Respondent subsequently swallowed 65 balloons filled with heroin and returned to the United States. Respondent again entered a treatment program for substance abuse. On or about February 28, 1984, Respondent left the program against medical advice. Hospital security contacted the local police department and requested their assistance in locating the Respondent. The police officers located, and subsequently arrested the Respondent following a search which revealed 65 heroin balloons, a handgun, a box of Ex-lax, and other miscellaneous items.

On February 28, 1984, the Respondent was indicted by the Grand Jury of the State of Mississippi for the felony possession of heroin, with intent to deliver. On August 3, 1984, Respondent pled guilty to the State's charges, and was sentenced to three years incarceration, sentence suspended upon an order of probation. The Respondent was also ordered to pay a fine in the amount of $2,500.00, along with court costs, and to waive any right to contest the civil proceedings for the forfeiture of his 1982 motor vehicle. On July 30, 1987, the State of Mississippi terminated the Respondent's probation.

The administrative law judge further found that on March 19, 1984, Respondent voluntarily surrendered his DEA Certificate of Registration, and on August 15, 1984, the Respondent surrendered his Mississippi medical license.

On January 21, 1988, the Mississippi State Board of Medical Licensure (Board) held a hearing on the reinstatement of the Respondent's medical license. By Determination and Order dated January 25, 1988, the Board ordered the reinstatement of the Respondent's medical license, subject to several terms and conditions. On of the conditions provided that the Respondent was not permitted to apply for a DEA registration or to handle controlled substances without the prior written order of the Board.

In two subsequent Board orders, dated November 17, 1988 and January 18, 1990, the Respondent was authorized to obtain a DEA registration in Schedule V if such registration were needed to obtain medical malpractice coverage. On September 24, 1990, the Board granted Respondent authorization to apply for Schedule IV and V controlled substance privileges, excluding the medication Buprenex. The Board further ordered that the Respondent could pursue the practice of medicine in Mississippi, at a State supported institution, such as the medical unit at the Mississippi State Penitentiary, or residency training at the University of Mississippi School of Medicine. At the time the Respondent selected a place of employment, he was to submit a plan of practice to the Board for its approval. The Board did not authorize the Respondent to engage in the solo practice of medicine. At the time of the September 24, 1990, Order the Respondent was not employed as a physician, and had not submitted a plan to the Board for approval.

At the DEA hearing and in the Government's proposed findings of fact,

conclusions of law and decision, an issue was raised concerning the current status of Respondent's state authority to handle controlled substances. The administrative law judge carefully reviewed the state medical board orders and determined that the Respondent is currently authorized to handle controlled substances in Schedules IV and V, excluding Buprenex. The Administrator concurs in this determination.

The administrative law judge further found that before August 1984, the Respondent had a serious substance abuse problem. At the DEA administrative hearing, the Respondent testified that he primarily abused alcohol, morphine and marijuana. He began abusing alcohol during his anesthesia residency in 1982 or 1983. The Respondent also stated that he smoked marijuana daily; that he took morphine from the hospital stock for his own personal use; and that he used drugs and alcohol while he was on duty at the medical center.

Since the Respondent's conviction in 1984, he has been involved in various drug treatment programs. In October 1984, he entered a three-month program in Whitfield, Mississippi, for chemical dependency. After treatment, he remained at the hospital as a volunteer counselor until approximately May 1988.

In 1987, the Respondent received the 1987 Distinguished Service Award from Governor Allain of Mississippi for his full-time volunteer work in the chemical dependency unit. The Respondent logged 6,586 hours of volunteer work, and served more than 1,000 patients during this time.

For three to four years following his conviction, the Respondent attended Alcoholics Anonymous meetings once or twice daily. Until 1992, the Respondent attended the Alcoholics Anonymous meetings five days per week. Respondent presently attends approximately one meeting a week. The Respondent also attends the Caduceus Club meetings one time per week. The Caduceus Club is comprised of physicians recovering from chemical dependency, who assist other physicians in the recovery process.

At the administrative hearing, a medical board investigator testified that he collected random urine specimens from the Respondent, once or twice monthly, over a three-year period. Each drug screen was negative over this period of time. The investigator further testified there had been no abuse or report of abuse of controlled substances by the Respondent since the mid-1980's.

The administrative law judge further noted that the Respondent has authored several articles regarding chemical dependency. Five of those articles have been published, and were submitted with the Respondent's brief for consideration.

Pursuant to 21 U.S.C. 823(f), the Administrator may deny an application for registration if he determines that such registration would be inconsistent with the public interest. Section 823(f) provides for consideration of the following factors in determining where the public interest lies:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority;

(2) The applicant's experience in dispensing or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution or dispensing of controlled substances.

(4) Compliance with applicable State, Federal or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive. That is, the Administrator may properly rely on any one or a combination of those factors, giving each the weight he deems appropriate in determining the public interest. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

The administrative law judge found that Respondent had been convicted of a felony offense relating to controlled substances. He further found that the Respondent had an extensive history of substance abuse. However, Respondent's drug abuse problem and felony conviction occurred almost ten years ago. Respondent has made great strides in his personal rehabilitation from substance abuse. The administrative law judge found that Respondent's testimony reflected sincere remorse for his prior unlawful activities and concluded that Respondent's remorse and rehabilitation permit a conclusion that Respondent's registration is consistent with the public interest. See Frank Chin, M.D., 57 FR 47673 (1992); Chin-Lin Cheng, M.D., 57 FR 18907 (1991).

The Administrator finds that there is sufficient evidence in the record to conclude that Respondent, given the opportunity, will utilize a DEA registration in a responsible and professional manner. The Administrator adopts the findings of fact, conclusions of law and recommended ruling of the administrative law judge in its entirety.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application for DEA registration submitted by Robert Takos, M.D., on November 26, 1990, be granted in Schedules IV and V, excluding Buprenex. This order is effective October 19, 1993.

Dated: October 13, 1993.

Robert C. Bonner,

Administrator Drug Enforcement.

[FR Doc. 93–25607 Filed 10–18–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

BACKGROUND: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

RECORDKEEPING/REPORTING REQUIREMENTS UNDER REVIEW: As necessary, the Department of Labor will publish Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last publication. These entries may include new collections, revisions, extensions, or reinstatements, if applicable. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

COMMENTS AND QUESTIONS: Copies of the recordkeeping/reporting requirements included in each notice may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 219–5095). Comments and questions about the items included in each notice should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ ETA/OLMS/MSHA/ OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Revision

Employment and Training Administration

Governor's Request for Advances from the Federal Unemployment Account or Requests for Voluntary Repayment of Such Advances 1205–0199.

State or local governments.

201 respondents; 1 hour per response; 201 total hours; no forms.

When State employment funds become insolvent, funds needed to continue unemployment benefits without interruption can be borrowed from the Federal Unemployment Account. To trigger a request for advances or a voluntary repayment the Governor or the person so delegated by the Governor must forward a formal letter to the Secretary of Labor.

Signed at Washington, DC, this 14th day of October, 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–25621 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–30–P

Senior Executive Service; Appointment of Members to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to three-year terms on the Department's Performance Review Board:

Carol A. Gaudin
Thomas P. Glynn
James D. Henry
Meredith Miller
Peter E. Rell

FOR FURTHER INFORMATION CONTACT: Mr. Larry K. Goodwin, Director of Personnel Management, room C5526, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210, telephone: (202) 219–6551.

Signed at Washington, DC, this 12th day of October 1993.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 93–25622 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–23–M

Employment and Training Administration

[TA–W–28,571]

G & L Machine, South Paris, ME; Revised Determination on Reconsideration

On October 1, 1993, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the former workers of the subject firm. The notice will soon be published in the **Federal Register**.

Investigation findings show that the workers produced screw machine parts. All production and employment ceased on March 17, 1993 when the plant was closed.

The Department's denial was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met.

New findings on reconsideration show that a major customer increased its imports of screw machine parts from Mexico while ceasing purchases from the subject firm during the relevant period.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that workers at G & L Machine in South Paris, Maine were adversely affected by increased imports of articles that are like or directly competitive with the screw machine parts previously produced at the subject firm.

In accordance with the provisions of the Act, I make the following revised determination for workers of G & L Machine in South Paris, Maine.

"All workers of G & L Machine in South Paris, Maine who became totally or partially separated from employment on or after March 31, 1992 and before October 1, 1993 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 7th of October 1993.

Stephen A. Wandner,

Deputy Director, Officer of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 93–25626 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–28,785]

Leviton Manufacturing, Warwick, RI; Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; Correction

This notice corrects the notice for petition TA–W–28,785 which was published in the **Federal Register** on July 7, 1993 (58 FR 36422) in FR Document 93–15996.

A printing error concerning the name and location of Cable Electric Prod., Leviton Manufacturing, Providence, Rhode Island appears in the 2nd line of the first and second columns in the appendix table on page 36422. The name should read "Leviton Manufacturing" and the location should read "Warwick, Rhode Island" instead of Cable Electric Prod., Leviton Manufacturing, Providence, Rhode Island.

Signed in Washington, DC, this October 7, 1993.

Marvin. M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–25625 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–28,969]

Sonny Styles, Inc., Scranton, PA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 16, 1993 in response to a worker petition which was filed on August 5, 1993 on behalf of workers at Sonny Styles, Incorporated, operating out of Scranton, Pennsylvania.

The Department of Labor has been unable to contact the petitioners and/or the officials of the subject firm, to obtain the necessary data regarding the subject facility in order to make a determination. State agency officials state they have no records of Sonny Styles. Since the essential information is not available for the Department to make a determination as to whether the workers at the subject firm are eligible for adjustment assistance benefits,

therefore, the investigation has been terminated.

Signed at Washington, DC this 7th day of October 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–25624 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-28,830; TA-W-28,831]

Winters Industries, Canton, OH and Alliance, OH; Affirmative Determination Regarding Application for Reconsideration

On September 25, 1993, the company requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination was issued on August 27, 1993 and published in the **Federal Register** on September 17, 1993 (58 FR 48678).

The company is submitting additional lost bid information and data showing that worker separations and sales declines occurred in 1993.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this day of October 7, 1993.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 93–25623 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–30–M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Notice of the Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas.

DATES: The annual list of labor surplus areas is effective October 1, 1993, through September 30, 1994.

FOR FURTHER INFORMATION CONTACT: Richard C. Hardin, Chief, Division of Planning, Employment and Training Administration, 200 Constitution Avenue, NW., room N–4470, Attention: TEESS, Washington, DC 20210. Telephone: 202–219–5185.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas. Executive agencies should refer to Federal Acquisition Regulation part 20 (48 CFR part 20) in order to assess the impact of the labor surplus area program on particular procurements.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Acquisition Regulation part 25 (48 CFR part 25) implements Executive Order 12260. Executive agencies should refer to Federal Acquisition Regulation part 25 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor is publishing the annual list of labor surplus areas.

Subpart B of part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615 April 12, 1983) and are effective October 1, 1993, through September 30, 1994.

The list of labor surplus areas is published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, DC, on October 4, 1993.

Doug Ross,

Assistant Secretary.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994

Eligible labor surplus areas	Civil jurisdictions included
Alabama:	
Anniston City	Anniston City in Calhoun County.
Barbour County	Barbour County.
Bessemer City	Bessemer City in Jefferson County.
Bibb County	Bibb County.
Bullock County	Bullock County.
Butler County	Butler County.
Chambers County	Chambers County.
Cherokee County	Cherokee County.
Chilton County	Chilton County.
Choctaw County	Choctaw County.
Clarke County	Clarke County.
Colbert County	Colbert County.
Conecuh County	Conecuh County.
Covington County	Covington County.
Escambia County	Escambia County.
Fayette County	Fayette County.
Florence City	Florence City in Lauderdale County.
Gadsden City	Gadsden City in Etowah County.
Greene County	Greene County.
Hale County	Hale County.
Jackson County	Jackson County.
Lamar County	Lamar County.
Lawrence County	Lawrence County.
Lowndes County	Lowndes County.
Marion County	Marion County.
Monroe County	Monroe County.
Perry County	Perry County.
Pickens County	Pickens County.
Prichard City	Prichard City in Mobile County.
Randolph County	Randolph County.
Selma City	Selma City in Dallas County.
Sumter County	Sumter County.
Talladega County	Talladega County.
Walker County	Walker County.
Washington County	Washington County.
Wilcox County	Wilcox County.
Winston County	Winston County.
Alaska:	
Bethel Census Area	Bethel Census Area.
Fairbanks City	Fairbanks City in Fairbanks North Star Borough.
Balance of Fairbanks North Star Borough.	Fairbanks North Star Borough less Fairbanks City.
Haines Borough	Haines Borough.
Kenai Peninsula Borough.	Kenai Peninsula Borough.
Ketchikan Gateway Borough.	Ketchikan Gateway Borough.
Kodiak Island Borough.	Kodiak Island Borough.
Matanuska-Susitna Borough.	Matanuska-Susitna Borough.
Nome Census Area	Nome Census Area.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Northwest Arctic Borough.	Northwest Arctic Borough.
Prince of Wales Outer Ketchikan.	Prince of Wales Outer Ketchikan.
Skagway Yakutat Angoon Cens Area.	Skagway Yakutat Angoon Cens Area.
Southeast Fairbanks Census Area.	Southeast Fairbanks Census Area.
Valdez Cordova Census Area.	Valdez Cordova Census Area.
Wade Hampton Census Area.	Wade Hampton Census Area.
Wrangell-Petersburg Census Area.	Wrangell-Petersburg Census Area.
Yukon-Koyukuk Census Area.	Yukon-Koyukuk Census Area.
Arizona:	
Apache County	Apache County.
Balance of Cochise County.	Cochise County less Sierra Vista City.
Balance of Coconino County.	Coconino County less Flagstaff City.
Gila County	Gila County.
La Paz County	La Paz County.
Navajo County	Navajo County.
Pinal County	Pinal County.
Santa Cruz County	Santa Cruz County.
Yuma City	Yuma City in Yuma County.
Balance of Yuma County.	Yuma County less Yuma City.
Arkansas:	
Bradley County	Bradley County.
Chicot County	Chicot County.
Cleburne County	Cleburne County.
Conway County	Conway County.
Crawford County	Crawford County.
Balance of Crittenden County.	Crittenden County less West Memphis City.
Cross County	Cross County.
Desha County	Desha County.
Drew County	Drew County.
Hot Spring County	Hot Spring County.
Jackson County	Jackson County.
Jacksonville City	Jacksonville City in Pulaski County.
Lafayette County	Lafayette County.
Lawrence County	Lawrence County.
Lee County	Lee County.
Lincoln County	Lincoln County.
Little River County	Little River County.
Mississippi County	Mississippi County.
Monroe County	Monroe County.
Nevada County	Nevada County.
Ouachita County	Ouachita County.
Phillips County	Phillips County.
Pike County	Pike County.
Pine Bluff City	Pine Bluff City in Jefferson County.
Poinsett County	Poinsett County.
Prairie County	Prairie County.
Randolph County	Randolph County.
St. Francis County	St. Francis County.
Van Buren County	Van Buren County.
White County	White County.
Woodruff County	Woodruff County.
California:	
Alpine County	Alpine County.
Amador County	Amador County.
Antioch City	Antioch City in Contra Costa County.
Apple Valley City	Apple Valley City in San Bernardino County.
Azusa City	Azusa City in Los Angeles County.
Bakersfield City	Bakersfield City in Kern County.
Baldwin Park City	Baldwin Park City in Los Angeles County.
Bell City	Bell City in Los Angeles County.
Bell Gardens City	Bell Gardens City in Los Angeles County.
Balance of Butte County.	Butte County less Chico City, Paradise City.
Calaveras County	Calaveras County.
Carson City	Carson City in Los Angeles County.
Cathedral City	Cathedral City in Riverside County.
Chico City	Chico City in Butte County.
Clovis City	Clovis City in Fresno County.
Colton City	Colton City in San Bernardino County.
Colusa County	Colusa County.
Compton City	Compton City in Los Angeles County.
Corona City	Corona City in Riverside County.
Del Norte County	Del Norte County.
El Cajon City	El Cajon City in San Diego County.
El Centro City	El Centro City in Imperial County.
El Monte City	El Monte City in Los Angeles County.
Fairfield City	Fairfield City in Solano County.
Fontana City	Fontana City in San Bernardino County.
Fresno City	Fresno City in Fresno County.
Balance of Fresno County.	Fresno County less Clovis City.
Gilroy City	Gilroy City in Santa Clara County.
Glendale City	Glendale City in Los Angeles County.
Glenn County	Glenn County.
Hanford City	Hanford City in Kings County.
Hawthorne City	Hawthorne City in Los Angeles County.
Hemet City	Hemet City in Riverside County.
Hesperia City	Hesperia City in San Bernardino County.
Highland City	Highland City in San Bernardino County.
Humboldt County	Humboldt County.
Huntington Park City.	Huntington Park City in Los Angeles County.
Imperial Beach City	Imperial Beach City in San Diego County.
Balance of Imperial County.	Imperial County less El Centro City.
Indio City	Indio City in Riverside County.
Inglewood City	Inglewood City in Los Angeles County.
Inyo County	Inyo County.
Balance of Kern County.	Kern County less Bakersfield City.
Balance of Kings County.	Kings County less Hanford City.
La Puente City	La Puente City in Los Angeles County.
Lake County	Lake County.
Lancaster City	Lancaster City in Los Angeles County.
Lassen County	Lassen County.
Lawndale City	Lawndale City in Los Angeles County.
Lodi City	Lodi City in San Joaquin County.
Lompoc City	Lompoc City in Santa Barbara County.
Long Beach City	Long Beach City in Los Angeles County.
Los Angeles City	Los Angeles City in Los Angeles County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Balance of Los Angeles County.	Los Angeles County less Alhambra City, Arcadia City, Azusa City, Baldwin Park City, Bell City, Bell Gardens City, Bellflower City, Beverly Hills City, Burbank City, Carson City, Cerritos City, Claremont City, Compton City, Covina City, Culver City, Downey City, El Monte City, Gardena City, Glendale City, Glendora City, Hawthorne City, Huntington Park City, Inglewood City, La Mirada City, La Puente City, La Verne City, Lakewood City. Lancaster City, Lawndale City, Long Beach City, Los Angeles City, Lynwood City, Manhattan Beach City, Maywood City, Monrovia, City, Montebello, City, Monterey Park City, Norwalk City, Palmdale City, Paramount City, Pasadena City, Pico Rivera City, Pomona City, Rancho Palos Verdes City, Redondo Beach City, Rosemead City, San Dimas City, San Gabriel City, Santa Monica City, South Gate City, Temple City, Torrance City, Walnut City, West Covina City, West Hollywood City, Whittier City.
Lynwood City	Lynwood City in Los Angeles County.
Madera City	Madera City in Madera County.
Balance of Madera County.	Madera County less Madera City.
Manteca City	Manteca City in San Joaquin County.
Maywood City	Maywood City in Los Angeles County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Mendocino County, Merced City.	Mendocino County, Merced City in Merced County.
Balance of Merced County.	Merced County less Merced City.
Modesto City	Modesto City in Stanislaus County.
Modoc County	Modoc County.
Mono County	Mono County.
Montclair City	Montclair City in San Bernardino County.
Montebello City	Montebello City in Los Angeles County.
Balance of Monterey County.	Monterey County less Marina City, Monterey City, Salinas City, Seaside City.
Napa City	Napa City in Napa County.
National City	National City in San Diego County.
Nevada County	Nevada County.
Norco City	Norco City in Riverside County.
Norwalk City	Norwalk City in Los Angeles County.
Oakland City	Oakland City in Alameda County.
Oceanside City	Oceanside City in San Diego County.
Ontario City	Ontario City in San Bernardino County.
Oxnard City	Oxnard City in Ventura County.
Palm Springs City	Palm Springs City in Riverside County.
Palmdale City	Palmdale City in Los Angeles County.
Paradise City	Paradise City in Butte County.
Paramount City	Paramount City in Los Angeles County.
Pico Rivera City	Pico Rivera City in Los Angeles County.
Pittsburg City	Pittsburg City in Contra Costa County.
Plumas County	Plumas County.
Pomona City	Pomona City in Los Angeles County.
Porterville City	Porterville City in Tulare County.
Redding City	Redding City in Shasta County.
Rialto City	Rialto City in San Bernardino County.
Richmond City	Richmond City in Contra Costa County.
Riverside City	Riverside City in Riverside County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Balance of Riverside County.	Riverside County less Cathedral City, Corona City, Hemet City, Indio City, Norco City, Palm Springs City, Riverside City.
Rosemead City	Rosemead City in Los Angeles County.
Roseville City	Roseville City in Placer County.
Sacramento City	Sacramento City in Sacramento County.
Salinas City	Salinas City in Monterey County.
San Benito County	San Benito County.
San Bernardino City	San Bernardino City in San Bernardino County.
Balance of San Bernardino County.	San Bernardino County less Apple Valley City, Chino City, Colton City, Fontana City, Hesperia City, Highland City, Montclair City, Ontario City, Rancho Cucamonga City, Redlands City, Rialto City, San Bernardino City. Upland City, Victorville City.
Balance of San Joaquin County.	San Joaquin County less Lodi City, Manteca City, Stockton City, Tracey City.
Santa Ana City	Santa Ana City in Orange County.
Santa Maria City	Santa Maria City in Santa Barbara County.
Seaside City	Seaside City in Monterey County.
Balance of Shasta County.	Shasta County less Redding City.
Sierra County	Sierra County.
Siskiyou County	Siskiyou County.
South Gate City	South Gate City in Los Angeles County.
Balance of Stanislaus County.	Stanilaus County less Modesto City, Turlock City.
Stanton City	Stanton City in Orange County.
Stockton City	Stockton City in San Joaquin County.
Sutter County	Sutter County.
Tehama County	Tehama County.
Tracey City	Tracey City in San Joaquin County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Trinity County	Trinty County.
Tulare City	Tulare City in Tulare County.
Balance of Tulare County.	Tulare County less Porterville City, Tulare City, Visalia City.
Tuolumne County	Tuolumne County.
Turlock City	Turlock City in Stanislaus County.
Vallejo City	Vallejo City in Solano County.
Victorville City	Victorville City in San Bernardino County.
Visalia City	Visalia City in Tulare County.
Watsonville City	Watsonville City in Santa Cruz County.
West Hollywood City.	West Hollywood City in Los Angeles County.
West Sacramento City.	West Sacramento City in Yolo County.
Woodland City	Woodland City in Yolo County.
Balance of Yolo County.	Yolo County less Davis City, West Sacramento City, Woodland City.
Yuba County	Yuba County.
Colorado:	
Archuleta County	Archuleta County.
Conejos County	Conejos County.
Costillia County	Costilla County.
Delta County	Delta County.
Dolores County	Dolores County.
Grand Junction City	Grand Junction City in Mesa County.
Lake County	Lake County.
Las Animas County	Las Animas County.
Rio Grande County	Rio Grande County.
Saguache County	Saguache County.
San Juan County	San Juan County.
Connecticut:	
Ansonia Town	Ansonia Town.
Bridgeport City	Bridgeport City.
Bristol City	Bristol City.
Canterbury Town	Canterbury Town.
Derby Town	Derby Town.
East Haven Town	East Haven Town.
Hartford City	Hartford City.
Killingly Town	Killingly Town.
Meriden City	Meriden City.
Naugatuck Town	Naugatuck Town.
New Britain City	New Britain City.
Plainfield Town	Plainfield Town.
Plainville Town	Plainville Town.
Plymouth Town	Plymouth Town.
Prospect Town	Prospect Town.
Putnam Town	Putnam Town.
Sprague Town	Sprague Town.
Sterling Town	Sterling Town.
Thomaston Town	Thomaston Town.
Thompson Town	Thompson Town.
Torrington City	Torrington City.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Waterbury City	Waterbury City.
Watertown Town	Watertown Town.
Winchester Town	Winchester Town.
Wolcott Town	Wolcott Town.
Florida:	
Baker County	Baker County.
Boynton Beach City	Boynton Beach City in Palm Beach County.
Calhoun County	Calhoun County.
Citrus County	Citrus County.
Collier County	Collier County.
Columbia County	Columbia County.
Daytona Beach City	Daytona Beach City in Volusia County.
De Soto County	De Soto County.
Delray Beach City	Delray Beach City in Palm Beach County.
Dixie County	Dixie County.
Flagler County	Flagler County.
Fort Myers City	Fort Myers City in Lee County.
Port Pierce City	Fort Pierce City in St. Lucie County.
Ft Lauderdale City	Ft Lauderdale City in Broward County.
Glades County	Glades County.
Greenacres City	Greenacres City in Palm Beach County.
Gulf County	Gulf County.
Hallandale City	Hallandale City in Broward County.
Hamilton County	Hamilton County.
Hardee County	Hardee County.
Hendry County	Hendry County.
Hernando County	Hernando County.
Hialeah City	Hialeah City in Dade County.
Highlands County	Highlands County.
Hollywood City	Hollywood City in Broward County.
Indian River County	Indian River County.
Lake County	Lake County.
Lake Worth City	Lake Worth City in Palm Beach County.
Lakeland City	Lakeland City in Polk County.
Lauderdale Lakes City.	Lauderdale Lakes City in Broward County.
Balance of Marion County.	Marion County Less Ocala City.
Martin County	Martin County.
Melbourne City	Melbourne City in Brevard County.
Miami Beach City	Miami Beach City in Dade County.
Miami City	Miami City in Dade County.
North Miami City	North Miami City in Dade County.
Ocala City	Ocala City in Marion County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Okeechobee County.	Okeechobee County.
Balance of Palm Beach County.	Palm Beach County Less Boca Raton City, Boynton Beach City, Delray Beach City, Greenacres City, Jupiter City, Lake Worth City, Riviera Beach City, West Palm Beach City.
Panama City	Panama City in Bay County.
Balance of Polk County.	Polk County Less Lakeland City.
Pompano Beach City.	Pompano Beach City in Broward County.
Port St. Lucie City	Port St. Lucie City in St. Lucie County.
Putnam County	Putnam County.
Riviera Beach City	Riviera Beach City in Palm Beach County.
Balance of St. Lucie County.	St. Lucie County Less Fort Pierce City, Port St. Lucie City.
Sumter County	Sumter County.
Suwannee County	Suwannee County.
Taylor County	Taylor County.
West Palm Beach City.	West Palm Beach City in Palm Beach County.
Georgia:	
Appling County	Appling County.
Atlanta City	Atlanta City in De Kalb County, Fulton County.
Augusta City	Augusta City in Richmond County.
Baker County	Baker County.
Bartow County.	Bartow County.
Brantley County	Brantley County.
Burke County	Burke County.
Calhoun County	Calhoun County.
Chattooga County	Chattooga County.
Crawford County	Crawford County.
Dawson County	Dawson County.
Early County	Early County.
Elbert County	Elbert County.
Emanuel County	Emanuel County.
Hancock County	Hancock County.
Haralson County	Haralson County.
Heard County	Heard County.
Jasper County	Jasper County
La Grange City	La Grange City in Troup County.
Macon County	Macon County.
Meriwether County	Meriwether County.
Miller County	Miller County.
Mitchell County	Mitchell County.
Pickens County	Pickens County.
Polk County	Polk County.
Quitman County	Quitman County.
Schley County	Schley County.
Screven County	Screven County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Seminole County	Seminole County.
Stewart County	Stewart County.
Turner County	Turner County.
Warren County	Warren County.
Webster County	Webster County.
Idaho:	
Adams County	Adams County.
Benewah County	Benewah County.
Bonner County	Bonner County.
Boundary County	Boundary County.
Clearwater County	Clearwater County.
Gem County	Gem County.
Idaho County	Idaho County.
Lemhi County	Lemhi County.
Balance of Nez Perce County.	Nez Perce County Less Lewiston City.
Power County	Power County.
Shoshone County	Shoshone County.
Valley County	Valley County.
Illinois:	
Alexander County	Alexander County.
Alton City	Alton City in Madison County.
Aurora City	Aurora City in Du Page County, Kane County.
Belleville City	Belleville City in St. Clair County.
Bond County	Bond County.
Boone County	Boone County.
Calhoun County	Calhoun County.
Carpentersville City	Carpentersville City in Kane County.
Cass County	Cass County.
Chicago City	Chicago City in Cook County.
Christian County	Christian County.
Cicero City	Cicero City in Cook County.
Clark County	Clark County.
Clay County	Clay County.
Crawford County	Crawford County.
Cumberland County	Cumberland County.
Danville City	Danville City in Vermilion County.
Decatur City	Decatur City in Macon County.
East St. Louis City	East St. Louis City in St. Clair County.
Edgar County	Edgar County.
Edwards County	Edwards County.
Effingham County	Effingham County.
Elgin City	Elgin City in Cook County, Kane County.
Fayette County	Fayette County.
Franklin County	Franklin County.
Freeport City	Freeport City in Stephenson County.
Fulton County	Fulton County.
Gallatin County	Gallatin County.
Granite City	Granite City in Madison County.
Greene County	Greene County.
Grundy County	Grundy County.
Hamilton County	Hamilton County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Harvey City	Harvey City in Cook County.
Balance of Jackson County.	Jackson County less Carbondale City.
Jefferson County	Jefferson County.
Johnson County	Johnson County.
Joliet City	Joliet City in Will County.
Kankakee City	Kankakee City in Kankakee County.
La Salle County	La Salle County.
Lawrence County	Lawrence County.
Macoupin County	Macoupin County.
Marion County	Marion County.
Mason County	Mason County.
Massac County	Massac County.
Maywood Village	Maywood Village in Cook County.
Mercer County	Mercer County.
Montgomery County.	Montgomery County.
North Chicago City	North Chicago City in Lake County.
Pekin City	Pekin City in Tazewell County.
Perry County	Perry County.
Pike County	Pike County.
Pope County	Pope County.
Pulaski County	Pulaski County.
Putnam County	Putnam County.
Quincy City	Quincy City in Adams County.
Randolph County	Randolph County.
Balance of Rock Island County.	Rock Island County less Moline City, Rock Island City.
Rockford City	Rockford City in Winnebago County.
Saline County	Saline County.
Scott County	Scott County.
Shelby County	Shelby County.
Stark County	Stark County.
Union County	Union County.
Balance of Vermilion County.	Vermilion County less Danville City.
Wabash County	Wabash County.
Wayne County	Wayne County.
White County	White County.
Williamson County	Williamson County.
Indiana:	
Anderson City	Anderson City in Madison County.
Blackford County	Blackford County.
Crawford County	Crawford County.
East Chicago City	East Chicago City in Lake County.
Fayette County	Fayette County.
Fountain County	Fountain County.
Gary City	Gary City in Lake County.
Henry County	Henry County.
Jay County	Jay County.
Kokomo City	Kokomo City in Howard County.
Lawrence County	Lawrence County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Marion City	Marion City in Grant County.
Michigan City	Michigan City in La Porte County.
Orange County	Orange County.
Perry County	Perry County.
Randolph County	Randolph County.
Richmond City	Richmond City in Wayne County.
Starke County	Starke County.
Sullivan County	Sullivan County.
Switzerland County	Switzerland County.
Union County	Union County.
Balance of Wayne County.	Wayne County less Richmond City.
Iowa:	
Ottumwa City	Ottumwa City in Wapello County.
Kansas:	
Linn County	Linn County.
Kentucky:	
Ashland City	Ashland City in Boyd County.
Ballard County	Ballard County.
Bath County	Bath County.
Bell County	Bell County.
Bracken County	Bracken County.
Breathitt County	Breathitt County.
Breckinridge County.	Breckinridge County.
Caldwell County	Caldwell County.
Carlisle County	Carlisle County.
Carter County	Carter County.
Casey County	Casey County.
Clay County	Clay County.
Clinton County	Clinton County.
Crittenden County	Crittenden County.
Cumberland County	Cumberland County.
Edmonson County	Edmonson County.
Elliott County	Elliott County.
Estill County	Estill County.
Fleming County	Fleming County.
Floyd County	Floyd County.
Fulton County	Fulton County.
Gallatin County	Gallatin County.
Garrard County	Garrard County.
Graves County	Graves County.
Grayson County	Grayson County.
Greenup County	Greenup County.
Hancock County	Hancock County.
Harlan County	Harlan County.
Hart County	Hart County.
Henderson City	Henderson City in Henderson County.
Hopkins County	Hopkins County.
Jackson County	Jackson County.
Johnson County	Johnson County.
Knott County	Knott County.
Knox County	Knox County.
Lawrence County	Lawrence County.
Lee County	Lee County.
Leslie County	Leslie County.
Letcher County	Letcher County.
Lewis County	Lewis County.
Lincoln County	Lincoln County.
Livingston County	Livingston County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Magoffin County	Magoffin County.
Marion County	Marion County.
Martin County	Martin County.
McCreary County	McCreary County.
McLean County	McLean County.
Meade County	Meade County.
Menifee County	Menifee County.
Montgomery County.	Montgomery County.
Morgan County	Morgan County.
Muhlenberg County	Muhlenberg County.
Ohio County	Ohio County.
Pendleton County	Pendleton County.
Perry County	Perry County.
Pike County	Pike County.
Powell County	Powell County.
Pulaski County	Pulaski County.
Robertson County	Robertson County.
Russel County	Russell County.
Balance of Warren County.	Warren County less Bowling Green City.
Wayne County	Wayne County.
Webster County	Webster County.
Whitley County	Whitley County.
Wolfe County	Wolfe County.
Louisiana:	
Acadia Parish	Acadia Parish.
Alexandria City	Alexandria City in Rapides Parish.
Allen Parish	Allen Parish.
Assumption Parish	Assumption Parish.
Avoyelles Parish	Avoyelles Parish.
Bienville Parish	Bienville Parish.
Caldwell Parish	Caldwell Parish.
Catahoula Parish	Catahoula Parish.
Concordia Parish	Concordia Parish.
De Soto Parish	De Soto Parish.
East Carroll Parish	East Carroll Parish.
Franklin Parish	Franklin Parish.
Grant Parish	Grant Parish.
Houma City	Houma City in Terrebonne Parish.
Balance of Iberia Parish.	Iberia Parish less New Iberia City.
Iberville Parish	Iberville Parish.
Jefferson Davis Parish.	Jefferson Davis Parish.
La Salle Parish	La Salle Parish.
Lake Charles City	Lake Charles City in Calcasieu Parish.
Livingston Parish	Livingston Parish.
Madison Parish	Madison Parish.
Monroe City	Monroe City in Ouachita Parish.
Morehouse Parish	Morehouse Parish.
New Iberia City	New Iberia City in Iberia Parish.
Pointe Coupee Parish.	Pointe Coupee Parish.
Red River Parish	Red River Parish.
Richland Parish	Richland Parish.
St. Helena Parish	St. Helena Parish.
St. James Parish	St. James Parish.
St. John Baptist Parish.	St. John Baptist Parish.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
St. Landry Parish	St. Landry Parish.
St. Mary Parish	St. Mary Parish.
Tangipahoa Parish	Tangipahoa Parish.
Tensas Parish	Tensas Parish.
Balance of Terrebonne Parish.	Terrebonne Parish less Houma City.
Vermilion Parish	Vermilion Parish.
Washington Parish	Washington Parish.
Webster Parish	Webster Parish.
West Carroll Parish	West Carroll Parish.
Maine:	
Balance of Androscoggin County.	Androscoggin County less Lewiston City.
Aroostook County	Aroostook County.
Lewiston City	Lewiston City in Androscoggin County.
Oxford County	Oxford County.
Piscataquis County	Piscataquis County.
Somerset County	Somerset County.
Waldo County	Waldo County.
Washington County	Washington County.
Maryland:	
Allegany County	Allegany County.
Annapolis City	Annapolis City in Anne Arundel County.
Baltimore City	Baltimore City.
Cecil County	Cecil County.
Dorchester County	Dorchester County.
Garrett County	Garrett County.
Hagerstown City	Hagerstown City in Washington County.
Somerset County	Somerset County.
Wicomico County	Wicomico County.
Worcester County	Worcester County.
Massachusetts:	
Abington Town	Abington Town in Plymouth County.
Acushnet Town	Acushnet Town in Bristol County.
Adams Town	Adams Town in Berkshire County.
Amesbury Town	Amesbury Town in Essex County.
Ashburnham Town	Ashburnham Town in Worcester County.
Ashby Town	Ashby Town in Middlesex County.
Athol Town	Athol Town in Worcester County.
Attleboro City	Attleboro City in Bristol County.
Avon Town	Avon Town in Norfolk County.
Ayer Town	Ayer Town in Middlesex County.
Barnstable Town	Barnstable Town in Barnstable County.
Barre Town	Barre Town in Worcester County.
Becket Town	Becket Town in Berkshire County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Bellingham Town	Bellingham Town in Norfolk County.
Berkley Town	Berkley Town in Bristol County.
Billerica Town	Billerica Town in Middlesex County.
Blackstone Town	Blackstone Town in Worcester County.
Blandford Town	Blandford Town in Hampden County.
Bourne Town	Bourne Town in Barnstable County.
Boylston Town	Boylston Town in Worcester County.
Bridgewater Town	Bridgewater Town in Plymouth County.
Brimfield Town	Brimfield Town in Hampden County.
Brockton City	Brockton City in Plymouth County.
Brookfield Town	Brookfield Town in Worcester County.
Carver Town	Carver Town in Plymouth County.
Charlemont Town	Charlemont Town in Franklin County.
Charlton Town	Charlton Town in Worcester County.
Chelsea City	Chelsea City in Suffolk County.
Cheshire Town	Cheshire Town in Berkshire County.
Chester Town	Chester Town in Hampden County.
Chesterfield Town	Chesterfield Town in Hampshire County.
Chicopee City	Chicopee City in Hampden County.
Clarksburg Town	Clarksburg Town in Berkshire County.
Clinton Town	Clinton Town in Worcester County.
Cummington Town	Cummington Town in Hampshire County.
Dartmouth Town	Dartmouth Town in Bristol County.
Dennis Town	Dennis Town in Barnstable County.
Dighton Town	Dighton Town in Bristol County.
Douglas Town	Douglas Town in Worcester County.
Dracut Town	Dracut Town in Middlesex County.
Dudley Town	Dudley Town in Worcester County.
East Bridgewater Town.	East Bridgewater Town in Plymouth County.
East Brookfield Town.	East Brookfield Town in Worcester County.
Eastham Town	Eastham Town in Barnstable County.
Easthampton Town	Easthampton Town in Hampshire County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Easton Town	Easton Town in Bristol County.
Edgartown Town	Edgartown Town in Dukes County.
Erving Town	Erving Town in Franklin County.
Everett City	Everett City in Middlesex County.
Fairhaven Town	Fairhaven Town in Bristol County.
Fall River City	Fall River City in Bristol County.
Falmouth Town	Falmouth Town in Barnstable County.
Fitchburg City	Fitchburg City in Worcester County.
Freetown Town	Freetown Town in Bristol County.
Gardner Town	Gardner Town in Worcester County.
Gay Head Town	Gay Head Town in Dukes County.
Gloucester City	Gloucester City in Essex County.
Grafton Town	Grafton Town in Worcester County.
Granby Town	Granby Town in Hampshire County.
Halifax Town	Halifax Town in Plymouth County.
Hanson Town	Hanson Town in Plymouth County.
Hardwick Town	Hardwick Town in Worcester County.
Harwich Town	Harwich Town in Barnstable County.
Haverhill City	Haverhill City in Essex County.
Hinsdale Town	Hinsdale Town in Berkshire County.
Holbrook Town	Holbrook Town in Norfolk County.
Holland Town	Holland Town in Hampden County.
Holyoke City	Holyoke City in Hampden County.
Hubbardston Town	Hubbardston Town in Worcester County.
Hudson Town	Hudson Town in Middlesex County.
Hull Town	Hull Town in Plymouth County.
Huntington Town	Huntington Town in Hampshire County.
Kingston Town	Kingston Town in Plymouth County.
Lakeville Town	Lakeville Town in Plymouth County.
Lanesbough Town	Lanesbough Town in Berkshire County.
Lawrence City	Lawrence City in Essex County.
Lee Town	Lee Town in Berkshire County.
Leicester Town	Leicester Town in Worcester County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Lenox Town	Lenox Town in Berkshire County.
Leominster City	Leominster City in Worcester County.
Leyden Town	Leyden Town in Franklin County.
Lowell City	Lowell City in Middlesex County.
Ludlow Town	Ludlow Town in Hampden County.
Lunenberg Town	Lunenberg Town in Worcester County.
Lynn City	Lynn City in Essex County.
Malden City	Malden City in Middlesex County.
Marshfield Town	Marshfield Town in Plymouth County.
Mashpee Town	Mashpee Town in Barnstable County.
Medway Town	Medway Town in Norfolk County.
Mendon Town	Mendon Town in Worcester County.
Merrimac Town	Merrimac Town in Essex County.
Methuen Town	Methuen Town in Essex County.
Middleborough Town.	Middleborough Town in Plymouth County.
Middlefield Town	Middlefield Town in Hampshire County.
Milford Town	Milford Town in Worcester County.
Millbury Town	Millbury Town in Worcester County.
Millville Town	Millville Town in Worcester County.
Monroe Town	Monroe Town in Franklin County.
Monson Town	Monson Town in Hampden County.
Montague Town	Montague Town in Franklin County.
New Bedford City	New Bedford City in Bristol County.
New Braintree Town.	New Braintree Town in Worcester County.
New Salem Town	New Salem Town in Franklin County.
North Adams Town	North Adams Town in Berkshire County.
North Brookfield Town.	North Brookfield Town in Worcester County.
Northbridge Town	Northbridge Town in Worcester County.
Norton Town	Norton Town in Bristol County.
Oakham Town	Oakham Town in Worcester County.
Orange Town	Orange Town in Franklin County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Orleans Town	Orleans Town in Barnstable County.
Otis Town	Otis Town in Berkshire County.
Oxford Town	Oxford Town in Worcester County.
Palmer Town	Palmer Town in Hampden County.
Pembroke Town	Pembroke Town in Plymouth County.
Peru Town	Peru Town in Berkshire County.
Petersham Town	Petersham Town in Worcester County.
Phillipston Town	Phillipston Town in Worcester County.
Pittsfield City	Pittsfield City in Berkshire County.
Plainfield Town	Plainfield Town in Hampshire County.
Plainville Town	Plainville Town in Norfolk County.
Plymouth Town	Plymouth Town in Plymouth County.
Plympton Town	Plympton Town in Plymouth County.
Provincetown Town	Provincetown Town in Barnstable County.
Quincy City	Quincy City in Norfolk County.
Randolph Town	Randolph Town in Norfolk County.
Raynham Town	Raynham Town in Bristol County.
Rehoboth Town	Rehoboth Town in Bristol County.
Revere City	Revere City in Suffolk County.
Rochester Town	Rochester Town in Plymouth County.
Rockland Town	Rockland Town in Plymouth County.
Rockport Town	Rockport Town in Essex County.
Rowe Town	Rowe Town in Franklin County.
Royalston Town	Royalston Town in Worcester County.
Rutland Town	Rutland Town in Worcester County.
Salem City	Salem City in Essex County.
Salisbury Town	Salisbury Town in Essex County.
Sandisfield Town	Sandisfield Town in Berkshire County.
Sandwich Town	Sandwich Town in Barnstable County.
Saugus Town	Saugus Town in Essex County.
Savoy Town	Savoy Town in Berkshire County.
Seekonk Town	Seekonk Town in Bristol County.
Shelburne Town	Shelburne Town in Franklin County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Somerset Town	Somerset Town in Bristol County.
Southbridge Town	Southbridge Town in Worcester County.
Southwick Town	Southwick Town in Hampden County.
Spencer Town	Spencer Town in Worcester County.
Springfield City	Springfield City in Hampden County.
Sterling Town	Sterling Town in Worcester County.
Stoughton Town	Stoughton Town in Norfolk County.
Sturbridge Town	Sturbridge Town in Worcester County.
Swansea Town	Swansea Town in Bristol County.
Taunton City	Taunton City in Bristol County.
Templeton Town	Templeton Town in Worcester County.
Tewksbury Town	Tewksbury Town in Middlesex County.
Tisbury Town	Tisbury Town in Dukes County.
Truro Town	Truro Town in Barnstable County.
Tyngsborough Town.	Tyngsborough Town in Middlesex County.
Upton Town	Upton Town in Worcester County.
Uxbridge Town	Uxbridge Town in Worcester County.
Wales Town	Wales Town in Hampden County.
Ware Town	Ware Town in Hampshire County.
Wareham Town	Wareham Town in Plymouth County.
Warren Town	Warren Town in Worcester County.
Warwick Town	Warwick Town in Franklin County.
Washington Town	Washington Town in Berkshire County.
Webster Town	Webster Town in Worcester County.
Wellfleet Town	Wellfleet Town in Barnstable County.
Wendell Town	Wendell Town in Franklin County.
West Bridgewater Town.	West Bridgewater Town in Plymouth County.
West Brookfield Town.	West Brookfield Town in Worcester County.
Westfield Town	Westfield Town in Hampden County.
Westminster Town	Westminster Town in Worcester County.
Westport Town	Westport Town in Bristol County.
Weymouth Town	Weymouth Town in Norfolk County.
Whitman Town	Whitman Town in Plymouth County.
Williamsburg Town	Williamsburg Town in Hampshire County.
Wilmington Town	Wilmington Town in Middlesex County.
Winchendon Town	Winchendon Town in Worcester County.
Woburn City	Woburn City in Middlesex County.
Worcester City	Worcester City in Worcester County.
Yarmouth Town	Yarmouth Town in Barnstable County.
Michigan:	
Alcona County	Alcona County.
Alger County	Alger County.
Alpena County	Alpena County.
Antrim County	Antrim County.
Arenac County	Arenac County.
Baraga County	Baraga County.
Battle Creek City	Battle Creek City in Calhoun County.
Bay City	Bay City in Bay County.
Benzie County	Benzie County.
Berrien County	Berrien County.
Branch County	Branch County.
Burton County	Burton City in Genesee County.
Cass County	Cass County.
Charlevoix County	Charlevoix County.
Cheboygan County	Cheboygan County.
Chippewa County	Chippewa County.
Clare County	Clare County.
Clinton Township	Clinton Township in Macomb County.
Delta County	Delta County.
Detroit City	Detroit City in Wayne County.
Dickinson County	Dickinson County.
Emmet County	Emmet County.
Flint County	Flint City in Genesee County.
Gladwin County	Gladwin County.
Gogebic County	Gogebic County.
Grand Rapids City	Grand Rapids City in Kent County.
Gratiot County	Gratiot County.
Highland Park City	Highland Park City in Wayne County.
Hillsdale County	Hillsdale County.
Houghton County	Houghton County.
Huron County	Huron County.
Inkster City	Inkster City in Wayne County.
Ionia County	Ionia County.
Iosco County	Iosco County.
Iron County	Iron County.
Jackson City	Jackson City in Jackson County.
Balance of Jackson County.	Jackson County less Jackson City.
Kalamazoo City	Kalamazoo City in Kalamazoo County.
Kalkaska County	Kalkaska County.
Keweenaw County	Keweenaw County.
Lake County	Lake County.
Lapeer County	Lapeer County.
Lenawee County	Lenawee County.
Luce County	Luce County.
Mackinac County	Mackinac County.
Balance of Macomb County.	Macomb County less Clinton Township, East Detroit City, Roseville City, Shelby Township, St. Clair Shores City, Sterling Heights City, Warren City.
Madison Heights City.	Madison Heights City in Oakland County.
Manistee County	Manistee County.
Marquette County	Marquette County.
Mason County	Mason County.
Mecosta County	Mecosta County.
Menominee County	Menominee County.
Balance of Midland County.	Midland County less Midland City.
Missaukee County	Missaukee County.
Monroe County	Monroe County.
Montcalm County	Montcalm County.
Montmorency County.	Montmorency County.
Mount Morris Township.	Mount Morris Township in Genesee County.
Muskegon City	Muskegon City in Muskegon County.
Balance of Muskegon County.	Muskegon County less Muskegon City.
Newaygo County	Newaygo County.
Oceana County	Oceana County.
Ogemaw County	Ogemaw County.
Ontonagon County	Ontonagon County.
Osceola County	Osceola County.
Otsego County	Otsego County.
Pontiac City	Pontiac City in Oakland County.
Port Huron City	Port Huron City in St. Clair County.
Presque Isle County.	Presque Isle County.
Roscommon County.	Roscommon County.
Roseville City	Roseville City in Macomb County.
Saginaw City	Saginaw City in Saginaw County.
Sanilac County	Sanilac County.
Schoolcraft County	Schoolcraft County.
Shiawassee County	Shiawassee County.
Balance of St. Clair County.	St. Clair County less Port Huron City.
St. Joseph County	St. Joseph County.
Tuscola County	Tuscola County.
Van Buren County	Van Buren County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Warren City	Warren City in Macomb County.
Wexford County	Wexford County.
Minnesota:	
Aitkin County	Aitkin County.
Cass County	Cass County.
Clearwater County	Clearwater County.
Itasca County	Itasca County.
Kanabec County	Kanabec County.
Lake County	Lake County.
Marshall County	Marshall County.
Meeker County	Meeker County.
Morrison County	Morrison County.
Pennington County	Pennington County.
Pine County	Pine County.
Red Lake County	Red Lake County.
Mississippi:	
Adams County	Adams County.
Alcorn County	Alcorn County.
Attala County	Attala County.
Benton County	Benton County.
Bolivar County	Bolivar County.
Carroll County	Carroll County.
Chickasaw County	Chickasaw County.
Choctaw County	Choctaw County.
Claiborne County	Claiborne County.
Clarke County	Clarke County.
Clay County	Clay County.
Coahoma County	Coahoma County.
Columbus City	Columbus City in Lowndes County.
Copiah County	Copiah County.
Covington County	Covington County.
Franklin County	Franklin County.
George County	George County.
Greene County	Greene County.
Greenville City	Greenville City in Washington County.
Grenada County	Grenada County.
Gulfport City	Gulfport City in Harrison County.
Holmes County	Holmes County.
Humphreys County	Humphreys County.
Issaquena County	Issaquena County.
Jasper County	Jasper County.
Jefferson County	Jefferson County
Jefferson Davis County.	Jefferson Davis County.
Kemper County	Kemper County.
Lawrence County	Lawrence County.
Leake County	Leake County.
Balance of Lee County.	Lee County Less Tupelo City
Leflore County	Leflore County.
Lincoln County	Lincoln County.
Marion County	Marion County.
Marshall County	Marshall County.
Monroe County	Monroe County.
Montgomery County.	Montgomery County.
Noxubee County	Noxubee County.
Panola County	Panola County.
Pascagoula City	Pascagoula City in Jackson County
Pearl River County	Pearl River County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Perry County	Perry County.
Pike County	Pike County.
Quitman County	Quitman County.
Sharkey County	Sharkey County.
Stone County	Stone County.
Sunflower County	Sunflower County.
Tallahatchie County	Tallahatchie County.
Tate County	Tate County.
Tippah County	Tippah County.
Tishomingo County	Tishomingo County.
Tunica County	Tunica County.
Vicksburg City	Vicksburg City in Warren County.
Walthall County	Walthall County.
Balance of Washington County.	Washington County Less Greenville City.
Wayne County	Wayne County.
Webster County	Webster County.
Wilkinson County	Wilkinson County.
Winston County	Winston County.
Yalobusha County	Yalobusha County.
Yazoo County	Yazoo County.
Missouri:	
Benton County	Benton County.
Bollinger County	Bollinger County.
Carroll County	Carroll County.
Carter County	Carter County.
Crawford County	Crawford County.
Dallas County	Dallas County.
Dunklin County	Dunklin County.
Franklin County	Franklin County.
Iron County	Iron County.
La Clede County	La Clede County.
Madison County	Madison County.
Maries County	Maries County.
Miller County	Miller County.
Mississippi County	Mississippi County.
New Madrid County	New Madrid County.
Pemiscot County	Pemiscot County.
Reynolds County	Reynolds County.
Ripley County	Ripley County.
Shannon County	Shannon County.
St Louis City	St Louis City.
St. Francois County	St. Francois County.
Stoddard County	Stoddard County.
Stone County	Stone County.
Texas County	Texas County.
Washington County	Washington County.
Wayne County	Wayne County.
Wright County	Wright County.
Montana:	
Big Horn County	Big Horn County.
Deer Lodge County	Deer Lodge County.
Flathead County	Flathead County.
Glacier County	Glacier County.
Golden Valley County.	Golden Valley County.
Lake County	Lake County.
Lincoln County	Lincoln County.
Mineral County	Mineral County.
Musselshell County	Musselshell County.
Park County	Park County.
Petroleum County	Petroleum County.
Ravalli County	Ravalli County.
Roosevelt County	Roosevelt County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Sanders County	Sanders County.
Silver Bow County	Silver Bow County.
Wibaux County	Wibaux County.
Nevada:	
North Las Vegas City.	North Las Vegas City in Clark County.
New Hamshire:	
Belknap County	Belknap County.
Rochester City	Rochester City in Strafford County.
Balance of Rockingham County.	Rockingham County less Portsmouth City.
New Jersey:	
Atlantic City	Atlantic City in Atlantic County.
Camden City	Camden City in Camden County.
Cape May County	Cape May County.
Balance of Cumberland County.	Cumberland County less Millville City, Vineland City.
East Orange City	East Orange City in Essex County.
Elizabeth City	Elizabeth City in Union County.
Garfield City	Garfield City in Bergen County.
Jersey City	Jersey City in Hudson County.
Lakewood Township.	Lakewood Township in Ocean County.
Linden City	Linden City in Union County.
Long Branch City	Long Branch City in Monmouth County.
Manchester Township.	Manchester Township in Ocean County.
Millville City	Millville City in Cumberland County.
New Brunswick City	New Brunswick City in Middlesex County.
Newark City	Newark City in Essex County.
North Bergen Township.	North Bergen Township in Hudson County.
Passaic City	Passaic City in Passaic County.
Paterson City	Paterson City in Passaic County.
Perth Amboy City	Perth Amboy City in Middlesex County.
Plainfield City	Plainfield City in Union County.
Trenton City	Trenton City in Mercer County.
Union City	Union City in Hudson County.
Vineland City	Vineland City in Cumberland County.
West New York Town.	West New York Town in Hudson County.
New Mexico:	
Catron County	Catron County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Balance of Chaves County.	Chaves County less Roswell City.
Cibola County	Cibola County.
Grant County	Grant County.
Guadalupe County	Guadalupe County.
Luna County	Luna County.
McKinley County	McKinley County.
Mora County	Mora County.
Balance of Otero County.	Otero County less Alamogordo City.
Rio Arriba County	Rio Arriba County.
Roswell City	Rosewell City in Chaves County.
Balance of San Juan County.	San Juan County less Farmington City.
San Miguel County	San Miguel County.
Taos County	Taos County.
Torrance County	Torrance County.
New York:	
Allegany County	Allegany County.
Auburn City	Auburn City in Cayuga County.
Binghamton City	Binghamton City in Broome County.
Bronx County	Bronx County.
Buffalo City	Buffalo City in Erie County.
Cattaraugus County	Cattaraugus County.
Chenango County	Chenango County.
Clinton County	Clinton County.
Balance of Dutchess County.	Dutchess County less Poughkeepsie City, Poughkeepsie Town, Wappinger Town.
Elmira City	Elmira City in Chemung County.
Essex County	Essex County.
Franklin County	Franklin County.
Fulton County	Fulton County.
Genesee County	Genesee County.
Greene County	Greene County.
Hamilton County	Hamilton County.
Herkimer County	Herkimer County.
Jamestown City	Jamestown City in Chautauqua County.
Balance of Jefferson County.	Jefferson County less Watertown City.
Kings County	Kings County.
Lewis County	Lewis County.
Lockport City	Lockport City in Niagara County.
Montgomery County.	Montgomery County.
Mount Vernon City	Mount Vernon City in Westchester County.
Niagara Falls City	Niagara Falls City in Niagara County.
Oswego County	Oswego County.
Poughkeepsie City	Poughkeepsie City in Dutchess County.
Queens County	Queens County.
Richmond County	Richmond County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Schenectady City	Schenectady City in Schenectady County.
Schoharie County	Schoharie County.
Schuyler County	Schuyler County.
St. Lawrence County.	St. Lawrence County.
Sullivan County	Sullivan County.
Syracuse City	Syracuse City in Onondaga County.
Troy City	Troy City in Rensselaer County.
Ulster County	Ulster County.
Utica City	Utica City in Oneida County.
Warren County	Warren County.
Watertown City	Watertown City in Jefferson County.
Wyoming County	Wyoming County.
Yates County	Yates County.
North Carolina:	
Anson County	Anson County.
Bladen County	Bladen County.
Brunswick County	Brunswick County.
Cherokee County	Cherokee County.
Columbus County	Columbus County.
Goldsboro City	Goldsboro City in Wayne County.
Graham County	Graham County.
Halifax County	Halifax County.
Hertford County	Hertford County.
Hyde County	Hyde County.
Kannapolis City	Kannapolis City in Cabarrus County, N.C., Rowan County N.C.
Kinston City	Kinston City in Lenoir County.
Mitchell County	Mitchell County.
Person County	Person County.
Robeson County	Robeson County.
Scotland County	Scotland County.
Swain County	Swain County.
Tyrrell County	Tyrrell County.
Vance County	Vance County.
Warren County	Warren County.
Wilson City	Wilson City in Wilson County.
North Dakota:	
Benson County	Benson County.
Eddy County	Eddy County.
McHenry County	McHenry County.
Rolette County	Rolette County.
Sioux County	Sioux County.
Ohio:	
Adams County	Adams County.
Akron City	Akron City in Summit County.
Ashtabula County	Ashtabula County.
Barberton City	Barberton City in Summit County.
Brown County	Brown County.
Canton City	Canton City in Stark County.
Carroll County	Carroll County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Cleveland City	Cleveland City in Cuyahoga County.
Crawford County	Crawford County.
Dayton City	Dayton City in Montgomery County.
East Cleveland City	East Cleveland City in Cuyahoga County.
Elyria City	Elyria City in Lorain County.
Fulton County	Fulton County.
Gallia County	Gallia County
Guernsey County	Guernsey County.
Hamilton City	Hamilton City in Butler County.
Hardin County	Hardin County.
Harrison County	Harrison County.
Highland County	Highland County.
Hocking County	Hocking County.
Huron County	Huron County.
Lima City	Lima City in Allen County.
Lorain City	Lorain City in Lorain County.
Mansfield City	Mansfield City in Richland County.
Marion City	Marion City in Marion County.
Massillon City	Massillon City in Stark County.
Meigs County	Meigs County.
Middletown City	Middletown City in Butler County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Noble County	Noble County.
Ottawa County	Ottawa County.
Perry County	Perry County.
Pike County	Pike County.
Ross County	Ross County.
Sandusky City	Sandusky City in Erie County.
Scioto County	Scioto County.
Seneca County	Seneca County.
Springfield City	Springfield City in Clark County.
Toledo City	Toledo City in Lucas County.
Vinton County	Vinton County.
Warren City	Warren City in Trumbull County.
Wyandot County	Wyandot County.
Youngstown City	Youngstown City in Mahoning County.
Zanesville City	Zanesville City in Muskingum County.
Oklahoma:	
Choctaw County	Choctaw County.
Coal County	Coal County.
Haskell County	Haskell County.
Hughes County	Hughes County.
Latimer County	Latimer County.
Mayes County	Mayes County.
McCurtain County	McCurtain County.
Murray County	Murray County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Balance of Muskogee County.	Muskogee County less Muskogee City.
Okmulgee County	Okmulgee County.
Ottawa County	Ottawa County.
Pittsburg County	Pittsburg County.
Seminole County	Seminole County.
Oregon:	
Baker County	Baker County.
Columbia County	Columbia County.
Coos County	Coos County.
Douglas County	Douglas County.
Grant County	Grant County.
Harney County	Harney County.
Hood River County	Hood River County.
Josephine County	Josephine County.
Klamath County	Klamath County.
Balance of Linn County.	Linn County less Albany City.
Morrow County	Morrow County.
Umatilla County	Umatilla County.
Wasco County	Wasco County.
Wheeler County	Wheeler County.
Pennsylvania:	
Allentown City	Allentown City in Lehigh County.
Altoona City	Altoona City in Blair County.
Armstrong County	Armstrong County.
Beaver County	Beaver County.
Bedford County	Bedford County.
Bristol Township	Bristol Township in Bucks County.
Balance of Cambria County.	Cambria County less Johnstown City.
Cameron County	Cameron County.
Carbon County	Carbon County.
Chester City	Chester City in Delaware County.
Clarion County	Clarion County.
Clearfield County	Clearfield County.
Clinton County	Clinton County.
Columbia County	Columbia County.
Crawford County	Crawford County.
Erie City	Erie City in Erie County.
Fayette County	Fayette County.
Forest County	Forest County.
Fulton County	Fulton County.
Greene County	Greene County.
Hazleton City	Hazleton City in Luzerne County.
Huntingdon County	Huntingdon County.
Indiana County	Indiana County.
Jefferson County	Jefferson County.
Johnstown City	Johnstown City in Cambria County.
Juniata County	Juniata County.
Lancaster City	Lancaster City in Lancaster County.
Balance of Lawrence County.	Lawrence County less New Castle City.
Balance of Luzerne County.	Luzerne County less Hazleton City, Wilkes-Barre City.
McKeesport City	McKeesport City in Allegheny County.
Mercer County	Mercer County.
Mifflin County	Mifflin County.
Monroe County	Monroe County.
New Castle City	New Castle City in Lawrence County.
Northumberland County.	Northumberland County.
Reading City	Reading City in Burks County.
Schuylkill County	Schuykill County.
Somerset County	Somerset County.
Sullivan County	Sullivan County.
Susquehanna County.	Susquehanna County.
Wayne County	Wayne County
Wilkes-Barre City	Wilkes-Bare City in Luzerne County.
Williamsport City	Williamsport City in Lycoming County.
Wyoming County	Wyoming County.
York City	York City in York County.
Puerto Rico:	
Adjuntas Municipio	Adjuntas Municipio.
Aguada Municipio	Aguada Municipio.
Aguadilla Municipio	Aguadilla Municipio.
Aguas Buenas Municipio.	Aguas Buenas Municipio.
Aibonito Municipio	Aibonito Municipio.
Anasco Municipio	Anasco Municipio.
Arecibo Municipio	Arecibo Municipio.
Arroyo Municipio	Arroyo Municipio.
Barceloneta Municipio.	Barceloneta Municipio.
Barranquitas Municipio.	Barranquitas Municipio.
Bayamon Municipio	Bayamon Municipio.
Cabo Rojo Municipio.	Cabo Rojo Municipio.
Caguas Municipio	Caguas Municipio.
Camuy Municipio	Camuy Municipio.
Canovanas Municipio.	Canovanas Municipio.
Carolina Municipio	Carolina Municipio.
Catano Municipio	Catano Municipio.
Cayey Municipio	Cayey Municipio.
Ceiba Municipio	Ceiba Municipio.
Ciales Municipio	Ciales Municipio.
Cidra Municipio	Cidra Municipio.
Coamo Municipio	Coamo Municipio.
Comerio Municipio	Comerio Municipio.
Corozal Municipio	Corozal Municipio.
Dorado Municipio	Dorado Municipio
Fajardo Municipio	Fajardo Municipio.
Florida Municipio	Florida Municipio.
Guanica Municipio	Guanica Municipio.
Guayama Municipio	Guayama Municipio.
Guayanilla Municipio.	Guayanilla Municipio.
Gurabo Municipio	Gurabo Municipio.
Hartillo Municipio	Hatillo Municipio.
Hormigueros Municipio.	Hormigueros Municipio.
Humacao Municipio	Humacao Municipio
Isabela Municipio	Isabela Municipio
Jayuya Municipio	Jayuya Municipio.
Juana Diaz Municipio.	Juana Diaz Municipio.
Juncos Municipio	Juncos Municipio.
Lajas Municipio	Lajas Municipio.
Lares Municipio	Lares Municipio.
Las Marias Municipio.	Las Marias Municipio.
Las Piedras Municipio.	Las Piedras Municipio.
Loiza Municipio	Loiza Municipio.
Luquillo Municipio	Luquillo Municipio.
Manati Municipio	Manati Municipio.
Maricao Municipio	Maricao Municipio.
Maunabo Municipio	Maunabo Municipio.
Mayaguez Municipio.	Mayaguez Municipio.
Moca Municipio	Moca Municipio.
Morovis Municipio	Morovis Municipio.
Naguabo Municipio	Naguabo Municipio.
Naranjito Municipio	Naranjito Municipio.
Orocovis Municipio	Orocovis Municipio.
Patillas Municipio	Patillias Municipio.
Penuelas Municipio	Penuelas Municipio.
Ponce Municipio	Ponce Municipio.
Quebradillas Municipio.	Quebradillas Municipio.
Rincon Municipio	Rincon Municipio.
Rio Grande Municipio.	Rio Grande Municipio.
Sabana Grande Municipio.	Sabana Grande Municipio.
Salinas Municipio	Salinas Municipio.
San German Municipio.	San German Municipio.
San Juan Municipio	San Juan Municipio.
San Lorenzo Municipio.	San Lorenzo Municipio.
San Sebastian Municipio.	San Sebastian Municipio.
Santa Isabel Municipio.	Santa Isabel Municipio.
Toa Alta Municipio	Toa Alta Municipio.
Toa Baja Municipio	Toa Baja Municipio.
Trujillo Alto Municipio.	Trujillo Alto Municipio.
Utuado Municipio	Utuado Municipio.
Vega Alta Municipio	Vega Alta Municipio.
Vega Baja Municipio.	Vega Baja Municipio.
Vuieques Municipio	Vieques Municipio.
Villalba Municipio	Villalba Municipio.
Yabucoa Municipio	Yabucoa Municipio.
Yauco Municipio	Yauco Municipio.
Rhode Island:	
Bristol Town	Bristol Town.
Burrillville Town	Burrillville Town.
Central Falls City	Central Falls City.
Charlestowr. Town	Charlestown Town.
Coventry Town	Coventry Town.
Cranston City	Cranston City.
Cumberland Town	Cumberland Town.
East Providence City.	East Providence City.
Foster Town	Foster Town.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Johnston Town	Johnston Town.
Lincoln Town	Lincoln Town.
New Shoreham Town.	New Shoreham Town.
North Providence Town.	North Providence Town.
Pawtucket City	Pawtucket City.
Providence City	Providence City.
Scituate Town	Scituate Town.
Tiverton Town	Tiverton Town.
Warren Town	Warren Town.
Warwick City	Warwick City.
West Greenwich Town.	West Greenwich Town.
West Warwick Town.	West Warwick Town.
Woonsocket City	Woonsocket City.
South Carolina:	
Allendale County	Allendale County.
Anderson City	Anderson City in Anderson County.
Bamberg County	Bamberg County.
Barnwell County	Barnwell County.
Calhoun County	Calhoun County.
Chester County	Chester County.
Clarendon County	Clarendon County.
Dillon County	Dillon County.
Fairfield County	Fairfield County.
Georgetown County	Georgetown County.
Hampton County	Hampton County.
Kershaw County	Kershaw County.
Lancaster County	Lancaster County.
Marion County	Marion County.
Marlboro County	Marlboro County.
McCormick County	McCormick County.
Sumter City	Sumter City in Sumter County.
Balance of Sumter County.	Sumter County less Sumter City.
Union County	Union County.
Williamsburg County.	Williamsburg County.
South Dakota:	
Corson County	Corson County.
Dewey County	Dewey County.
Shannon County	Shannon County.
Tennessee:	
Bedford County	Bedford County.
Campbell County	Campbell County.
Clarksville City	Clarksville City in Montgomery County.
Cocke County	Cocke County.
Columbia City	Columbia City in Maury County.
Cumberland County	Cumberland County.
Decatur County	Decatur County.
Fentress County	Fentress County.
Greene County	Greene County.
Grundy County	Grundy County.
Hardin County	Hardin County.
Haywood County	Haywood County.
Henderson County	Henderson County.
Hickman County	Hickman County.
Houston County	Houston County.
Humphreys County	Humphreys County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Jackson County	Jackson County.
Johnson County	Johnson County.
Lake County	Lake County.
Lauderdale County	Lauderdale County.
Lawrence County	Lawrence County.
Marion County	Marion County.
McMinn County	McMinn County.
Meigs County	Meigs County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Obion County	Obion County.
Overton County	Overton County.
Perry County	Perry County.
Polk County	Polk County.
Rhea County	Rhea County.
Scott County	Scott County.
Sevier County	Sevier County.
Unicoi County	Unicoi County.
Van Buren County	Van Buren County.
Warren County	Warren County.
White County	White County.
Texas:	
Brooks County	Brooks County.
Brownsville City	Brownsville City in Cameron County.
Balance of Cameron County.	Cameron County less Brownsville City, Harlingen City.
Balance of Maverick County.	Maverick County less Eagle Pass City.
McAllen City	McAllen City in Hidalgo County.
Mission City	Mission City in Hidalgo County.
Morris County	Morris County.
Newton County	Newton County.
Balance of Nueces County.	Nueces County less Corpus Christi City.
Orange City	Orange City in Orange County.
Balance of Orange County.	Orange County less Orange City.
Paris City	Paris City in Lamar County.
Pecos County	Pecos County.
Pharr City	Pharr City in Hidalgo County.
Polk County	Polk County.
Port Arthur City	Port Arthur City in Jefferson County.
Presidio County	Presidio County.
Reeves County	Reeves County.
Sabine County	Sabine County.
San Patricio County	San Patricio County.
Starr County	Starr County.
Texarkana City Tex	Texarkana City Tex in Bowie County.
Texas City	Texas City in Galveston County.
Uvalde County	Uvalde County.
Balance of Val Verde County.	Val Verde County less Del Rio City.
Waco City	Waco City in McLennan County.
Balance of Webb County.	Webb County less Laredo City.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Weslaco City	Weslaco City in Hidalgo County.
Willacy County	Willacy County.
Zapata County	Zapata County.
Zavala County	Zavala County.
Utah:	
Emery County	Emery County.
Garfield County	Garfield County.
Piute County	Piute County.
San Juan County	San Juan County.
Sanpete County	Sanpete County.
Vermont:	
Grand Isle County	Grand Isle County.
Orleans County	Orleans County.
Virginia:	
Alleghany County	Alleghany County.
Bath County	Bath County.
Blacksburg Town	Blacksburg Town in Montgomery County.
Brunswick County	Brunswick County,
Buchanan County	Buchanan County.
Buena Vista City	Buena Vista City.
Caroline County	Caroline County.
Charles City County	Charles City County.
Charlotte County	Charlotte County.
Clifton Forge City	Clifton Forge City.
Covington City	Covington City.
Culpeper County	Culpeper County.
Danville City	Danville City.
Dickenson County	Dickenson County.
Floyd County	Floyd County.
Fredericksburg City	Fredericksburg City.
Giles County	Giles County.
Hopewell City	Hopewell City.
Lancaster County	Lancaster County.
Lee County	Lee County.
Lunenburg County	Lunenburg County.
Martinsville City	Martinsville City.
Mecklenburg County.	Mecklenburg County.
Northampton County.	Northampton County.
Northumberland County.	Northumberland County.
Orange County	Orange County.
Page County	Page County.
Petersburg City	Petersburg City.
Portsmouth City	Portsmouth City.
Prince Edward County.	Prince Edward County.
Pulaski County	Pulaski County.
Radford City	Radford City.
Rappahannock County.	Rappahannock County.
Russell County	Russell County.
Smyth County	Smyth County.
South Boston City	South Boston City.
Surry County	Surry County.
Tazewell County	Tazewell County.
Warren County	Warren County.
Westmoreland County.	Westmoreland County.
Williamsburg City	Williamsburg City.
Winchester City	Winchester City.
Wise County	Wise County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Wythe County	Wythe County.
Washington:	
Adams County	Adams County.
Bremerton City	Bremerton City in Kitsap County.
Chelan County	Chelan County.
Clallam County	Clallam County.
Columbia County	Columbia County.
Balance of Cowlitz County.	Cowlitz County less Longview City.
Everett City	Everett City in Snohomish County.
Ferry County	Ferry County.
Franklin County	Franklin County.
Grant County	Grant County.
Grays Harbor County.	Grays Harbor County.
Kittitas County	Kittitas County.
Klickitat County	Klickitat County.
Lewis County	Lewis County.
Longview City	Longview City in Cowlitz County.
Mason County	Mason County.
Okanogan County	Okanogan County.
Pacific County	Pacific County.
Pend Oreille County.	Pend Oreille County.
Skagit County	Skagit County.
Skamania County	Skamania County.
Stevens County	Stevens County.
Vancouver City	Vancouver City in Clark County.
Wahkiakum County	Wahkiakum County.
Walla Walla City	Walla Walla City in Walla Walla County.
Yakima City	Yakima City in Yakima County.
Balance of Yakima County.	Yakima County less Yakima City.
West Virginia:	
Barbour County	Barbour County.
Berkeley County	Berkeley County.
Boone County	Boone County.
Braxton County	Braxton County.
Brooke County	Brooke County.
Calhoun County	Calhoun County.
Charleston City	Charleston City in Kanawha County.
Clay County	Clay County.
Doddridge County	Doddridge County.
Fayette County	Fayette County.
Gilmer County	Gilmer County.
Grant County	Grant County.
Greenbrier County	Greenbrier County.
Hampshire County	Hampshire County.
Hancock County	Hancock County.
Hardy County	Hardy County.
Harrison County	Harrison County.
Huntington City	Huntington City in Cabell County, Wayne County.
Jackson County	Jackson County.
Jefferson County	Jefferson County.
Lewis County	Lewis County.
Lincoln County	Lincoln County.

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994—Continued

Eligible labor surplus areas	Civil jurisdictions included
Logan County	Logan County.
Marion County	Marion County.
Balance of Marshall County.	Marshall County less Wheeling City.
Mason County	Mason County.
McDowell County	McDowell County.
Mercer County	Mercer County.
Mingo County	Mingo County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Nicholas County	Nicholas County.
Parkersburg City	Parkersburg City in Wood County.
Pleasants County	Pleasants County.
Pocahontas County	Pocahontas County.
Preston County	Preston County.
Putnam County	Putnam County.
Raleigh County	Raleigh County.
Randolph County	Randolph County.
Ritchie County	Ritchie County.
Roane County	Roane County.
Summers County	Summers County.
Taylor County	Taylor County.
Tucker County	Tucker County.
Tyler County	Tyler County.
Upshur County	Upshur County.
Balance of Wayne County.	Wayne County less Huntington City.
Webster County	Webster County.
Wetzel County	Wetzel County.
Wirt County	Wirt County.
Wyoming County	Wyoming County.
Wisconsin:	
Beloit County	Beloit City in Rock County.
Janesville City	Janesville City in Rock County.
Menominee County	Menominee County.
Racine City	Racine City in Racine County.
Rusk County	Rusk County.

[FR Doc. 93–25627 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Economically Targeted Investments (ETI) of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 2 p.m./4 p.m., Monday, November 8, 1993, in suite N–3437 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW. Washington, DC 20210.

This Working Group was formed by the Advisory Council to study issues relating to ETI for employee benefit plans covered by ERISA.

The purpose of the November 8 meeting is to discuss and finalize the Groups report of findings and recommendations to the Council concerning the establishment of an Economically Targeted Clearinghouse. The Working Group will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit a written request on or before November 3, 1993 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue, NW. Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 3, 1993.

Signed at Washington, DC, this 13th day of October, 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–25543 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefits Plans, Prohibited Transactions Work Group; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Prohibited Transactions of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9 a.m./10:30 a.m., Tuesday, November 9, 1993, in suite N–3437 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW. Washington, DC 20210.

This Working Group was formed by the Advisory Council to study issues relating to Prohibited Transactions for employee benefit plans covered by ERISA.

The purpose of the November 9 meeting is to discuss and finalize the

Group's report to the Council, of findings and recommendations concerning prohibited transactions. The Working Group will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit a written request on or before November 3, 1933 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue, NW. Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 3, 1993.

Signed at Washington, DC, this 13th day of October, 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–25544 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, November 9, 1993, in suite N–3437 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the Eighty-Second meeting of the Secretary's ERISA Advisory Council which will begin at 2:30 p.m./4 p.m., is to receive and discuss a detailed analysis and recommendations of reports from each of its Work Groups i.e., Economically Targeted Investments; Prohibited Transactions; Defined Contributions Plan Growth Implications, and to conduct any other business that may come before the Council. The Council will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding any aspect of the administration of ERISA.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before November 3, 1993 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals, or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 3, 1993.

Signed at Washington, DC this 13th day of October 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–25546 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Defined Contribution Plans (401 (k) of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 11 a.m./1:30 p.m., Tuesday, November 9, 1993, in suite N–3437 AB, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

This Working Group was formed by the Advisory Council to study issues relating to Defined Contribution Plans—401 (k) for employee benefit plans covered by ERISA.

The purpose of the November 9 meeting is to discuss and finalize the group's report of findings and recommendations to the Council concerning the implications of the growth in Defined Contribution Plans, especially with respect to coverage, eligibility and participation issues. The Working Group will also take testimony and or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals, or representatives of organizations wishing to address the Working Group should submit a written request on or before November 3, 1993 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 3, 1993.

Signed at Washington, DC This 13th day of October 1993.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 93–25545 Filed 10–18–93; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chorus Section) to the National Council on the Arts will be held on November 1–3, 1993; from 9 a.m. to 5:30 p.m. on November 1–2, 1993, and from 9 a.m. to 5 p.m. on November 3, 1993. This meeting will be held in room 730, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 3 p.m. to 5 p.m. on November 3, 1993 for policy discussion and review of guidelines

The remaining portions of this meeting from 9 a.m. to 5:30 p.m. on November 1–2, 1993, and from 9 a.m. to 3 p.m. on November 3, 1993, are for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to

subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TYY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with references to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call 202/682-5439.

Dated: October 13, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93-25539 Filed 10-18-93; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

October 13, 1993.

AGENCY: National Science Foundation.

ACTION: Notice of permit application received under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 14, 1993. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, room 627, Office of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Thomas F. Forhan at the above address or (202) 357-7817.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific interest.

The application received is as follows:

1. Applicant

Gerald L. Kooyman, Center for Marine Biotechnology and Biomedicine, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, CA 92093

Activity for Which Permit Requested

Taking. Import into USA. Enter specially protected area. These studies are directed at a specific comparison of foraging effort and breeding success among three colonies of emperor penguins. These baseline studies will be the basis for using emperor penguins as environmental monitors in the Ross Sea. About 40 adults will be held briefly to glue either a depth recorder or velocity meter and radio transmitter or satellite transmitter to the back feather between the wings. Stomach lavage will be performed on up to 20 birds, the birds are released afterwards. Similarly 100 chicks will be weighed, and 40 chicks will be captured for collection of blood samples for genetic analysis. Carcasses of 5 adults, 5 chicks and 15 eggs may be salvaged for morphometric measurements.

Location

Cape Washington, Coulman Is., Cape Roget, Cape Crozier

Date

10/15/93-12/31/94

Thomas F. Forhan,

Permit Office, Office of Polar Programs.

[FR Doc. 93-25538 Filed 10-18-93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Medical Uses of Isotopes; Meeting

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission will convene its next regular meeting of the Advisory Committee on Medical Uses of Isotopes (ACMUI) on November 1 and 2, 1993. Topics of discussion will include 10 CFR 20.1301, "Dose limits for individual members of the public"; pulsed-dose-rate after loading brachytherapy; the impact of fees on medical programs; medical implications associated with calibration of Strontium-90 eye applicators and their use in brachytherapy; an overview of the Management Plan for the medical use regulatory program; the term "referring physician" as used 10 CFR Part 35, "Medical Use of Byproduct Material", and the recently signed Memorandum of Understanding, between NRC and the Food and Drug Administration (FDA), that clarifies their respective roles in regulating medical use. In addition, the NRC staff will provide status reports on: high-dose-rate afterloading brachytherapy programs; the implementation of the Quality Management Program and Misadministration rule, the NUREG entitled "Management of Radioactive Material Safety Programs at Medical Facilities"; the National Academy of Sciences Study to perform an external review of the medical use regulatory process; and proposed rulemaking, including: "Proposed Amendments to 10 CFR 35.75, Release of Patients Containing Radiopharmaceuticals or Permanent Implants"; "Proposed Amendments on Preparation, Transfer, and Use of Byproduct Material for Medical Use"; and "Administration of Byproduct Material or Radiation from Byproduct Material to Patients Who May Be Pregnant or Nursing." A portion of this meeting will be closed to protect the privacy of physicians whose submitted training and experience will be reviewed by the ACMUI for the purpose of determining adequacy before they can be listed as an authorized user on an NRC medical use license.

DATES: The meeting will begin at 9:00 a.m., on November 1, 1993, and at 8:30 a.m., on November 2, 1993.

ADDRESSES: Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, Virginia.

FOR FURTHER INFORMATION CONTACT: Larry W. Camper, Office of Nuclear Material Safety and Safeguards, MS 6–H–3, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–504–3417.

Conduct of the Meeting

Barry Siegel, M.D.. will chair the meeting. Dr. Siegel will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to Larry W. Camper (address listed above). Comments must be received by October 22, 1993, to ensure consideration at the meeting. The transcript of the meeting will be kept open until November 13, 1993, for inclusion of written comments.

2. Persons who wish to make oral statements should inform Mr. Camper, in writing, by October 22, 1993. Statements must pertain to the topics on the agenda for the meeting. The Chairman will rule on requests to make oral statements. Members of the public will be permitted to make oral statements if time permits. Permission to make oral statements will be based on the order in which requests are received. In general, oral statements will be limited to approximately 5 minutes. Oral statements must be supplemented by detailed written statements, for the record. Rulings on who may speak, the order of presentation, and time allotments may be obtained by calling Mr. Camper, 301–504–3417, between 9 a.m. and 5 p.m. E.S.T., on October 28 or 29, 1993.

3. At the meeting, questions from attendees other than committee members, NRC consultants, and NRC staff will be permitted at the discretion of the Chairman.

4. The transcript, minutes of the meeting, and written comments will be available for inspection, and copying, for a fee, at the NRC Public Document Room, 2120 L Street NW., Lower Level, Washington 20555, on or about November 26, 1993.

5. Seating for the public will be on a first-come, first-served basis.

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.), it is necessary to close the portion of this meeting devoted to the review of physicians' credentials because it will involve a discussion of information the release which would represent a clearly unwarranted invasion of personal privacy under 5 U.S.C. 552b(c)(6).

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily section 161a); the Federal Advisory Act (5 U.S.C. App); and the Commission's regulations in Title 10 Code of Federal Regulations, part 7.

Dated: October 13, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–25584 Filed 10–18–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Nuclear Waste; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 58th meeting on Wednesday and Thursday, October 27–28, 1993, in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD, 8:30 a.m. until 6 p.m. each day. Notice of this meeting was published in the **Federal Register** on September 23, 1993 (58 FR 49531).

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 personal 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. These will include the preparation of reports on ACNW protocols, topics for review, and resource requirements.

2. The Committee will continue its discussions of matters related to the appointment of new members, and organizational and personnel matters related to the ACNW members and ACNW staff. 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 hear reports from ACNW members and staff on recent technical meetings that they have attended. Topics will include: Radionuclide migration and related near-field phenomena, hydrological research, the Exploratory Studies Facility, and surface-based testing associated with the Yucca Mountain Project.

4. The Committee will elect ACNW officers for CY 1994.

5. The Committee will be briefed on the NRC staff unsaturated groundwater flow phenomenon.

6. The Committee will discuss topics proposed for consideration during future ACNW meetings.

7. The Committee will be briefed by the NRC's Office for Analysis & Evaluation of Operational Data on technical training programs.

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, electronic recordings will be permitted only during those portions of the meeting that are open to the public, 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 contacting 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 to 5 U.S.C. 552b(c)(6).

Dated: October 13, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–25585 Filed 10–18–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Station; Receipt of Petition

Notice is hereby given that on September 1, 1993, Messrs. Richard

Daley and Jonathan M. Block submitted a Petition on behalf of the New England Coalition on Nuclear Pollution, to the Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC) regarding the Vermont Yankee Nuclear Power Station (VY). The Petition has been referred to the Office of Enforcement for preparation of a response pursuant to 10 CFR § 2.206.

The Petitioners request that the NRC reconsider the civil penalty assessed against VY for operating outside Technical Specifications (TS) from October 15, 1993 to April 6, 1993, because the Petitioners believe that NRC enforcement action was inadequate.

The Petitioners recite the basic facts that formed the basis for EA 93–112 and assert that the NRC staff did not deal with the Licensee in a manner commensurate with the severity of the violations. Specifically, the Petition states that in October of 1992, routine surveillance of control rod scram insertion revealed that VY was operating outside TS 3.3.C.1.1 and 3.3.C.1.2. It goes on to state that limiting conditions for operating the plant require an immediate shutdown under such circumstances and VY did not shut down or report this situation to the NRC. The Petition then states that VY continued to operate until the situation was again observed in April of 1993 and then an on-site safety inspection of VY was conducted by NRC Region I from April 14 to 16, 1993. The report of that inspection, which was issued on May 24, 1993, with a cover letter from the Director, Division of Reactor Safety, NRC Region I, contained six questions for VY. The Petitioners allege that Questions 2 through 5 of the letter were not adequately answered.

Specifically, the disputed questions are as follows: "* * * (2) the specific reasons for not shutting down the plant when required by the Technical Specifications and the approved test procedure, (3) the reasons for not pursuing a root cause determination and corrective actions for approximately six months, (4) the results of your historical reviews of control rod testing to determine if there were previous Technical Specifications violations, (5) your design control processes, including one-for-one equivalency evaluations, as they apply to material changes in safety-related equipment * * *".

The Petitioners' claim that VY did not adequately answer these questions is based upon Petitioners' examination of the available materials VY submitted to the NRC and their belief that this alleged failure to answer such questions is part of what the Regional Administrator referred to as "programmatic weaknesses" at VY. The Petition states that these allegedly unanswered questions provide a sufficient basis to warrant review of the penalty assessed to VY and Petitioners ask that such a review be undertaken immediately.

As provided by § 2.206, appropriate action with regard to the specific issues raised in the Petition will be taken within a reasonable time.

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 Vermont Yankee Nuclear Power Plant located at Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Dated at Rockville, Maryland this 12th day of October 1993.

For the Nuclear Regulatory Commission.

Joseph R. Gray,

Deputy Director, Office of Enforcement.

[FR Doc. 93–25586 Filed 10–18–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–333]

Power Authority of the State of New York; Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Power Authority of the State of New York (the licensee) to withdraw its August 26, 1993, application for proposed amendment to Facility Operating License No. DPR–59 for the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York.

The proposed amendment would have provided a one-time extension of the current surveillance interval for calibration of the pressure switches that sense main turbine control valve closure at the FitzPatrick plant.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 31, 1993, (58 FR 48388). However, by letter dated October 5, 1993, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 26, 1993, and the licensee's letter dated October 5, 1993, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room 2120 L Street, NW., Washington, DC., and the State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York.

Dated at Rockville, Maryland, this 12th day of October 1993.

For the Nuclear Regulatory Commission.

John E. Menning,

Project Manager, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–25587 Filed 10–18–93; 8:45 am]

BILLING CODE 7590–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing in Mobile, AL; Railroad Accident

In connection with the investigation of the derailment of Amtrak's Train No. 2, The Sunset Limited, on the Bayou Canot Bridge, near Mobile, Alabama, on September 22, 1993, the National Transportation Safety Board will convene a public hearing at 9 a.m. (local time), on Monday, December 13, 1993, in Meeting Rooms 201 B–D of the Mobile Convention Center, 1 South Water Street, Mobile, Alabama 36602. For more information, contact Ted Lopatkiewicz, Office of Public Affairs, National Transportation Safety Board, 490 L'Enfant Plaza, SW., Washington, DC 20594, telephone (202) 382–0660.

Dated: October 14, 1993.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 93–25620 Filed 10–18–93; 8:45 am]

BILLING CODE 7533–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Generalized System of Preferences (GSP); Notice of Review of Product and Country Practices Petitions, Public Hearings, and List of Articles To Be Sent to the United States International Trade Commission (USITC) For Review; Notice Regarding 1994 Annual GSP Review

AGENCY: Office of the United States Trade Representative.

ACTION: Announcement of product and country practices petitions accepted for consideration in the 1993 Annual GSP Review; announcement of timetable for public hearings to consider petitions accepted for review; announcement of list of articles to be sent to the USITC for review; announcement regarding 1994 Annual GSP Review.

SUMMARY: The purpose of this notice on the 1993 Annual GSP Review is: (1) To

announce the acceptance for review of petitions to modify the list of articles eligible for duty-free treatment under the GSP and to modify the status of countries as GSP beneficiary countries in regard to their practices as specified in 15 CFR 2007.0 (a) and (b); (2) to announce the timetable for public hearings to consider petitions accepted for review; and (3) to announce that the list of articles herein will be sent by the United States Trade Representative to the USITC to seek advice with respect to modification of the list of eligible articles for GSP.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, N.W., Room 517, Washington, DC 20506. The telephone number is (202) 395–6971. Public versions of all documents relating to this review will be available for review by appointment with the USTR public reading room shortly following filing deadlines. Appointments may be made from 10 a.m. to noon and 1 p.m. to 4 p.m. by calling (202) 395–6186.

SUPPLEMENTARY INFORMATION:

I. Acceptance of Petitions for Review

Notice is hereby given of acceptance for review of petitions requesting modification of the list of articles eligible to receive duty-free treatment under the GSP, as provided for in title V of the Trade Act of 1974 (the 1974 Act) (19 U.S.C. 2461–2465), as amended. These petitions were submitted, and will be reviewed, pursuant to regulations codified at 15 CFR part 2007.

A. Requests to Modify Product and Country Eligibility

Petitons have been submitted by interested parties or foreign governments: (1) To designate articles as eligible for the GSP; or (2) to withdraw, suspend or limit GSP duty-free treatment accorded either to eligible articles under the GSP or to individual beneficiary countries with respect to specific GSP eligible articles; or (3) to waive competitive need limits; or (4) to otherwise modify GSP coverage. In addition, petitions have been received requesting that the GSP status of certain beneficiary developing countries be reviewed with respect to the relevant criteria listed in subsection 502(b) or 502(c) of the 1974 Act.

As in previous reviews, petitions to add or remove products from the list of articles eligible for GSP duty-free treatment will be evaluated in accordance with the "graduation" policy. In considering GSP eligibility for products, limitations on GSP benefits will be considered for the more economically advanced beneficiary developing countries in specific products where it is determined that they have demonstrated sufficient competitiveness. Four criteria will be taken into account when any such graduation action is considered: the development level of individual beneficiary countries; their competitive position in the product concerned; the countries' practices relating to trade, investment, and worker rights; and the overall economic interests of the United States.

Product designations announced at the conclusion of the review process, therefore, may be made on a differential basis. This means that certain beneficiary developing countries may not be designated for GSP benefits on certain products even though those countries are not excluded under the competitive need provisions set forth in section 504(c)(1) of the 1974 Act. It is also possible to withdraw GSP treatment of a product from certain beneficiary developing countries, or to reduce the competitive need limit applicable to the countries and product in question, rather than remove the product entirely from GSP coverage.

As required under section 504(a) of the 1974 Act, the eligibility factors set forth in sections 501 and 502(c) will be considered with respect to decisions to withdraw, suspend or limit duty-free treatment with respect to any article or with respect to any country.

B. Information Subject to Public Inspection

All submissions should be submitted in fourteen (14) copies, in English, to the Chairman of the GSP Subcommittee of the Trade Policy Staff Committee, 600 17th Street, N.W., Room 517, Washington, DC 20506. Information submitted in connection with the hearings will be subject to public inspection by appointment with the staff of the USTR public reading room, except for information granted "business confidential" status pursuant to 15 CFR 2203.6 and other qualifying information submitted in confidence pursuant to 15 CFR 2007.7. If the document contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each page of the document. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of every page (either "public version" or "non-confidential").

C. Communications

All communications with regard to these hearings should be addressed to: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 517, Washington, DC 20506. The telephone number is (202) 395–6971. Questions may be directed to any member of the staff of the GSP Information Center.

Acceptance for review of the petitions listed herein does not indicate any opinion with respect to disposition on the merits of the petitions. Acceptance indicates only that the listed petitions have been found to be eligible for review by the GSP Subcommittee and the TPSC, and that such review will take place.

II. Deadline for Receipt of Requests to Participate in the Public Hearings

The GSP Subcommittee of the TPSC invites submissions in support of or in opposition to any petition contained in this notice. All such submissions should conform to 15 CFR part 2007, particularly §§ 2007.0, 2007.1(a)(1), 2007.1(a)(2), and 2007.1(a)(3). All submissions should identify the subject article(s) in terms of the current Harmonized Tariff Schedule of the United States (HTS) nomenclature.

Hearings will be held on November 17, 1993 beginning at 10:00 a.m. at a location in Washington, DC to be announced. The hearings will be open to the public and a transcript of the hearings will be made available for public inspection or can be purchased from the reporting company. No electronic media coverage will be allowed.

All interested parties wishing to make an oral presentation at the hearings must submit the name, address, and telephone number of the witness(es) representing their organization to the Chairman of the GSP Subcommittee by 5 p.m. November 3, 1993. Requests to present oral testimony in connection with the public hearings should be accompanied by fourteen (14) copies, in English, of all written briefs or statements, and should also be received by 5 p.m. on November 3. Oral testimony before the GSP Subcommittee will be limited to five minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements

will be accepted if they conform with the regulations cited above and are submitted in fourteen (14) copies, in English, no later than 5 p.m. December 8, 1993. Parties not wishing to appear at the public hearings may submit post-hearing written briefs or statements also by December 8. Rebuttal briefs should be submitted in fourteen (14) copies, in English, by 5 p.m. December 17, 1993.

During January and/or February 1994, an opportunity will be provided for the public to comment on nonconfidential USITC analysis. Notice of the availability of this analysis and the timetable for comment will be published in the **Federal Register**.

III. List of Articles Which May Be Considered for Designation as Eligible Articles for Purposes of the GSP or for Waiver of the Competitive Need Limit and On Which the USITC Will Be Asked to Provide Advice

In conformity with sections 503(a) and 131(a) of the 1974 Act (19 U.S.C. 2463(a) and 2151(a)), notice is hereby given that the articles listed herein may be considered for designation as eligible articles for purposes of the GSP, or for modification of their current GSP status.

An article which is determined to be import sensitive in the context of the GSP cannot be designated as an eligible article. Recommendations with respect to the eligibility of any listed article will be made after public hearings have been held and advice has been received from the USITC on the probable effects of the requested modification in the GSP on industries producing like or directly competitive articles and on consumers.

On behalf of the President and in accordance with sections 503(a) and 131(a) of the 1974 Act, the USITC is being furnished with the list of articles published herein for the purpose of securing from the USITC its advice on the probable economic effect on U.S. industries producing like or directly competitive articles, and on consumers, of the modification of the list of articles eligible for GSP. Also, on behalf of the President and in accordance with section 504(c)(3)(A)(i) of the 1974 Act, the USITC is being asked to furnish economic advice on the probable economic effect on U.S. industries producing like or directly competitive articles, and on consumers, of the granting of a waiver of the competitive need limits for the products identified in section C of the lists which follow.

Any modifications to the list of articles eligible for duty-free treatment under the GSP resulting from the 1993 GSP Annual Review will be announced on or about April 1, 1994 and will take effect on July 1, 1994.

IV. Cases Accepted for Review Regarding Country Practices, Pursuant to 15 CFR 2007.0(b)

Pursuant to 15 CFR 2007.0(b), the TPSC will review petitions to review the status of Costa Rica, Dominican Republic, Maldives, Pakistan, Paraguay, and Peru as GSP beneficiary countries in relation to their practices regarding worker rights. Interested parties can participate in the review process as described in section II. The worker rights petition on Haiti has been accepted for review, but will not be the subject of the review schedule set forth in section II.

The decision whether to accept or reject a petition to review the GSP status of Malaysia in relation to its worker rights practices has been deferred until January 1994.

Because review of the 1992 worker rights cases of Bahrain and Fiji has been extended until the end of the 1993 Annual Review, comments on the worker rights practices of these two countries will also be welcomed during the public hearing and comment process described in section II.

Pursuant to 15 CFR 2007.0(b), the TPSC has accepted for review requests to review the GSP status of Egypt, El Salvador, Poland and Turkey concerning the alleged failure of each to provide adequate and effective protection for intellectual property rights. The TPSC has already announced the acceptance, on an expedited basis, of a petition alleging the failure of Cyprus to provide adequate and effective protection for intellectual property rights (58 FR 50981).

Because review of the 1992 intellectual property rights cases of Dominican Republic and Guatemala has been extended until the end of the 1993 Annual Review, comments on the intellectual property rights practices of these two countries will also be welcomed during the public hearing and comment process described in section II.

Any modifications to the list of beneficiary developing countries for purposes of the GSP resulting from the 1993 GSP Annual Review will take effect fifteen days after notification of the modification appears in the **Federal Register**.

V. Notice Regarding 1994 Annual Review of GSP

Ordinarily, the TPSC would invite the submission of petitions for the 1994 Annual Review on June 1, 1994. However, under section 506(a) of the Trade Act of 1974, as amended (the 1974 Act), duty free treatment provided under the GSP shall not remain in effect after September 30, 1994. The TPSC will not announce whether it will solicit petitions for the 1994 GSP Annual Review until after legislation renewing the GSP program is enacted.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

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Annex

Case No.	HTS Subheading	Article	Petitioner
		[The bracketed language in this Annex has been included only to clarify the scope of the numbered subheadings which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
A.		Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
		Citrus fruit, fresh or dried: Lemons (Citrus limon, Citrus limonum) and limes (Citrus aurantifolia): Limes	
93-1	0805.30.40		Agropecuaria Kiubo C.A., Venezuela
		Grapes, fresh or dried: Dried: Raisins: Made from seedless grapes	
93-2	0806.20.10		Chilean Food and Agroindustrial Processors Federation, Chile
		Preparations of a kind used in animal feeding: [Dog or cat food, put up for retail sale] Other: [Mixed feeds or mixed feed ingredients] Other: [Animal feeds containing milk or milk derivatives] Other: [Animal feeds containing egg] Other:	
93-3	2309.90.90(pt.)	Preparations, with a basis of vitamin B_{12}, for supplementing animal feed	Chemical Works of Gedeon Richter Ltd., Hungary
		Cyclic hydrocarbons: Cyclanes, cyclenes and cycloterpenes:	
93-4	2902.11.00	Cyclohexane	Government of Venezuela
		Carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives: Carboxylic acids with aldehyde or ketone function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives: Aromatic: Other:	
93-5	2918.30.20(pt.)	Ketoprofen	Pliva D.D. Zagreb, Croatia
		Amine-function compounds: Aromatic monoamines and their derivatives; salts thereof: Other: Other: Drugs: Other:	
93-6	2921.49.40(pt.)	Deprenyl hydrochloride	Chinoin Pharmaceutical and Chemical Works Co., Ltd., Hungary
		Heterocyclic compounds with nitrogen hetero-atom(s) only; nucleic acids and their salts: Compounds containing an unfused pyridine ring (whether or not hydrogenated) in the structure: Other: Other: Drugs: Other:	
93-7	2933.39.37(pt.)	Ethionamide	Chemical Works of Gedeon Richter, Ltd., Hungary

Annex
2 of 5

Case No.	HTS Subheading	Article	Petitioner
A.		Petitions to add products to the list of eligible articles for the Generalized System of Preferences. (con.)	
		Hormones, natural or reproduced by synthesis; derivatives thereof, used primarily as hormones; other steroids used primarily as hormones:	
		Other hormones and their derivatives; other steroids used primarily as hormones:	
		Estrogens and progestins:	
		[Obtained directly or indirectly from animal or vegetable materials]	
		Other:	
93-8	2937.92.20(pt.)	Estradiol benzoate	Chemical Works of Gedeon Richter, Ltd., Hungary
93-9	2937.92.80(pt.)	Estradiol	do.
		Other:	
93-10	2937.99.80(pt.)	Trenbolone acetate	do.
		Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528:	
		[Antennas and antenna reflectors of all kinds; parts suitable for use therewith]	
		Other:	
		Of television apparatus:	
93-11	8529.90.10 1/	Tuners	North American Phillips Corporation, New York, NY
		Time of day recording apparatus and apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movement or with synchronous motor (for example, time registers, time-recorders):	
		[Time registers; time-recorders; parking meters	
		Other:	
		[Time locks valued over $10 each]	
		Other:	
93-12	9106.90.80(pt.)	Apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movements, battery powered	Seigil Enterprises, Inc., Sausalito, CA
B.		Petitions to remove products from the list of eligible articles for the Generalized System of Preferences.	
93-13	4007.00.00	Vulcanized rubber thread and cord	North American Rubber Thread, Falls River, MA
C.		Petitions to remove duty-free status from beneficiary developing country/countries for a product on the list of eligible articles for Generalized System of Preferences. 2/	
		Structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge sections, lock gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns) of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel:	
		[Articles provided for in subheadings 7308.10.00 through 7308.40.00, inclusive]	
		Other:	
		[Columns, pillars, posts, beams, girders and similar structural units]	
		Other:	
93-14	7308.90.90(pt.) (Venezuela)	Steel grating	IKG Industries, Clark, NJ

1/ The petitioner also requests a waiver of competitive need limits for Indonesia on the articles provided for in HTS subheading 8529.90.10.
2/ The country named is the beneficiary developing country specified by the petitioner. While the Trade Policy Staff Committee (TPSC) review will focus on that country, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner as well the GSP status of the entire article.

Annex
3 of 5

Case No.	HTS Subheading	Article	Petitioner
D.		Petitions for waiver of competitive need limit for a product on the list of eligible products for the Generalized System of Preferences.	
		Articles of apparel and clothing accessories, of leather or of composition leather: Gloves, mittens and mitts: Specially designed for use in sports: Baseball and softball gloves and mitts (including batting gloves): [Batting gloves]	
93-15	4203.21.40 (Philippines)	Other	Government of the Philippines
		Articles of jewelry and parts thereof, of precious metal or of metal clad with precious metal: Of precious metal whether or not plated or clad with precious metal: [Of silver, whether or not plated or clad with other precious metal] Of other precious metal, whether or not plated or clad with precious metal: [Articles provided for in subheading 7113.19.10] Other: Necklaces and neck chains, of gold:	
93-16	7113.19.21 (Israel)	Rope	Israel Jewelry Manufacturers Association, Israel
		Steam or other vapor generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers; parts thereof:	
93-17	8402.20.00 (Philippines)	Super-heated water boilers	Government of the Philippines
		Spark-ignition reciprocating or rotary internal combustion piston engines: Reciprocating piston engines of a kind used for the propulsion of vehicles of chapter 87: Of a cylinder capacity exceeding 1,000 cc: To be installed in vehicles of subheading 8701.20, or heading 8702, 8703 or 8704: [Used or rebuilt]	
93-18	8407.34.2080 (Brazil)	Other	General Motors Corporation, Detroit, MI
		Parts suitable for use solely or principally with the engines of heading 8407 or 8408: Other: Suitable for use solely or principally with spark-ignition internal combustion piston engines (including rotary engines): Other: For vehicles of subheading 8701.20, or heading 8702, 8703 or 8704:	
93-19	8409.91.91(pt.) (Brazil)	Aluminum cylinder heads	FMB Produtos Metalurgicos, Ltda., Brazil
		Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included: [Analog or hybrid automatic data processing machines]	
93-20	8471.20.00 (Indonesia)	Digital automatic data processing machines, containing in the same housing at least a central processing unit and an input and output unit, whether or not combined	Apple Computer, Inc., Cupertino, CA
93-21	8471.20.00 (Malaysia)	Digital automatic data processing machines, containing in the same housing at least a central processing unit and an input and output unit, whether or not combined	do.

Annex
4 of 5

Case No.	HTS Subheading	Article	Petitioner
D.		Petitions for waiver of competitive need limit for a product on the list of eligible products for the Generalized System of Preferences. (con.)	
		Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included (con.): Other:	
93-22	8471.91.00 (Indonesia)	Digital processing units, whether or not entered with the rest of a system, which may contain in the same housing one or two of the following types of units: storage units, input units, output units	do.
93-23	8471.91.00 (Malaysia)	Digital processing units, whether or not entered with the rest of a system, which may contain in the same housing one or two of the following types of units: storage units, input units, output units	Apple Computer, Inc., Cupertino, CA
		Video recording or reproducing apparatus, whether or not incorporating a video tuner: Magnetic tape-type: Color, cartridge or cassette type: [Not capable of recording]	
93-24	8521.10.60 (Indonesia)	Other	North American Phillips Corporation, New York, NY; P.T. Kotobuki Electronics, Indonesia; P.T. Sanyo Jaya Components Indonesia, Indonesia; Sanyo Fisher (USA) Corporation, Chatsworth, CA
		Transmission apparatus for radiotelephony, radiotelegraphy, radiobroadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras: Transmission apparatus incorporating reception apparatus: Transceivers:	
93-25	8525.20.20 (Philippines)	Low-power radiotelephonic transceivers operating on frequencies from 49.82 to 49.90 MHz	Government of the Philippines
		Other:	
93-26	8525.20.50 (Malaysia)	Cordless handset telephones	Thomson Consumer Electronics, Indianapolis, IN
93-27	8525.20.50 (Philippines)	Cordless handset telephones	Government of the Philippines
		Reception apparatus for radiotelephony, radiotelegraphy or radiobroadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock: [Articles provided for in subheading 8527.11.11 through 8527.29.40, inclusive]	
		Other radiobroadcast receivers, including apparatus capable of receiving also radiotelephony or radiotelegraphy: Combined with sound recording or reproducing apparatus: [Articles designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks]	
		Other:	
93-28	8527.31.40 (Malaysia)	Combinations incorporating tape players which are incapable of recording	North American Phillips Corporation, New York, NY; Santronics (M) SDN, BHD, Malaysia; Sanyo Fisher (USA) Corporation, Chatsworth, CA; Thomson Consumer Electronics, Indianapolis, IN

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Annex
5 of 5

Case No.	HTS Subheading	Article	Petitioner
D. Petitions for waiver of competitive need limit for a product on the list of eligible products for the Generalized System of Preferences. (con.)			
		Reception apparatus for radiotelephony, radiotelegraphy or radiobroadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock (con.): Other radiobroadcast receivers, including apparatus capable of receiving also radiotelephony or radiotelegraphy (con.):	
93-29	8527.32.00 (Malaysia)	Not combined with sound recording or reproducing apparatus but combined with a clock	Thomson Consumer Electronics, Indianapolis, IN
		Television receivers (including video monitors and video projectors), whether or not incorporating radiobroadcast receivers or sound or video recording or reproducing apparatus: Color:	
93-30	8528.10.30 (Malaysia)	Incorporating video recording or reproducing apparatus	North American Phillips Corporation, New York, NY

[FR Doc. 93–25742 Filed 10–18–93; 8:45 am]

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PANAMA CANAL COMMISSION

Office of the Inspector General

Privacy Act of 1974; Proposed Amendment to a System of Records and Two New Systems of Records

AGENCY: Office of Inspector General, PCC.

ACTION: Notification of a proposed amendment to an existing system of records and notice of two new systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Office of Inspector General proposes to (1) amend an existing system of records entitled "Cash Audit Files" which was last published on December 31, 1987 (52 FR 49541); and (2) establish two new systems of records entitled "Investigative Files of the Office of Inspector General," and "Allegation/Complaint Files of the Office of Inspector General." A notice of proposed rulemaking exempting these systems of records appears elsewhere in today's **Federal Register**.

DATES: This proposal will be effective on November 18, 1993, unless comments are received that would result in a contrary determination.

ADDRESSES: Comments should be addressed to Mrs. Carolyn H. Twohy, Agency Records Officer, Chief, Administrative Services Division, Panama Canal Commission, Unit 2300, APO AA 34011–2300.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara A. Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, International Square, 1825 I Street NW., Suite 1050, Washington, DC 20006–5402. Telephone (202) 634–6441.

SUPPLEMENTARY INFORMATION: The Inspector General has determined that the existing "Cash Audit Files" system of records is in need of updating due to the disestablishment of the Office of General Audit and the establishment of the Office of Inspector General. The alphanumerical designation has changed from PCC/GA–1 to PCC/OIG–3. In addition, all references to the Office of General Audit have been changed to Office of Inspector General and references to General Auditor have been changed to Inspector General. The authority for maintenance of the system has been revised to bring the system under the Inspector General Act of 1978. The address for the Panama Canal Commission has been updated to reflect the current APO mailing address. The system of records notice contains the routine uses currently used by the OIG, as published in 35 CFR, part 10, appendix A. The notification procedure, record access procedures and contesting procedures have been revised to include the statement that these records are generally exempt from Privacy Act access, amendment or correction and to conform with procedures in the other OIG records systems, as well as 35 CFR part 10. Finally, the exemption portion of the system of records notice has been revised to more precisely state the scope of the applicable exemptions. The revisions to this system do not affect the character of information contained in the system nor do they expand the population of individuals to whom the system applies.

The Inspector General has also undertaken an internal review of its compliance with the Privacy Act and has determined that two new systems of records, "Investigative Files of the Office of Inspector General," and "Allegation/Complaint Files of the Office of Inspector General," are necessary in order to account for information maintained about individuals.

The changes to the existing system and the two new systems are printed below.

Dated: September 29, 1993.

Gilberto Guardia F.,

Administrator.

PCC/OIG–1

SYSTEM NAME:

Investigative Files of the Office of Inspector General, PCC/OIG–1.

SYSTEM LOCATION:

Office of Inspector General, Building 6530, Corozal, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission employees who are subjects of OIG inquiries or investigations; individuals or organizations conducting or seeking to conduct Commission business; and complainants and key witnesses where necessary for future retrieval.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of investigatory material compiled for law enforcement purposes, and include initial complaints filed against subjects and other information relating to potential violations of law such as correspondence, subpoenas, notes, witness statements, confidential sources of information, crime record checks, working papers, and crime intelligence data, reports of investigation, findings of PCC officials, and recommendations and dispositions to be made.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978 (Pub. L. 95–452), as amended by the Inspector General Act Amendments of 1988 (Pub. L. 100–504), authorizes the Inspector General to conduct, supervise and coordinate investigations relating to the programs and operations of the Panama Canal Commission. Article XIX of the Agreements in Implementation of Article III of the Panama Canal Treaty authorizes the authorities of the United States and the Republic of Panama to assist each other in carrying out all necessary investigations of offenses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The General Routine Uses set forth in 35 CFR, part 10, appendix A, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file jackets and electronically in office automation equipment.

RETRIEVABILITY:

Records may be retrieved by manual or computer search of indices containing the name of the individual under investigation.

SAFEGUARDS:

Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises with access limited to those persons whose official duties require access. Computer terminals are secured in controlled areas which are locked when unoccupied. Access to automated records is by user identification number combined with an individual password for each terminal and is limited to authorized personnel. Computer data is not stored on computer terminals, but on removable media which is safeguarded in the same manner as other records. Building is equipped with an alarm system and locked when not in use.

RETENTION AND DISPOSAL:

Records including employee and hotline complaints, investigative reports and related documents, such as correspondence, notes, attachments and working papers, are retained in inactive files after the case is closed. Inactive files are cut off at the end of the fiscal year. Files are stored in locked cabinets in a secure room within the IG office and are destroyed 10 years after the cutoff date.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, Panama Canal Commission, Building 6530, Corozal, Republic of Panama.

NOTIFICATION PROCEDURE:

Records are generally exempt from Privacy Act access. However, the System Manager will give consideration to a request from an individual for notification of whether the system contains records pertaining to that individual. Information may also be obtained from the Agency Records Officer, Panama Canal Commission, Unit 2300, APO AA 34011–2300 or Room 254 Administration Bldg., Balboa Hts., Republic of Panama. Individuals seeking information in person must identify themselves showing at least one identification document containing their picture or at least two identification documents containing their signature, or other identification acceptable to the official concerned. If the request is made in writing, the individual must supply sufficient information to verify their identity (for example, signature, employee identification number, date and place of birth) or may be required to provide the certificate of a notary public or other official authorized to administer oaths. These procedures are also found in 35 CFR part 10.

RECORD ACCESS PROCEDURES:

Records are generally exempt from Privacy Act access. However, the System Manager or the Agency Records Officer will give consideration to a request from an individual for access to records pertaining to that individual. The procedures for requesting access to records appear in Notification Procedure, preceding, and in 35 CFR part 10.

CONTESTING RECORD PROCEDURES:

Records are generally exempt from Privacy Act amendment or correction. However, the Agency Records Officer will give consideration to a request from an individual for amendment or correction of records pertaining to that individual. The procedures for requesting amendment or correction of records appear in 35 CFR part 10.

RECORD SOURCE CATEGORIES:

Information is obtained from a wide variety of sources, including from PCC, U.S. and foreign sources, subjects and witnesses and all levels of U.S. and foreign governments, private businesses and nonprofit organizations.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

This system of records, to the extent that it consists of investigatory material compiled for the purpose of criminal law enforcement purposes, has been exempted from the requirements of subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4)(G) and (H); (e)(5); (e)(8); (f); (g); (h); and (i) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, this system of records, to the extent that it consists of other investigatory material compiled for law enforcement purposes, has been exempted from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G) and (H); (f); (g); (h); and (i) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Finally, this system of records, to the extent that it consists of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, has been exempted from the requirements of subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). The exemptions for this system will become effective upon the publication of the final rule in the **Federal Register.**

PCC/OIG–2

SYSTEM NAME:

Allegation/Compliant Files of the Office of Inspector General, PCC/OIG–2.

SYSTEM LOCATION:

Office of Inspector General, Building 6530, Corozal, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered consist of: (1) PCC employees and contractors who are subjects of allegations or complaints alleging possible violations of law, rules or regulations, mismanagement, gross waste of funds, or abuse of authority or government property; and (2) PCC employees and members of the general public who are complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of a form and any backup documentation generated by the allegation/complaint. The form contains the names, allegation/complaint, summary or comments and includes recommended and final disposition of the matter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978 (Pub. L. 95–452), as amended by the Inspector General Act Amendments of 1988 (Pub. L. 100–504). Article XIX of the Agreements in Implementation of Article III of the Panama Canal Treaty authorizes the authorities of the United States and the Republic of Panama to assist each other in carrying out all necessary investigations of offenses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The General Routine Uses set forth in 35 CFR, part 10, appendix A, apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file jackets and electronically in office automation equipment.

RETRIEVABILITY:

Records may be retrieved by manual or computer search of indices containing the name of the individual under investigation.

SAFEGUARDS:

Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises with access limited to those persons whose official duties require access. Computer terminals are secured in controlled areas which are locked when unoccupied. Access to automated records is by user identification number and individual password for each terminal and is limited to authorized personnel. Computer data is not stored on computer terminals, but on removable media which is safeguarded in the same manner as other records. Building is equipped with an alarm system and locked when not in use.

RETENTION AND DISPOSAL:

Records including employee and hotline complaints, investigative reports and related documents, such as correspondence, notes, attachments and working papers, are retained in inactive files after the case is closed. Inactive files are cut off at the end of the fiscal year. Files are stored in locked cabinets in a secure room within the IG office and are destroyed 10 years after the cutoff date.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, Panama Canal Commission, Building 6530, Corozal, Republic of Panama.

NOTIFICATION PROCEDURE:

Records are generally exempt from Privacy Act access. However, the System Manager will give consideration to a request from an individual for notification of whether the system contains records pertaining to that individual. Information may also be obtained from the Agency Records Officer, Panama Canal Commission, Unit 2300, APO AA 34011–2300 or Room 254 Administration Bldg., Balboa Hts., Republic of Panama. Individuals seeking information in person must identify themselves showing at least one identification document containing their picture or at least two identification documents containing their signature, or other identification acceptable to the official concerned. If the request is made in writing, the individual must supply sufficient information to verify their identity (for example, signature, employee identification number, date and place of birth) or may be required to provide the certificate of a notary public or other official authorized to administer oaths. These procedures are also found in 35 CFR part 10.

RECORD ACCESS PROCEDURES:

Records are generally exempt from Privacy Act access. However, the System Manager or the Agency Records Officer will give consideration to a request from an individual for access to records pertaining to that individual. The procedures for requesting access to records appear in Notification Procedure, preceding, and in 35 CFR part 10.

CONTESTING RECORD PROCEDURES:

Records are generally exempt from Privacy Act amendment or correction. However, the Agency Records Officer will give consideration to a request from an individual for amendment or correction of records pertaining to that individual. The procedures for requesting amendment or correction of records appear in 35 CFR part 10.

RECORD SOURCE CATEGORIES:

Information is obtained from a wide variety of sources, including from PCC, U.S. and foreign sources, subjects and witnesses and all levels of U.S. and foreign governments, private businesses and nonprofit organizations.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

This system of records, to the extent that it consists of information compiled for the purpose of criminal investigations, has been exempted from the requirements of subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4) (G) and (H); (e)(5); (e)(8); (f); (g); (h); and (i) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, this system of records, to the extent that it consists of other investigatory material compiled for law enforcement purposes, has been exempted from the requirements of subsections (c)(3); (d); (e)(1); (e)(4) (G) and (H); (f); (g); (h); and (i) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Finally, this system of records, to the extent that it consists of investigatory material compiled for the purpose of determining a suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, has been exempted from the requirements of subsection (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). The exemptions for this system will become effective upon the publication of the final rule in the **Federal Register.**

PCC/OIG–3

SYSTEM NAME:

Cash Audit Files, PCC/OIG–3.

SYSTEM LOCATION:

Office of Inspector General, Bldg. 6530, Corozal, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission collecting agents whose accounts are audited by the Office of Inspector General.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978 (Pub. L. 95–452), as amended by the Inspector General Act Amendments of 1988 (Pub. L. 100–504). Article XIX of the Agreements in Implementation of Article III of the Panama Canal Treaty authorizes the authorities of the United States and the Republic of Panama to assist each other in carrying out all necessary investigations of offenses.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The General Routine Uses set forth in 35 CFR, part 10, appendix A, apply to this system of records.

* * * * *

SYSTEM MANAGER(S) AND LOCATION:

Inspector General, Office of the Inspector General, Bldg. 6530 Corozal, Republic of Panama.

NOTIFICATION PROCEDURE:

Records are generally exempt from Privacy Act access. However, the System Manager will give consideration to a request from an individual for notification of whether the system contains records pertaining to that individual. Information may also be obtained from the Agency Records Officer, Panama Canal Commission, Unit 2300, APO AA 34011–2300 or Room 254 Administration Bldg., Balboa Hts., Republic of Panama. Individuals seeking information in person must identify themselves showing at least one identification document containing their picture or at least two identification documents containing their signature, or other identification acceptable to the official concerned. If the request is made in writing, the individual must supply sufficient information to verify their identify (for example, signature, employee identification number, date and place of birth) or may be required to provide the certificate of a notary public or other official authorized to administer oaths. These procedures are also found in 35 CFR part 10.

RECORD ACCESS PROCEDURES:

Records are generally exempt from Privacy Act access. However, the System Manager or the Agency Records Officer will give consideration to a request from an individual for access to records pertaining to that individual. The procedures for requesting access to records appear Notification Procedure, preceding, and in 35 CFR part 10.

CONTESTING RECORD PROCEDURES:

Records are generally exempt from Privacy Act amendment or correction. However, the Agency Records Officer will give consideration to a request from an individual for amendment or correction of records pertaining to that individual. The procedures for requesting amendment or correction of records appear in 35 CFR part 10.

* * * * *

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

This system of records, to the extent that it consists of information compiled for the purpose of criminal investigations has been exempted from the requirements of subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4)(G) and (H); (e)(5); (e)(8); (f); (g); (h); and (i) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, this system of records, to the extent that it consists of other investigatory material compiled for law enforcement purposes, has been exempted from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G) and (H); (f); (g); (h); and (i) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Finally, this system of records, to the extent that it consists of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, has been exempted from the requirements of subsection (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). The exemptions for this system will become effective upon the publication of the final rule in the **Federal Register**.

[FR Doc. 93–25522 Filed 10–18–93; 8:45 am]

BILLING CODE 3640–04–M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer—John J. Lane, (202) 272–3900.

Upon written request copy available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street NW., Washington, DC 20549

Extension

Rule 15Ba2–4(b)—File No. 270–92
Rule 15c1–7—File No. 270–146
Rule 15c2–11—File No. 270–196
Rule 24b–1—File No. 270–205
Rule 12f–1—File No. 270–139
Rule 12f–2 and Form 27—File No. 270–140
Rule 12f–3 and Form 28—File No. 270–141

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*), the Securities and Exchange Commission has submitted to the Office of Management and Budget request for approval of extensions of currently approved rules and forms under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et. seq.*).

Rule 15Ba2–4(b) permits an application for registration as a municipal securities dealer to be filed on behalf of such entity by a predecessor, and permits the successor to adopt the application as its own, thereby facilitating registration and reducing the paperwork associated with registration of certain municipal securities dealer. An average of one respondent incurs a total of one annual burden hour to comply with the rule.

Rule 15c1–7 requires a broker or dealer that effects a transaction in a customer account over which the broker or dealer has discretion, to make a contemporaneous record of the transaction. A total of 400 respondents incur a cumulative total of 16,700 annual burden hours to comply with the rule.

Rule 15c2–11 regulates the initiation or resumption of quotations in a quotation medium by a broker or dealer for over-the-counter securities. An estimated total of 550 respondents incur a cumulative total of 7,700 annual burden hours (or 14 hours annually per respondent) to comply with the rule.

Rule 24b–1 permits members of the public to obtain access to the registration statements and amendments to the registration statements of the securities exchanges. A total of approximately 10 respondents incur a cumulative total of five annual burden hours to comply with the rule.

Rule 12f–1 delineates the information which an exchange must provide to the Commission when applying for unlisted trading privileges in a particular security. A total of 5 respondents incur a cumulative total of 670 annual burden hours to comply with the rule.

Rule 12f–2 and Form 27 require national securities exchanges to report to the Commission certain changes in securities admitted to unlisted trading privileges. Approximately one respondent incurs a one annual burden hour to comply with the rule.

Rule 12f–3 and Form 28 prescribe the information which must be included in an application for and notice of

suspension or termination of unlisted trading privileges. Approximately five respondents incur an aggregate total of 100 annual burden hours to comply with the rule.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with the Securities and Exchange Commission rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget (Paperwork Reduction Project numbers 3235–0086, 3235–0134, 3235–0202, 3235–0194, 3235–0128, 3235–0248, and 3235–0249), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 6, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–25601 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

Requests Under Review by Office of Management and Budget

Agency Clearance Office—John J. Lane (202) 272–3900.

Upon written request copy available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, Washington, DC 20549.

New

Rule 11Ac1–3—File No. 270–382

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 34501 *et. seq.*), the Securities and Exchange Commission ("Commission") has submitted for Office of Management and Budget approval proposed Rule 11Ac1–3 under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*).

Proposed Rule 11Ac1–3 will require disclosure by a broker or dealer to the customer of payment for order flow practices. It is anticipated that approximately 2,206 persons will spend an aggregate total of 24,492 hours complying with the reporting and recordkeeping requirements of proposed Rule 11Ac1–3.

The estimated average burden hours are made solely for purposes of the Paperwork Reduction Act and not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

General comments regarding the estimated burden hours should be directed to Gary Waxman at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 12, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–25600 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Boston Stock Exchange, Inc.

October 13, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

American Medical Resources
Common Stock, $.01 Par Value (File No. 7–11355)
Barnes & Noble, Inc.
Common Stock, $.001 Par Value (File No. 7–11356)
Blackrock Insured Muni Term Trust
Common Stock, $.01 Par Value (File No. 7–11357)
China Tire Holdings, Ltd.
Common Stock, No Par Value (File No. 7–11358)
Coca-Cola FEMSA S.A. de C.V.
American Depositary Shares, 1 Peso (File No. 7–11359)
Harvard International Tech., Ltd.
Common Stock, $.01 Par Value (File No. 7–11360)
Mascotech, Inc.
Common Stock, $1.00 Par Value (File No. 7–11361)
North Forks Bancorp
Common Stock, $2.50 Par Value (File No. 7–11362)
PanAmerican Beverages
Class A Common Stock, $.01 Par Value (File No. 7–11363)
Roadmaster, Inc.
Common Stock, $.01 Par Value (File No. 7–11364)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–25596 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–11–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Chicago Stock Exchange, Inc.

October 13, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Phoenix Network, Inc.
Common Stock, $.001 Par Value (File No. 7–11381)
Global High Income Dollar Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–11382)
Tucker Properties Corporation
Common Stock, $.001 Par Value (File No. 7–11383)
Protective Life Corporation
Common Stock, $.50 Par Value (File No. 7–11384)
First Citizens Bancstock, Inc.
Common Stock, $1.00 Par Value (File No. 7–11385)
SPI Holdings Incorporated
Rights, No Par Value (File No. 7–11386)
SPI Holdings Incorporated
Class B Common Stock, $.001 Par Value (File No. 7–11387)
Conseco, Inc.
Cumulative Convertible Preferred D, No Par Value (File No. 7–11388)
Beverly Enterprises
$2.75 Convertible Preferred, $1.00 Par Value (File No. 7–11389)
Van Kampen Merritt Florida Municipal Opportunity Trust
(Common Shares of Beneficial Interest) $.001 Par Value (File No. 7–11390)
Blair Corporation

Common Stock, No Par Value (File No. 7–11391)
Painewebber Premier Intermediate Tax-Free Income Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–11392)
Sphere Drake Holding Limited
Common Stock, $.01 Par Value (File No. 7–11393)
Barnes & Noble, Inc.
Common Stock, $.001 Par Value (File No. 7–11394)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–25597 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

October 13, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

British Telecommunications Plc
1st Installment American Depositary Shares (rep. 10 Interm. Ord. Shrs.) (File No. 7–11378)
National Westminster Bank Plc
American Depositary Shares Ser. B (rep. 1 non-cum. dollar Pref. Sh. Ser. B) (File No. 7–11379)
PanAmerican Beverages
Class A Common Stock, $.01 Par Value (File No. 7–11380)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 3, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–25594 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Pacific Stock Exchange, Inc.

October 13, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Belden, Inc.
Common Stock, $.01 Par Value (File No. 7–11365)
Coca-Cola FEMSA S.A. de C.V.
American Depositary Shares (Each representing 10 shares of Series L Common Stock, one new peso Par Value) (File No. 7–11366)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–25595 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

October 13, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Corrpro Companies, Inc.
Common Stock, No Par Value (File No. 7–11367)
Global High Income Dollar Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–11368)
Sociedad Qumica Y Minera de Chile S.A.
Chemical and Mining Co. of Chile, Inc.
American Depositary Shares (File No. 7–11369)
Protective Life Corporation
Common Stock, $.50 Par Value (File No. 7–11370)
Belden, Inc.
Common Stock, $.01 Par Value (File No. 7–11371)
Barnes & Noble, Inc.
Common Stock, $.001 Par Value (File No. 7–11372)
Capital Guaranty Corporation
Common Stock, $.10 Par Value (File No. 7–11373)
Colonial Properties Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–11374)
Global Small Cap Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–11375)
Citcorp
Dep. Shares each representing 1.10th of a share of 7½ pc Non Cum Pfd Stock, No Par Value (File No. 7–11376)
Fortune Petroleum Corporation
Common Stock, $.01 Par Value (File No. 7–11377)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–25593 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–19787 ; File No. 812–8234]

American Skandia Life Assurance Corp., et al.; Application for Exemption

October 13, 1993.

AGENCY: Securities and Exchange Commission (the "Commission" or the "SEC").

ACTION: Notice of application for exemptions under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: American Skandia Life Assurance Corporation ("ASLAC"), American Skandia Life Assurance Corporation Variable Account B Class 2 Sub-accounts (the "Subaccounts"), and Skandia Life Equity Sales Corporation ("SLESCO").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) for exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order permitting the deduction of a mortality and expense risk charge from the assets of the Subaccounts, which fund individual and group deferred variable annuity contracts.

FILING DATES: The application was filed on December 31, 1992 and amended on July 20, 1993 and September 29, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 8, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Applicants, One Corporate Drive, Shelton, Connecticut 06484.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Counsel, at (202) 504–2802, or Michael V. Wible, Special Counsel, at (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. ASLAC is a stock insurance company chartered in Connecticut, and is licensed to do business in all states of the United States. ASLAC is a wholly-owned subsidiary of American Skandia Holding Corporation (formerly Skandia U.S. Investment Holding Corporation), whose indirect parent is Skandia Insurance Company Ltd. (formerly Skandia Group Insurance Company Ltd.).

2. American Skandia Life Assurance Corporation Variable Account B ("Variable Account B") was established as a separate account under Connecticut law, and is registered with the SEC as a unit investment trust. In addition to the Subaccounts, Variable Account B has twenty-four other sub-accounts that are subject to different charges than those applicable to the Subaccounts. The assets held in the Subaccounts are the property of ASLAC, although the portion of such assets that supports the variable annuities will not be chargeable with liabilities arising out of any other business that ASLAC may conduct. Moreover, the income, capital gains, and capital losses incurred on the assets of each Subaccount are credited to, or charged against, the assets of such Subaccount without regard to the income, capital gains, or capital losses arising out of any other business that ASLAC may conduct.

3. Each Subaccount invests exclusively in shares of an underlying fund ("Fund") or Fund portfolio pursuant to an agreement between ASLAC and the Fund or Fund portfolio. Such Funds or Fund portfolios are made available exclusively to separate accounts of life insurance companies supporting variable annuity or variable life insurance products, or, where permitted by the SEC, to certain qualified retirement plans. Certain Subaccounts will invest in the same Funds that sell their shares to Variable Account B's other subaccounts.

4. SLESCO, a wholly-owned subsidiary of American Skandia Investment Holding Corporation, is registered as a broker-dealer with the SEC, and is a member of the National Association of Securities Dealers, Inc. SLESCO will act as the principal underwriter of the individual and group deferred variable annuity contracts issued by the Subaccounts (the "Annuities").

5. The Annuities have an accumulation phase and a payout phase. The death benefit, as well as all charges discussed below, apply only during the accumulation phase. During the accumulation phase, net payments are used to purchase units in the Subaccounts specified by the Annuity holder. Net purchase payments mean purchase payments, less any applicable maintenance fee, sales charge, or charge for premium taxes. The value of an Annuity during the accumulation phase ("Account Value") fluctuates with the value of the Subaccount units held. Additional purchase payments may be made, but are not required. Additional purchase payments need not be allocated to the same Subaccounts as the initial purchase payments, or in the same ratios among Subaccounts as under prior purchase payments. Account Values may be transferred among Subaccounts. During the payout phase, ASLAC will make fixed periodic payments to the named payee in accordance with one of the annuity options made available under the Annuity.

6. ASLAC may deduct an annual maintenance fee for certain services provided to Annuity holders. The fee is the smaller of $35 or 2% of: (a) The initial purchase payment; and (b) after the first annuity year (i.e., each 12 month period as measured from the date an Annuity is issued), the account value at the beginning of each such annuity year. The fee applies to the initial purchase payment only if it is less than $50,000, and applies after the first annuity year only if the account value of the Annuity is less than $50,000.

7. Other charges that are assessed directly against the Annuity holder rather than computed as a percentage of assets include: (a) A charge of $10 per

transfer for each transfer in excess of twelve in any annuity year; (b) a sales charge of up to 1.5% of each purchase payment, which may be waived in certain circumstances, and may differ among various group contracts; and (c) an amount equal to any premium taxes due in relation to an Annuity. There are no deferred or contingent deferred sales charges.

8. ASLAC assesses on a daily basis an administration charge equal to .25% per year of the average daily total value of each Subaccount. Applicants state that a relationship does not necessarily exist between the portion of the administration charge attributable to a particular Annuity and the expenses attributable to that particular Annuity. The administration charge is assessed at amounts ASLAC believes necessary to recover the actual costs of administering the account values allocated to the Subaccounts and Variable Account B itself. ASLAC will allocate costs pro rata between classes in its Variable Account B in proportion to the assets in the various classes. The administration charge and the maintenance fee are guaranteed and cannot be increased by ASLAC.

9. Applicants have another application pending with the Commission (File No. 812-8236), which would allow them to deduct a charge equal to 1% per year of the average daily total value of the Subaccounts for the provision of investment allocation services to Annuity holders. In general, ASLAC would deduct the investment allocation services fee from the assets of the Subaccounts, and then pay the fee to an unaffiliated investment advisor chosen by the Annuity holder.

10. ASLAC proposes to assess on a daily basis a mortality and expense risk charge equal to .65% per year of the average daily total value of each Subaccount. The mortality risk component of that charge is .30% and the expense risk component of that charge is .35%. The level of the mortality and expense risk charge is guaranteed and will not change.

11. ASLAC assumes the following mortality risks: (a) (Assuming the selection of one of the forms of life annuities) that ASLAC will continue to make annuity payments to Annuity holders regardless of the mortality experience of persons receiving such payments or of the general population; (b) that the death benefit for deaths occurring prior to age 85 will be paid at a time that the account values of the applicable Annuities are less than the applicable minimum death benefit of such Annuities; and (c) that the Subaccounts do not grow in value at the rate anticipated, thereby reducing the amount of such charges received by ASLAC. The expense risk undertaken by ASLAC is that the administration charge for administering the Subaccounts and the maintenance fee for maintaining the Annuities may be insufficient to cover the actual cost of providing such services.

12. If the .65% charge proves more than sufficient to cover such mortality and expense risks, the excess will result in a profit to ASLAC. Any such profit, as well as any other profit realized by ASLAC and held in its general account (which supports insurance and annuity obligations), would be available for any proper corporate purpose, including, but not limited to, payment of sales and distribution expenses.

Applicants' Legal Analysis

1. Applicants request exemptions from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent relief is necessary to permit the deduction of the mortality and expense risk charge from the assets of the Subaccounts. Section 27(c)(2) of the 1940 Act prohibits any registered investment company issuing periodic payment plan certificates, and any depositor of or underwriter for such company, from selling any such certificate unless, among other things, the proceeds of all payments on such certificates (excluding sales loads) are held by a qualified trustee or custodian under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and 26(a)(3) for trust indentures of unit investment trusts. Among the provisions required to be included in such an indenture or agreement is the proviso in section 26(a)(2)(C) that permits the trustee or custodian to deduct from the assets of the trust as an expense only bookkeeping and other administrative services charges not exceeding such reasonable amount as the Commission may prescribe.

2. Applicants submit that ASLAC is entitled to reasonable compensation for its assumption of mortality and expense risks. Applicants represent that the charge of .65% under the Annuities made for mortality and expense risks is consistent with the protection of investors because such a charge is reasonable and proper. ASLAC represents that the charge for mortality and expense risks is within the range of industry practice with respect to comparable annuity products. This representation is based on ASLAC's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. ASLAC will maintain at its administrative offices, and make available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

3. Applicants acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed as being offset by distribution expenses not reimbursed by any applicable sales charge. ASLAC has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Subaccounts and the Annuity holders. The basis for such conclusion is set forth in a memorandum which will be maintained by ASLAC at its administrative offices, and will be available to the Commission.

4. The Subaccounts will invest only in open-end management investment companies that have undertaken to have a board of trustees (or directors), a majority of whom are not interested persons of such open-end management company, approve any plan to finance distribution expenses pursuant to Rule 12b-1 under the 1940 Act.

Conclusion

Applicants assert that for the reasons and upon the facts set forth above, the requested exemptions from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-25598 Filed 10-18-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-19788; 812-8236]

American Skandia Life Assurance Corp., et al.; Application for Exemption

October 13, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or "Commission").

ACTION: Notice of application for exemptions under the Investment Company Act of 1940 (the "Act").

APPLICANTS: American Skandia Life Assurance Corporation ("ASLAC"), American Skandia Life Assurance

Corporation Variable Account B Class 2 Sub-accounts (the "Sub-accounts"), and Skandia Life Equity Sales Corporation ("SLESCO").

RELEVANT ACT SECTIONS: Applicants request an order (a) pursuant to section 6(c) of the Act granting exemptions from sections 26(a)(2) and 27(c)(2) of the Act and (b) pursuant to section 17(d) of the Act and Rule 17d–1 thereunder granting exemptions from section 17(d) of the Act.

SUMMARY OF APPLICATION: Applicants seek to impose an investment allocation services charge equal to one percent per year of the average daily total value of the Sub-accounts. Generally, the charge would be paid to unaffiliated investment advisors that provide asset allocation advice to annuity holders. If an annuity holder has not retained an investment advisor, however, the charge would be paid to ASLAC for providing informational services to such annuity holder, and then would be re-allocated to the Sub-accounts.

FILING DATES: The application was filed on December 31, 1992 and amended on September 29, 1993 and October 4, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 8, 1993, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. American Skandia Life Assurance Corporation, One Corporate Drive, Shelton, Connecticut 06484.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Staff Attorney, at (202) 504–2802, or Michael V. Wible, Special Counsel, at (202) 272–2026, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. ASLAC is a stock insurance company chartered in Connecticut, and is licensed to do business in all states of the United States. ASLAC is a wholly owned subsidiary of American Skandia Investment Holding Corporation (formerly Skandia U.S. Investment Holding Corporation), whose indirect parent is Skandia Insurance Company Ltd. (formerly Skandia Group Insurance Company Ltd.). Skandia Insurance Company Ltd. is part of a group of companies whose predecessor commenced operations in 1855.

2. The Sub-accounts are all Class 2 sub-accounts of American Skandia Life Assurance Corporation Variable Account B ("Variable Account B"). Variable Account B was established as a separate account under Connecticut law, and is registered with the SEC as a unit investment trust. Initially, the Sub-accounts will be used only to fund the individual and group variable annuity contracts (the "Annuities") that will have the investment allocation services feature that is the subject of this application. ASLAC created the Sub-accounts as a separate class because the Sub-accounts will bear greater charges than those imposed against the twenty-four other sub-accounts of Variable Account B. The assets of the Sub-accounts are the property of ASLAC. The Annuities will provide that the assets in the Sub-accounts equal to the reserves and other liabilities with respect to the Annuities will not be chargeable with liabilities arising out of any other business ASLAC may conduct.

3. Each Sub-account invests exclusively in shares of an underlying fund ("Fund") or Fund portfolio. Such Funds or Fund portfolios are made available exclusively to separate accounts of life insurance companies supporting variable annuity or variable life insurance products, or, where permitted by the Commission, to certain qualified retirement plans. Applicants expect that certain Sub-accounts will invest in some of the same Fund portfolios as are invested in by some Variable Account B's other subaccounts. ASLAC maintains an agreement with each of the Funds in relation to the purchase of shares. Applicants state that the investment manager of each Fund is disclosed in its prospectus, thereby informing annuity purchasers if any investment advisor that they may engage to provide asset allocation services also advises a Fund to which their annuity payments could be allocated within the Sub-accounts.

4. SLESCO, a wholly owned subsidiary of American Skandia Investment Holding Corporation, is registered as a broker-dealer with the Commission, and is a member of the National Association of Securities Dealers, Inc. SLESCO will act as the principal underwriter of the Annuities.

5. The Annuities have an accumulation phase and a payout phase. The Annuities are subject to an annual maintenance fee, which for accounts below a specified value is equal to the smaller of $35 or 2% of (a) the initial purchase payment; and (b) after the first Annuity year, the account value at the beginning of such year. ASLAC deducts an amount equal to any premium taxes due in relation to an Annuity. A charge of $10 per transfer is assessable for each transfer after the twelfth in any Annuity year. A maximum sales charge of 1.5% may be assessed against each purchase payment. There are no deferred or contingent deferred sales charges.

6. The Sub-accounts are assessed, on a daily basis, an administration charge equal to 0.25% per year of the average daily total value of each Sub-account. ASLAC represents that (a) The administration charge and maintenance fee are assessed at amounts it believes necessary to recover the actual costs of maintaining and administering the account values allocated to the Sub-accounts and (b) it will allocate costs pro-rata between classes in its Variable Account B in proportion to the assets in the various classes. Administration charges for the Class 2 Sub-accounts are greater than those charged to the sub-accounts used in relation to certain other annuities offered by ASLAC because of the additional expenses expected in relation to the Class 2 Sub-accounts. Additional expenses are expected in connection with matters such as the payment of an investment allocation services charge, the preparation of financial reports, and the dissemination of proxies to the Class 2 Annuity holders. In a separate application (File No. 812–8234), Applicants are seeking an exemptive order to allow them to assess a mortality and expense risk charge equal to 0.65% per year of the average daily total value of each Sub-account.

7. Applicants propose to assess each Sub-account, on a daily basis, a charge for investment allocation services (the "IASC") at the rate of 1.00% per year of the average daily total value of each Sub-account. Except as discussed below, ASLAC would pay the applicable portion of the IASC to an investment adviser chosen by the holder of the Annuity to provide asset allocation advice (the "Advisor"). Such

payment would be made in accordance with an agreement (the "Payment Agreement") among ASLAC, the Advisor and the Annuity holder. An Advisor will provide investment allocation services ("Services") to an Annuity holder pursuant to an agreement with the Annuity holder. Such agreements are separate and distinct from the Payment Agreements. No Applicant or any affiliate of an Applicant (as defined in the Act) will be a party to the agreement between the Annuity holder and Advisor.

8. The Advisors would be either (a) registered as investment advisors under the Investment Advisers Act of 1940 (the "Advisers Act") and any equivalent state law or regulation or (b) persons or entities, such as banks, that may provide investment advisory services, but are exempt from registration under both the Advisers Act and any equivalent state law or regulation. Applicants represent that they are not affiliated (as defined in the Act) with any Advisor. ASLAC will not sign a Payment Agreement with an affiliate, and no affiliated Advisor will be paid any proceeds of the IASC without the granting of prior exemptive relief by the Commission. The Advisors may or may not be affiliates of any of the investment managers and sub-advisers of the Funds. The Advisors may or may not be affiliates of broker-dealers (or entities that are exempt from registering as broker-dealers) that sell the Annuities. The representatives of such broker-dealers or exempt entities, as well as such broker-dealers or exempt entities themselves, have been or will be appointed by ASLAC as its insurance agents where required by law. Broker-dealers that have signed selling agreements with SLESCO or ASLAC may or may not be used to transact trades of portfolio securities of the Funds.

9. Each proposed Advisor will be subject to ASLAC's requirements. ASLAC currently intends to sign Payment Agreements only with Advisors organized as corporations or partnerships. ASLAC will not use as a criterion for selecting an Advisor: (a) The amount of any sales (or lack thereof) by such Advisor of annuities issued by ASLAC; (b) any sales (or lack thereof) of such annuities by an affiliate of an Advisor; or (c) the absence of the provision of any services by an Advisor or its affiliate to the Applicants or any affiliate thereof.

10. Applicants expect that the Services to be provided by Advisors will be designed either to: (a) Address Annuity holders' need to make informed investment and allocation decisions on an on-going basis, or (b) Annuity holders' need to entrust such decision making to an Advisor. The Applicants will not distinguish between the kinds of Services to be provided to Annuity holders by Advisors.

11. Advisors may or may not be given discretionary authority by Annuity holders to allocate and/or transfer Account Values between Sub-accounts. Annuity holders may or may not receive periodic analyses from Advisors regarding the Fund portfolios, and/or recommendations from Advisors regarding allocations and transfers among Sub-accounts. Advisors may or may not be offering such Services in the context of broader programs providing investor services or banking or trust services. Advisors may or may not provide market timing services to Annuity holders, although ASLAC reserves the right to limit the number of transfers effected by an Annuity holder in a given year.

12. An Annuity holder that has contracted with an Advisor will receive investment allocation services from the Advisor. However, if an Annuity holder does not contract with an Advisor, or permits its contract with an Advisor to lapse, he or she will receive certain informational services (the "Informational Services") from ASLAC. The Informational Services will be detailed statistical analyses of the Fund portfolios. Neither Applicants nor affiliates (as defined in the Act) of the Applicants will provide any recommendations regarding allocation of account values or any other form of investment advice as part of such Informational Services. Applicants believe that ASLAC is not required to register as an investment adviser pursuant to the Advisers Act on account of its provision of Informational Services. Applicants understand, however, that the requested order will not address ASLAC's status under the Advisers Act.

13. Should a Payment Agreement be terminated, ASLAC will send a notice to the applicable Annuity holder within five business days of its receipt of notice of termination. Such notice will remind the Annuity holder that the proceeds of the IASC attributable to his or her Annuity are being reallocated to the Sub-accounts during the period that there is no Payment Agreement in effect, and will encourage such Annuity holder to retain another Advisor.

14. ASLAC will assess the IASC and pay the proceeds thereof to Advisors. The percentage charge payable by ASLAC to each Advisor will be the same for all Advisors. However, the fee that an Annuity holder pays to his or her Advisor may vary. Applicants expect that, if an Advisor charges an Annuity holder less than 1.00% for Services, the agreement between the Annuity holder and the Advisor will address how the Annuity holder will be compensated for the difference.

15. ASLAC's sole responsibility pursuant to each Payment Agreement will be to pay each Advisor the applicable portion of the IASC. No amount of the IASC to be paid to Advisors will be paid or shared with any Applicant or affiliate of the Applicants. ASLAC will disclose to Annuity holders in the Payment Agreement, and ASLAC and SLESCO will disclose in the prospectus for the Annuities that: (a) ASLAC's only responsibility pursuant to a Payment Agreement is to pay the applicable portion of the IASC; (b) ASLAC bears no liability for the Services provided or promised to be provided by the Advisor; and (c) ASLAC's consent to be a party to a Payment Agreement does not in any way imply an endorsement of a particular Advisor, any evaluation of the Services or any additional services provided by an Advisor, or any evaluation of any Advisor's fees for Services or for any additional services. The Payment Agreement may be terminated by the Annuity holder or the Advisor at any time. ASLAC will not be able to terminate a Payment Agreement unless, in its belief, the Payment Agreement has terminated pursuant to law.

16. The IASC will be deducted daily from the assets of the Subaccounts. Pending payment, the IASC will be maintained by ASLAC as an identifiable portion of its general account. The IASC then will be paid to Advisors (for Annuity holders having Payment Agreements in effect), or will be re-allocated to the Sub-accounts (for Annuity holders who do not have Payment Agreements in effect). ASLAC intends to determine the amount of assets upon which amounts are paid to Advisors as of valuation date midway (approximately February 15, May 15, August 15, and November 15) through each calendar quarter, and pay the amounts due pursuant to the Payment Agreements or reallocate to the Subaccounts those amounts in relation to which no Payment Agreement then exists as of the end of each calendar quarter (approximately March 31, June 30, September 30, and December 31). These procedures were selected in order to simplify recordkeeping, limit the likelihood of errors, and reduce administrative costs. Applicants believe that determining the then current amount due each Advisor every day the IASC is assessed would entail greater

systems and administrative costs, and would likely result in greater administrative errors. The administrative procedure to be used by ASLAC may create a gain or loss to ASLAC when compared with a procedure that calculates the amounts payable to Advisors every day the IASC is assessed. This is because of changes in the market value of the assets between the date the Sub-account assets are valued to determine the amounts payable and the date such amounts are paid. Applicants believe that such fluctuations in market values will result in a gain in some quarters, and a loss in others. Applicants believe that it is reasonable to expect that such gains or losses will cancel each other out over time. ASLAC will allocate to the Sub-accounts pro rata any "float" that it earns while it holds the IASC (i.e., the net amount it may earn on the IASC proceeds that have been deducted, but have not yet been paid to Advisors or re-allocated to the Sub-accounts).

17. Advisors registered under the Advisers Act must provide disclosure to their clients regarding their affiliations with broker-dealers and investment companies. Such Advisors also must disclose any amounts they pay to any other person or entity as a "finder's fee" or similar compensation for directing clients to such Advisors. As detailed in the application, ASLAC will not be a party to a Payment Agreement with an Advisor that is not registered under the Advisers Act unless such Advisor agrees to provide disclosure to Annuity holders comparable to that referred to in the preceding sentence.

18. The prospectus pursuant to which the Annuities are offered will inform prospective purchasers that the IASC will be paid to Advisors only while a Payment Agreement is in effect, and will be reallocated to the Sub-accounts during any period in which there is no Payment Agreement in effect. It will inform each purchaser that by signing a Payment Agreement, ASLAC does not endorse any Advisor, evaluate the Services or any additional services provided by an advisor, or evaluate any Advisor's fees for Services or additional services. The prospectus will inform each prospective purchaser and Annuity holder that he or she should carefully consider the nature, quality, and cost of the Services proposed to be rendered by an Advisor or prospective Advisor, as well as the business relationships of such Advisor or the affiliates of such Advisor with any entity that may be authorized to offer Annuities or other contracts or services on behalf of ASLAC or its affiliates. It will also disclose that any Annuity holder should resolve with the applicable Advisor how any portion of the IASC paid to such Advisor that exceeds the amount due such Advisor is to be paid to the Annuity holder, or credited by the Advisor for other services rendered by such Advisor or any affiliate thereof. In addition, such prospectus will inform prospective purchasers that they are not encouraged to purchase or maintain an Annuity should their Payment Agreement terminate. Such prospectus will set out the IASC in the required fee table. The deduction for the IASC will be included in the determination of standard total return in any performance advertising in relation to the Annuities.

Applicant's Legal Analysis

1. Applicants seek an order under section 6(c) of the Act granting exemptions from sections 26(c)(2) and 27(c)(2) of the Act so that ASLAC may deduct the IASC from the assets of the Sub-accounts and pay the proceeds as discussed above. Applicants also seek an order under section 17(d) and Rule 17d–1 under the Act to allow the IASC to be paid to ASLAC, which is an affiliate of Variable Account B and its Sub-accounts. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by policy and provisions of the Act. In addition, although Applicants do not believe that there is any "joint enterprise" under section 17(d) of the Act, Applicants state that the Sub-accounts' participation in any such joint enterprise would be consistent with the provisions, policies and purposes of the Act, and would be on a basis not materially different or less advantageous to the Sub-accounts than that of other participants in such joint enterprise.

2. Section 26(a)(2) under the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust shall be allowed the trustee or custodian as an expense except compensation, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the trustee or custodian itself. Section 27(c)(2) under the Act prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates, unless the proceeds from all payments on such certificates, other than sales load, are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1), and are held by such trustee or custodian under an indenture or agreement containing in substance, the provisions required by section 26(a)(2) and 26(a)(3) of the Act. Because the IASC is not the type of expense contemplated by sections 27(c)(2) and 26(a)(2), Applicants seek an order of exemption.

3. Section 17(d) of the Act states that it shall be unlawful for any affiliated person of or principal underwriter for a registered investment company (other than a company of the character described in section 12(d)(3) (A) and (B) of the Act), or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered investment company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered or controlled company on a basis different from, or less advantageous than, that of such other participant. Rule 17d–1 permits an investment company to file an application for an exemption from section 17(d), and provides that the Commission, in passing upon such an application, will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement, or profit-sharing plan on the basis proposed is consistent with provisions, policies and purposes of the Act, and will consider the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants do not concede the applicability of section 17(d) to the proposed method of payment for Services or Informational Services. However, in order to avoid any possibility that questions may be raised as to the potential applicability of that provision, Applicants request an exemption.

4. Applicants assert that the requested exemptions from sections 26(a)(2) and 27(c)(2) should be granted because the proposed deduction of the IASC and payment for Services or the reallocation of a portion of the IASC to the Sub-accounts and the provision of Informational Services (the "Payment Method") is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In support of that assertion, Applicants note, among other things, that: (a) The Advisors are not affiliated with the Applicants; (b) the selection of an Advisor is at the

discretion of each Annuity holder, subject only to such Advisor meeting ASLAC's criteria for acceptable Advisors; (c) ASLAC may not refuse to recognize that a Payment Agreement is in effect, except where ASLAC believes such Agreement has terminated by law; (d) ASLAC has no incentive to terminate a Payment Agreement because the applicable IASC charges in that case are re-allocated to the Sub-accounts, and are not paid to ASLAC; (e) ASLAC must notify an affected Annuity holder of the termination of a Payment Agreement, and remind such holder that the IASC proceeds attributable to his or her Annuity will be reallocated to the Sub-accounts during any period a Payment Agreement is not in effect; and (f) when there is no Payment Agreement in effect, Annuity holders will receive a benefit in relation to the IASC, specifically, the quarterly Informational Services to be provided by ASLAC that may be used to evaluate current allocations of Account Value.

5. In further support of the requested exemption from sections 26(a)(2) and 27(c)(2), Applicants also note that: (a) Annuity holders will be provided with disclosure regarding any affiliation between the Advisor and either the investment managers of the Fund portfolios or any broker dealer, as well as disclosure regarding any amounts paid to any person or entity for recommending the Advisor to such Annuity holder; (b) there will be notice in the Payment Agreement that will encourage Annuity holders to investigate and consider any affiliation between their Advisors and any of the portfolio management firms engaged by the Funds; (c) there will be the prospectus disclosure concerning the IASC discussed above; (d) Annuity holders may surrender the Annuity at any time without assessment of any contingent deferred sales charge or any other charge or fee; (e) neither ASLAC nor any affiliate of any Applicant will retain any portion of the IASC when no Payment Agreement is in effect; (f) no Applicant or any affiliate will receive any portion of the IASC paid out to Advisors; (g) Applicants do not believe that there is any redundancy between the Services provided by Advisors and the portfolio management services provided to the Fund portfolios; and (h) ASLAC does not reap any "hidden profits" in connection with the Payment Method, because ASLAC will allocate to the Sub-accounts any net earnings on the IASC not yet paid to Advisors or reallocated to the Sub-accounts.

6. Applicants state that the Payment Method will be especially convenient for Annuity holders who use their Annuity in connection with a tax-sheltered annuity program under section 403(b) of the Internal Revenue Code. Moreover, the Payment Method will facilitate use of these Annuities in connection with certain defined contribution plans, especially participant-directed plans where Services would be made available to plan participants. Applicants also state that the Payment Method is appropriate when a Payment Agreement is in effect because investment allocation services are a form of investment advisory services, which are generally paid for as a percentage of assets.

7. Applicants believe it is in the best interest of investors to have a meaningful, valuable tool to enable them to evaluate the current status of the Fund portfolios during what the Applicants expect to be infrequent and temporary periods when a Payment Agreement is not in effect. Applicants state that the Information Services are such a tool.

8. Applicants believe that the amount of the IASC—1.00% per year of the average daily total value of each Sub-account—is reasonable when a Payment Agreement is in effect. Applicants believe the criterion for determining the reasonability of the IASC for Services is the range of fees charge by Advisors for similar types of services in relation to other investments. The Applicants believe that the 1.00% fee is within the range of industry practice for the kinds of investment allocation services expected to be provided by Advisors. Applicants' belief is based on a review of amounts charged by investment advisory firms for Services, both for programs that invest in a broad range of investment vehicles and programs that invest solely in investment companies. Applicants believe that the criterion for determining the reasonability of the IASC for Informational Services provided when no Payment Agreement is in effect is the range of fees that would be charged an individual investor by a firm or individual that sells specialized financial research. The Applicants believe that the 1.00% fee is within the range of industry practice for the provision of Informational Services. Applicants state that this is especially true, given that the information conveyed is specialized, and is being prepared for a small audience rather than a broader class of investors.

9. In support of their request for an exemption from section 17(d) of the Act, Applicants note, among other things, that (a) ASLAC encourages Annuity holders to maintain a Payment Agreement; (b) ASLAC reallocates to the Sub-accounts the portion of the IASC attributable to Informational Services as well as the net earnings on such amounts; (c) ASLAC receives no "financial interest" within the meaning of Rule 17d–1(d)(5) under the Act, or if any financial interest is received, it is *de minimis*; and (d) the participation in any deemed joint enterprise by the Sub-accounts is on an equal basis with the participation of ASLAC, because quarterly ASLAC is paying the applicable portion of the IASC proceeds to Advisors pursuant to Payment Agreements or is reallocating the applicable portion of the IASC proceeds to the Sub-accounts in relation to Annuities that do not have Payment Agreements in effect.

Applicants' Conclusion

Applicants assert that, for the reasons discussed above, the requested order under section 6(c) of the Act granting exemptions from sections 26(a)(2) and 27(c)(2) of the Act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Similarly, with regard to the requested exemption from section 17(d) of the Act, Applicants assert that the participation of Variable Account B and its Sub-accounts in any "joint enterprise" with ASLAC would be consistent with the provisions, policies, and purposes of the Act, and would be on a basis not materially different from, or less advantageous than, that of other participants in such joint enterprise.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–25599 Filed 10–18–93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC–19785; 812–8466]

The Hanover Funds, Inc., et al.; Application for Exemption

October 13, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: The Hanover Funds, Inc. (the "Money Market Fund") and The Hanover Investment Funds, Inc. (the "Non-Money Market Fund") (together, the "Funds"); The Portfolio Group, Inc. ("TPG"), Texas Commerce Investment Management Company ("TCIMCo"), and Princeton Bank and Trust Company

("PBT") (together, the "Advisers"); and Hanover Funds Distributor, Inc. (the "Distributor").

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) from sections 2(a)(32), 2(a)(35), 18(f)(1), 18(g), 18(i), 22(c), and 22(d) of the Act and rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order that would permit the Funds (a) to issue and sell separate classes of shares representing interests in the same investment portfolio, and (b) to assess and, under certain circumstances, waive a contingent deferred sales charge ("CDSC") on redemptions of certain shares.

FILING DATE: The application was filed on June 21, 1993 and amended on August 25, 1993. By letter dated October 5, 1993, applicants' counsel stated that an additional amendment, the substance of which is incorporated herein, will be filed during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 8, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 237 Park Avenue, New York, NY 10017.

FOR FURTHER INFORMATION CONTACT: Mary Kay Frech, Staff Attorney, at (202) 272–7648 or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each of the Funds is an open-end management investment company registered under the Act. Each Fund consists of multiple series, each of which has separate investment objectives and policies and segregated assets. The term "Portfolio" refers to an existing or future series of a Fund.

2. Each of the Advisers is controlled by Chemical Banking Corporation ("Chemical"). Each of TPG and TCIMCo acts as investment adviser to various Portfolios of each Fund, and PBT acts as investment adviser to one Portfolio of the Non-Money Market Fund. The Distributor, a registered broker-dealer, acts as the distributor for each Fund's shares.

3. The Money Market Fund offers shares of each of its Portfolios at net asset value without any sales charge. The Non-Money Market Fund offers shares of its Portfolios at net asset value subject, in certain cases, to a front-end charge. Pursuant to an existing order, each Portfolio is authorized to offer two classes of shares.[1]

4. Under existing non-rule 12b–1 shareholder service plans ("Shareholder Services Plans"), each Fund, on behalf of each of its Portfolios, has entered into agreements with certain financial institutions, securities dealers, and other industry professionals (collectively, "Service Agents") providing for the performance of services such as answering client inquiries and servicing client accounts. Under existing distribution plans pursuant to rule 12b–1 under the Act ("12b–1 Plans"), each Portfolio is authorizes to reimburse the Distributor for activities primarily intended to result in the sale of Portfolio shares. The 12b–1 Plans and Shareholder Services Plans are collectively referred to as the "Plans."

5. Applicants propose to establish a multiple distribution system ("Multi-Class System") to enable each of the Portfolios to offer investors the option of purchasing shares that are offered in conjunction with a 12b–1 Plan, with a Shareholder Services Plan, with neither type of Plan, or with combinations of these arrangements.

6. After implementation of the proposed Multi-Class System, a Fund, on behalf of a particular class of a Portfolio, or the Distributor may enter into agreements with Service Agents for advertising, marketing, and distribution services pursuant to a 12b–1 Plan or for the provision of personal services relating to shareholder accounts pursuant to a Shareholder Services Plan. In the event that a Portfolio adopts both a 12b–1 Plan and a Shareholder Services Plan, the services provided under one plan will augment, rather than duplicate, services provided under the other plan. Applicants will, in all cases, comply with Article III, Section 26 of the NASD Rules of Fair Practice as it relates to the maximum amount of asset-based sales charges and service fees that may be imposed by an investment company.

7. A Portfolio's gross income will be allocated *pro rata* to each class on the basis of the net assets of each class. Expenses incurred by a Fund not attributable to a particular Portfolio of the Fund or to a particular class of a Portfolio ("Fund Expenses"), and expenses incurred by a particular Portfolio of a Fund not attributable to any particular class of the Portfolio ("Series Expenses") will be allocated to each class on the basis of net assets. Certain expenses specifically attributable to a particular class of a Portfolio's shares ("Class Expenses") will be allocated directly to such class. Class Expenses will consist only of those expenses specified in condition 1 below.

8. Class Expenses may be waived or reimbursed on a voluntary, temporary basis on certain classes. The amount of Class Expenses waived or reimbursed may vary from class to class. Class Expenses are by their nature specific to a given class and are obviously expected to vary from one class to another. Applicants thus believe that it is acceptable and consistent with shareholder expectations to reimburse or waive Class Expenses at different levels for different classes of the same Portfolio.

9. In addition, Fund Expenses and/or Series Expenses may be waived or reimbursed (with or without a waiver or reimbursement of Class Expenses) but only if the same proportionate amount of Fund Expenses and/or Series Expenses are waived or reimbursed for each class. Thus, any Fund Expenses that are waived or reimbursed would be credited to each Portfolio of that Fund according to the relative net assets of the Portfolios, and in turn credited to each class of the Portfolio based on the relative net assets of the classes. Similarly, any Series Expenses that are waived or reimbursed would be credited to each class of that Portfolio according to the relative net assets of the classes. Fund Expenses apply equally to all Portfolios of a given Fund, and Series Expenses apply equally to all classes of a given Portfolio. Accordingly, it may not be appropriate to waive or reimburse Fund Expenses at different levels for different Portfolios of the same Fund, or Series Expenses at different levels for different classes of the same Portfolio.

[1] Investment Company Act Release Nos. 18334 (Sept. 26, 1991) (notice) and 18402 (Nov. 8, 1991) (order). If granted, the relief requested by the application will supersede the prior order as it relates to the Funds.

10. Dividends paid to all shareholders of a class of a Portfolio will be declared and paid at the same times and, except with respect to payments under a 12b–1 Plan or a Shareholder Services Plan ("Plan Payment") and Class Expenses, will be determined in the same manner and paid in the same amounts. However, because of the Plan Payments and Class Expenses that will be borne by a class of shares, the net income of (and dividends payable to) such class will be somewhat lower than the net income of a different class of shares in the same Portfolio that is not making such Plan Payments or bearing such Class Expenses. As a result, for a Portfolio that does not declare dividends daily (such as a non-money market fund), the net asset value per share attributable to different classes will differ between dividend declaration dates.

11. Each Portfolio seeks the ability to offer investors the option of purchasing shares that either are subject to a conventional front-end sales load ("Front-End Option") or subject to a CDSC ("Deferred Option"), or not subject to any such sales charge. Shares offered pursuant to these options could be offered in conjunction with a 12b–1 Plan or Shareholder Services Plan, and thus be subject to Plan Payments. In a Portfolio offering classes with both Front-End and Deferred Options, Plan Payments will be higher for shares issued under the Deferred Option.[2]

12. Investors choosing the Deferred Option will purchase shares at net asset value, without the imposition of a sales load at the time of purchase, but subject to a CDSC upon redemption within a specified period of purchase (the "CDSC Period"). The amount of any applicable CDSC will be calculated by multiplying the lesser of the cost of the shares being redeemed or the net asset value of the shares at the time of redemption by the applicable percentage charge.

13. No CDSC will be imposed on any shares issued by any Portfolio prior to the date of any order granting the exemptive relief. No CDSC will be imposed on (a) redemptions of Deferred Option shares purchased prior to the CDSC Period, (b) shares derived from reinvestment of dividends and distributions, or (c) amounts representing an increase in the value of the shareholder's account resulting from capital appreciation. In determining the applicability and rate of any CDSC, it will be assumed that a redemption is made first of shares representing reinvestment of dividends and capital gain distributions, then of shares representing capital appreciation, then of amounts representing the cost of Deferred Option shares purchased prior to the CDSC Period, and finally, of other shares held by the shareholder for the longest period of time. This will result in the CDSC being imposed at the lowest possible rate.

14. At the end of the CDSC Period, Deferred Option shares of a Portfolio will automatically convert (subject to condition 15 below) to Front-End Option shares of such Portfolio at the relative net asset values of the two classes, and will thereafter be subject to the Plan Payments, if any, applicable to the Front-End Option shares. For purposes of conversion to Front-End Option shares, all shares in a shareholder's Portfolio account that were purchased through the reinvestment of dividends and other distributions paid in respect of Deferred Option shares will be considered to be held in a separate sub-account. Each time any Deferred Option shares in the shareholder's Portfolio account (other than those in the sub-account referred to in the preceding sentence) convert to Front-End Option shares, a *pro rata* portion of the Deferred Option shares then in the sub-account also will convert to Front-End Option shares. The portion will be determined by the ratio that the shareholder's Deferred Option shares converting to Front-End Option shares bears to the shareholder's total Deferred Option shares not acquired through dividends and distributions.

15. Applicants seek the ability to waive the CDSC (a) on redemptions made within one year following a shareholder's death or disability, as defined in section 72(m)(7) of the Internal Revenue Code; (b) otherwise payable by employees participating in qualified or non-qualified employee benefit plans or other programs where the employers or affiliated employers maintaining such programs have a minimum of 250 employees eligible for participation in such programs, or such program's aggregate initial investment in the Funds or other products made available through the Distributor exceeds one million dollars; (c) in connection with redemptions as a result of a combination of any investment company with a Fund by merger, acquisition of assets, or otherwise; and (d) in connection with a distribution following retirement under a tax-deferred retirement plan or attaining age 70½ in the case of an IRA or Keogh plan or custodial account pursuant to section 403(b) of the Internal Revenue Code.

16. If the Directors of a Fund determine to discontinue the waiver of a CDSC, the disclosure in each related Portfolio's prospectus will be revised appropriately. Any Portfolio shares subject to a CDSC that were purchased prior to the termination of such waiver will have the CDSC waived as provided in such Portfolio's prospectus at the time of purchase of such shares.

17. Each class of shares may be exchanged only for shares of the same class in another Portfolio. Portfolios that have not issued multiple classes and have not adopted a CDSC are deemed to be the same class as any Portfolio or class that is not sold with a CDSC. In all events, the exchange privileges will operate in accordance with rule 11a–3 under the Act.

Applicant's Legal Analysis

1. Applicants are requesting an order pursuant to section 6(c) of the Act to the extent the proposed issuance and sale of multiple classes of shares by a Portfolio might be deemed (a) to result in a "senior security" within the meaning of section 18(g) and thus be prohibited by section 18 (f) (1); or (b) to violate the equal voting provisions of section 18(i).

2. Applicants believe that the Multi-Class System does not involve the types of abuses that section 18 was designed to redress. Applicants state that the Multi-Class System does not involve borrowing and does not affect the Portfolios' assets or reserve. Applicants further state that it will not increase the speculative character of the Portfolios' shares. No class of shares will have a distribution or liquidation preference with respect to particular assets of a Portfolio and no class will be protected by any reserve or other account. The concerns that complex capital structures may facilitate control without equity or other investment and may make it difficult for investors to value their shares are not present under the proposed Multi-Class System. The Portfolios' capital structures will not enable insiders to manipulate the expenses and profits among the different classes of shares.

3. Applicants believe that the Multi-Class System will better enable them to meet the competitive demands of today's financial services industry. By creating multiple classes of shares, the Portfolios will save the organizational and other continuing costs that would be incurred if they were required to establish a separate investment portfolio for each class of shares. To the extent a Portfolio is able, through the Multi-Class System, to expand its shareholder base, all investors, irrespective of class, will benefit to the extent the Portfolios' *pro*

[2] Although the CDSC is discussed as part of the Multi-Class System, applicants request that Portfolios with only a single class of shares also be permitted to sell their shares with a CDSC.

rata operating expenses per share are lower than they would be otherwise.

4. Applicants assert that the proposed allocation of expenses and voting rights in the manner proposed herein is equitable and will not discriminate against any group of shareholders. Investors purchasing shares offered in connection with 12b–1 Plans and Shareholder Services Plans and receiving services provided under those Plans will bear the costs associated with such services, but also will posses accompanying voting rights (if any) with respect to matters affecting their respective Plans. Investors purchasing shares that are not covered by such Plans will not be burdened with such expenses or possess such voting rights.

Applicants' Conditions

Applicants agree that any order granting the requested exemptions will be subject to the following conditions:

1. The classes will each represent interests in the same portfolio of investments of a Portfolio, and be identical in all respects, except for certain differences related to: (a) The method of financing certain Class Expenses, which are limited to (i) transfer agent fees identified by the transfer agent as being attributable to a specific class; (ii) printing and postage expenses related to preparing and distributing materials such as shareholder reports, prospectuses, and proxies to current shareholders of a specific class; (iii) blue sky registration fees incurred by a class of shares; (iv) SEC registration fees incurred by a class of shares; (v) the expense of administrative personnel and services as required to support the shareholders of a specific class; (vi) litigation or other legal expenses relating solely to one class of shares; and (vii) directors' fees incurred as a result of issues relating to one class of shares; (b) expenses assessed to a class pursuant to a 12b–1 Plan or Shareholder Services Plan; (c) voting rights as to matters exclusively affecting one class of shares, except as provided in condition 15 below; (d) the requirement that only certain Deferred Option shares will have a conversion feature providing for automatic conversion to Front-End Option shares a stated number of years after issuance; (e) exchange privileges; and (f) class designation. Any additional incremental expenses not specifically identified above which are subsequently identified and determined to be properly allocable to one class of shares shall not be so allocated until approved by the SEC pursuant to an amended order.

2. A Fund's Directors, including a majority of the non-interested Directors, will approve the offering of different classes of shares of a Portfolio prior to the implementation of the Multi-Class System. The minutes of the Directors' meetings regarding their deliberations with respect to the approvals necessary to implement the Multi-Class System will reflect in detail the reasons for the Directors' determination that the proposed Multi-Class System is in the best interests of both a Fund and its shareholders.

3. The initial determination of the Class Expenses that will be allocated to a particular class and any subsequent changes thereto will be reviewed and approved by a vote of the relevant Fund's Directors, including a majority of the non-interested Directors. Any person authorized to direct the allocation and disposition of monies paid or payable by a Portfolio to meet Class Expenses shall provide to the Directors, and the Directors shall review, at least quarterly, a written report of the amounts so expended and the purposes for which such expenditures were made.

4. On an ongoing basis, a Fund's Directors, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor the Fund for the existence of any material conflicts among the interests of the classes of shares. The Directors, including a majority of the non-interested Directors, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The investment adviser, sub-investment adviser (if any), administrator (if separate), and distributor of the Fund will be responsible for reporting any potential or existing conflicts to the Directors. If a conflict arises, such entities at their own cost will remedy such conflict up to and including establishing a new registered management investment company.

5. Each Portfolio's investment adviser or distributor will adopt compliance standards as to when each class of shares may be sold to particular investors. Applicants will require all persons selling Portfolio shares to agree to conform to such standards.

6. Any Shareholder Services Plan will be adopted and operated in accordance with the procedures set forth in rule 12b–1 (b) through (f) as if the expenditures made thereunder were subject to rule 12b–1, except that shareholders need not enjoy the voting rights specified in rule 12b–1.

7. Each Fund's Directors will receive quarterly and annual statements concerning 12b–1 Plan and Shareholder Services Plan expenditures complying with rule 12b–1(b)(3)(ii), as it may be amended from time to time. In the statements, only expenditures properly attributable to the sale or servicing of a particular class will be used to justify any distribution or servicing fee charged to that class. Expenditures not related to the sale or servicing of a particular class will not be presented to the Directors to justify any fee charged to that class. The statements, including the allocations upon which they are based, will be subject to the review and approval of the non-interested Directors in the exercise of their fiduciary duties.

8. Dividends paid by a Portfolio with respect to each class of its shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except that Class Expenses and payments made pursuant to a 12b–1 Plan or Shareholder Services Plan will be borne exclusively by the affected class.

9. The methodology and procedures for calculating the net asset value and dividend distributions of the various classes and the proper allocation of expenses among the classes have been reviewed by an expert (the "Expert") who has rendered a report to the applicants, which has been provided to the staff of the SEC, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to each Fund that the calculations and allocations are being made properly. The Expert's reports shall be filed as part of the periodic reports filed with the SEC pursuant to sections 30(a) and 30(b)(1) of the Act. The Expert's work papers with respect to such reports, following request by any Fund (which each such Fund agrees to provide), will be available for inspection by the SEC staff upon the written request to a Fund for such work papers by a senior member of the Division of Investment Management, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director, and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Expert is a "report on policies and procedures placed in operation" and the ongoing reports will be "reports on policies and procedures placed in operation and tests of operating effectiveness" as defined and described in SAS No. 70 of the

American Institute of Certified Public Accountants ("AICPA"), as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

10. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividend/distributions of the various classes and the proper allocation of expenses among the classes and this representation has been concurred with by the Expert in the initial report referred to in condition 9 above and will be concurred with by the Expert or an appropriate substitute Expert on an ongoing basis at least annually in the ongoing reports referred to in that condition. Applicants will take immediate corrective action if the Expert, or appropriate substitute Expert, does not so concur in the ongoing reports.

11. Each prospectus will contain a statement to the effect that any person entitled to receive any compensation for selling or servicing Portfolio shares may receive different levels of compensation with respect to one particular class of shares over another in the Portfolio.

12. The conditions pursuant to which the exemptive order requested by the application is granted and the duties and responsibilities of the Directors of each Fund with respect to the Multi-Class System described in the application will be set forth in guidelines which will be furnished to each Fund's Directors.

14. Each Portfolio will disclose in each of its prospectuses the respective expenses, performance data, distribution arrangements, services, fees, initial sales loads, CDSCs, conversion features, and exchange privileges applicable to each class of shares, regardless of whether all such classes of shares are offered through such prospectus. Each Portfolio will disclose the respective expenses and performance data applicable to all classes of shares in every shareholder report pertaining to such Portfolio. The shareholder reports will contain, in the statement of assets and liabilities and statement of operations, information related to the Portfolio as a whole generally and not on a per class basis. Each Portfolio's per share data, however, will be prepared on a per class basis with respect to all classes of shares of such Portfolio. To the extent any advertisement of sales literature describes the expenses or performance data applicable to any class of shares of a Portfolio, it will also disclose the respective expenses and/or performance data applicable to all classes of shares of such Portfolio. The information provided by applicants for publication in any newspaper or similar listing of a Portfolio's net asset value and public offering price will present each class of shares separately.

14. Deferred Option shares will convert to Front-End Option shares on the basis of the relative net asset values of the two classes without the imposition of any sales load, fee or other charge. After conversion, the converted shares will be subject to an asset-based sales charge and/or service fee (as those terms are defined in Article III, Section 26 of the NASD's Rules of Fair Practice), if any, that in the aggregate are lower than the asset-based sales charge and service fee to which they were subject prior to the conversion.

15. If a Portfolio implements any amendment to its 12b–1 Plan (or, if presented to shareholders, adopts or implements any amendment of a Shareholder Services Plan) that would increase materially the amount that may be borne by the Front-End Option shares under the plan, existing Deferred Option shares will stop converting into Front-End Option shares unless the Deferred Option shareholders, voting separately as a class, approve the proposal. The Directors shall take such action as is necessary to ensure that existing Deferred Option shares are exchanged or converted into a new class of shares ("New Front-End Option"), identical in all material respects to the Frond-End Option class as it existed prior to implementation of the proposal, no later than the date such shares previously were scheduled to convert into Front-End Option shares. If deemed advisable by the Directors to implement the foregoing, such action may include the exchange of all existing Deferred Option shares for a new class of shares ("New Deferred Option"), identical to existing Deferred Option shares in all material respects except that New Deferred Option shares will convert into New Front-End Option shares. A New Front-End Option class or New Deferred Option class may be formed without further exemptive relief. Exchanges or conversions described in this condition shall be effected in a manner that the Directors reasonably believe will not be subject to Federal taxation. In accordance with condition 4, any additional cost associated with the creation, exchange or conversion of New Front-End Option shares or New Deferred Option shares shall be borne solely by the relevant Portfolio's investment adviser and distributor. Deferred Option shares sold after the implementation of the proposal may convert into Front-End Option shares subject to the higher maximum payment, provided that the material features of the Front-End Option plan and the relationship of such plan to the Deferred Option shares are disclosed in an effective registration statement.

16. Applicants acknowledge that the grant of the exemptive order requested by the application will not not imply SEC approval, authorization or acquiescence in any particular level of payments that a Portfolio may make pursuant to 12b–1 Plans or Shareholder Services Plans in reliance on the exemptive order.

17. Applicants will comply with the provisions of proposed rule 6c–10 under the Act, as such rule is currently proposed and as it may be reproposed, adopted or amended.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–25526 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19783; 812–83701]

The One® Group℠, et al.; Application for Exemption

October 13, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: The One® Group℠, Banc One Investment Advisors Corporation ("BOIAC").

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) of the Act that would grant an exemption from section 12(d)(1)(A)(ii), under sections 6(c) and 17(b) that would grant an exemption from section 17(a), and under rule 17d–1 to permit certain transactions in accordance with section 17(d) of the Act and rule 17d–1.

SUMMARY OF APPLICATION: Applicants seek an order that would permit certain money market funds to sell their shares to affiliated investment companies.

FILING DATE: The application was filed on April 23, 1993, and amended on August 16, 1993. Applicants have agreed to file an additional amendment, the substance of which is incorporated herein, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a

hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 8, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 1900 East Dublin-Granville Road, Columbus, Ohio 43229.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Robert A. Robertson, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. The One∞ Group℠ is an open-end management investment company that currently offers 29 series (each a "Fund"). Nine of the Funds are money market funds (the "Money Market Funds") and are subject to the requirements of rule 2a–7 under the Act. The other twenty Funds are non-money market funds (the "Non-Money Market Funds").

2. BOIAC is the investment adviser for each of the Funds. Boston International Advisors, Inc., Goldman Sachs Asset Management, and Van Kampen Merritt Management Inc. serve as subadviser for some of the Funds. (Collectively, BOIAC and the subadvisers are the "Investment Advisers.") SEI Financial Services Company (the "Distributor") serves as the distributor for the Funds, and SEI Financial Management Corporation is the manager and administrator for the Funds. State Street Bank and Trust Company serves as transfer agent and custodian to the Funds.

3. The Money Market Funds seek current income, liquidity, and capital preservation by investing exclusively in short-term money market instruments, such as U.S. Government securities, bank obligations, commercial paper, municipal obligations, or repurchase agreements secured by government securities. These short-term debt securities are valued at their amortized cost pursuant to the requirements of rule 2a–7. The Non-Money Market Funds invest in a variety of debt and/or equity securities in accordance with their respective investment objectives and policies. Each of the Funds has, or may be expected to have, uninvested cash in an account with the custodian. This cash either may be invested directly in individual short-term money market instruments or may not be otherwise invested in any portfolio securities.

4. Applicants seek an order that would permit (a) the Funds to utilize their cash reserves that have not been invested in portfolio securities to purchase shares of the Money Market Funds (each Fund, including Money Market Funds, purchasing shares of the Money Market Funds is an "Investing Fund") and (b) the Money Market Funds to sell or redeem their shares to or from each Investing Fund. By investing cash balances in the Money Market Funds as proposed, applicants believe that the Investing Funds will be able to combine their cash balances and thereby reduce their transaction costs, create more liquidity, enjoy greater returns, and further diversify their holdings. The policies of the Funds either permit or will be amended, pursuant to a shareholder vote, to permit the Funds to purchase money market instruments, including shares of a Money Market fund.

5. The shareholders of the Investing Funds will not be subject to the imposition of double management fees. Applicants would cause each Investment Adviser and its respective affiliates to remit to the respective Investing Funds or waive investment advisory fees these service providers earn as a result of the Investing Funds' investments in the Money Market Funds to the extent the fees are based upon the Investing Funds' assets invested in shares of the Money Market Funds. Further, no sales charge, contingent deferred sales charge, 12b–1 fee, or other underwriting or distribution fee would be charged by the Money Market Funds with respect to the purchase or redemption of their shares. If a Money Market Fund offers more than one class of shares, each Investing Fund will invest only in the class with the lowest expense ratio at the time of the investment.

6. Several of the Funds have voluntary expense cap arrangements with BOIAC for the purpose of keeping each Fund's total expenses below a certain predetermined percentage amount ("Expense Waiver"). To the extent actual expenses of the Funds exceed these caps, BOIAC reimburses a Fund in the amount of the excess. Any applicable Expense Waiver will not limit the advisory and administrative fee waiver or remittance discussed above.

7. Applicants also request relief that would permit the Funds to invest uninvested cash in a Money Market Fund in excess of the percentage limitations set out in section 12(d)(A)(ii) of the Act. Section 12(d)(A)(ii) prohibits a registered investment company from acquiring the securities of another investment company if, immediately thereafter, the acquiring company would have more than 5% of its total assets invested in the securities of the selling company. Applicants propose that each Fund be permitted to invest in shares of a single Money Market Fund so long as each Fund's aggregate investment in such Money Market Fund does not exceed the greater of 5% of such Fund's total net assets or $2.5 million. Applicants will comply with all other provisions of section 12(d)(1).

Applicants' Legal Analysis

1. Sections 17(a) (1) and (2) of the Act make it unlawful for any affiliated person of a registered investment company, or any affiliated person of such affiliated person, acting as principal, to sell or purchase any security to or from such investment company. Because each Fund may be deemed to be under common control with the other Funds, it may be an "affiliated person," as defined in section 2(a)(3) of the Act, of the other Funds. Accordingly, the sale of shares of the Money Market Funds to the Investing Funds, and the redemption of such shares from the Investing Funds, would be prohibited under section 17(a).

2. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each registered investment company concerned, and the proposed transaction is consistent with the general policy of the Act. Section 17(b) could be interpreted to exempt only a single transaction. However, the Commission, under section 6(c) of the Act, may exempt a series of transactions that otherwise could be prohibited by section 17(a).

3. The Investing Funds will retain their ability to invest their cash balances directly into money market instruments if they believe they can obtain a higher return. Each of the Money Market Funds

has the right to discontinue selling shares to any of the Investing Funds if its board of trustees determines that such sales would adversely affect the portfolio management and operations of such Money Market Fund. Therefore, applicants believe that the proposal satisfies the standards for relief.

4. Section 17(d) of the Act and rule 17d–1 thereunder prohibit an affiliated person of an investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates. Each Investing Fund, by purchasing shares of the Money Market Funds; each Investment Adviser of an Investing Fund, by managing the assets of the Investing Funds invested in the Money Market Funds; and each of the Money Market Funds, by selling shares to the Investing Funds, could be participants in a joint enterprise or other joint arrangement within the meaning of section 17(d)(1) and rule 17d–1.

5. Rule 17d–1 permits the Commission to approve a proposed joint transaction covered by the terms of section 17(d). In determining whether to approve a transaction, the Commission is to consider whether the proposed transaction is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation of the investment companies is on a basis different from or less advantageous than that of the other participants. Applicants believe that the proposal satisfies these standards.

6. Section 12(d)(1), as noted above, sets certain limits on an investment company's ability to invest in the shares of another investment company. The perceived abuses section 12(d)(1) sought to address include undue influence by an acquiring fund over the management of an acquired fund, layering of fees, and complex structures. Applicants believe that none of these concerns are presented by the proposed transactions and that the proposed transactions meet the section 6(c) standards for relief.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Shares of the Money Market Funds sold to and redeemed from the Investing Funds will not be subject to a sales load, redemption fee, or distribution fee under a plan adopted in accordance with rule 12b–1.

2. Applicants will cause the Investment Advisers and their respective affiliates, in their capacities as service providers for the Money Market Funds, to remit to the respective Investing Fund or waive all investment advisory fees payable to them under their respective investment advisory agreements with the Money Market Funds to the extent such fees are based upon the Investing Fund's assets invested in shares of the Money Market Funds. Any of these fees remitted or waived will not be subject to recoupment by the Fund's Investment Advisers at a later date.

3. For the purpose of determining any amount to be waived and/or expenses to be borne to comply with any Expense Waiver, the adjusted fees for an Investing Fund (gross fees minus Expense Waiver) will be calculated without reference to the amounts waived or remitted pursuant to condition 2. Adjusted fees then will be reduced by the amount waived pursuant to condition 2. If the amount waived pursuant to condition 2 exceeds adjusted fees, the Investing Fund's Investment Adviser also will reimburse the Investing Fund in an amount equal to such excess.

4. Each of the Investing Funds will be permitted to invest uninvested cash in, and hold shares of, a Money Market Fund only to the extent that the Investing Fund's aggregate investment in such Money Market Fund does not exceed the greater of 5% of the Investing Fund's total net assets or $2.5 million.

5. The Investing Funds will vote their shares of each of the Money Market Funds in the same proportion as the votes of all other shareholders in such Money Market Funds.

6. The Investing Funds will receive dividends and bear their proportionate shares of expenses on the same basis as other shareholders of such Money Market Funds. A separate account will be established in the shareholder records of each of the Money Market Funds for each of the acquiring Investing Funds.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–25527 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Rel. No. 19784; 812–8310]

State Street Bank and Trust Company; Notice of Application

October 13, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

APPLICANT: State Street Bank and Trust Company.

RELEVANT ACT SECTIONS: Order requested under sections 6(c) and 17(b) for an exemption from section 17(a).

SUMMARY OF APPLICATION: Applicant seeks an order that would permit it to engage in principal transactions with (1) any series of an investment company of which applicant is an affiliated person of an affiliated person solely because of an investment advisory relationship with another series of that investment company, and (2) any investment company of which applicant is an affiliated person of an affiliated person solely because of an investment advisory relationship with another investment company under common control with that investment company.

FILING DATE: The application was filed on March 12, 1993, and amended on September 24, 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 November 8, 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 such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 225 Franklin Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Attorney, at (202) 272–5287, or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a Massachusetts trust company, serves as investment adviser to certain registered investment companies and certain portfolios of

other registered investment companies (collectively, the "Advised Funds"). As a "bank" within the definition of section 202(a)(2) of the Investment Advisers Act of 1940, applicant is exempt from registration as an investment adviser.

2. Applicant also currently serves as the custodian, transfer agent, and/or administrator to certain Advised Funds, as well as to certain investment companies and series that are affiliated persons of the Advised Funds but for which applicant does not serve as investment adviser (the "Non-Advised Funds").

3. The Non-Advised Funds have and will retain various investment advisers and subadvisers that are not affiliated persons of applicant to render advisory services to the Non-Advised Funds.

4. Applicant is a substantial participant in the cash equivalency markets. In the case of the Non-Advised Funds for which applicant serves as custodian, it may be particularly cost-effective for the funds to engage in certain principal transactions with applicant, such as investing short-term cash in investment products managed by applicant, placing such cash on deposit with applicant, or entering into repurchase agreements with applicant.[1]

Applicant's Legal Conclusions

1. Section 17(a) of the Act, in relevant part, makes it unlawful for an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to sell securities to, or purchase securities from, such investment company. Section 2(a)(3) defines "affiliated person" of another person to include, among other things, any person directly or indirectly controlling, controlled by, or under common control with such other person, and, if such other person is an investment company, any investment adviser thereof.

2. Because each Non-Advised Fund shares the same sponsor, directors, officers, and/or investment adviser (other than applicant) with one or more Advised Funds, each Non-Advised Fund might be deemed to be under common control with the relevant Advised Funds, and, as a result, each Non-Advised Fund might be deemed to be an affiliated person of the relevant Advised Funds. While applicant does not concede that all Advised Funds and Non-Advised Funds having the same sponsor, directors, officers, and/or investment adivser (other than applicant) are under common control, the existences of such control relationship is assumed solely for purposes of this application, so that each Non-Advised Fund may be deemed to be an affiliated person of the relevant Advised Funds.

3. In light of the above, applicant may be deemed to be an affiliated person of an affiliated person ("second-tier affiliate") of the Non-Advised Funds. Accordingly, applicant would be prohibited by section 17(a) from engaging in principal transactions with the Non-Advised Funds.

4. Section 17(b) permits the SEC to exempt a proposed transaction from the provisions of section 17(a) if the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the transaction is consistent with the policy of the registered investment company concerned, and the transaction is consistent with the general purposes of the Act. Section 6(c) authorizes the SEC to exempt any class of transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

5. Applicant requests an order pursuant to sections 6(c) and 17(b) to exempt principal transactions entered into in the ordinary course of business between any Non-Advised Fund and applicant from the provisions of section 17(a). Specifically, the requested order would permit applicant to engage in principal transactions with (a) any series of an investment company of which applicant is an affiliated person of an affiliated person solely because of an investment advisory relationship with another series of that investment company, and (b) any investment company of which applicant is an affiliated person of an affiliated person solely because of an investment advisory relationship with another investment company under common control with that investment company.

6. Applicant believes that the proposed transactions permitted by the requested order, if granted, will meet the standards of sections 6(c) and 17(b). In each transaction permitted by the requested relief, applicant would be dealing with an investment adviser that, in economic reality, is a competitor of applicant. Each such transaction, therefore, would be the product of arms-length bargaining between competitors. Because there will be no conflict of interest inherent in another investment adviser's decision to execute on behalf of a Non-Advised Fund a portfolio transaction with applicant, there is no danger of overreaching on the part of any person concerned with the transaction.

7. Applicant also argues that, because the pecuniary interests of the other advisers are solely and directly aligned with those of the relevant Non-Advised Funds, it is reasonable to conclude that the consideration to be paid or received by such Non-Advised Funds will be reasonable and fair. Moreover, because the transactions will be approved by the other investment advisers charged with effecting transactions for the Non-Advised Funds in accordance with the relevant registration statement and policies determined by the relevant Trustees, it is reasonable to conclude that the transactions will be consistent with the policy of each registered investment company concerned, as recited in its registration statement.

8. Finally, applicant believes that permitting the transactions for which relief is requested will be consistent with the general purposes of the Act, because the ability to engage in such transactions increases the likelihood of the Non-Advised Funds achieving best price and execution in their principal transactions. Accordingly, applicants believe that it is appropriate to issue an order pursuant to sections 6(c) and 17(b) granting an exemption from section 17(a).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–25528 Filed 10–18–93; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant previously has engaged in transactions of the type for which relief is sought in the application, but has discontinued engaging in such transactions during the pendency of this application. Applicant acknowledges that the application does not, and any exemptive order issued by the SEC will not, cover transactions occurring prior to the date on which any order is issued.

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before November 18, 1993. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:
Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3RD Street SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629
OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.
Title: Business Loan Reconsideration Request
Form No.: N/A
Frequency: On Occasion
Description of Respondents: Individuals seeking a reconsideration of a declined business loan
Annual Responses: 1,800
Annual Burden: 3,600.

Dated: October 13, 1993.

Cleo Verbillis,
Chief, Administrative Information Branch.

[FR Doc. 93–25590 Filed 10–18–93; 8:45 am]

BILLING CODE 8025–01–M

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before November 18, 1993. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:
Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3RD Street SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629
OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.
Title: Secondary Participation Guaranty Agreement
Form No.: SBA Form 1086
Frequency: On Occasion
Description of Respondents: SBA Participating Lenders
Responses: 8,300
Annual Burden: 31,125.

Dated: October 13, 1993.

Cleo Verbillis,
Chief, Administrative Information Branch.

[FR Doc. 93–25591 Filed 10–18–93; 8:45 am]

BILLING CODE 8025–01–M

Atlanta District Advisory Council; Public Meeting

The U.S. Small Business Administration Atlanta District Advisory Council will hold a public meeting from 8 a.m. on Thursday, November 4, 1993, to 12 Noon on Friday, November 5, 1993, at the Lake Lanier Islands Hilton Resort, Lake Lanier Islands, Georgia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Wilfred A. Stone, District Director, U.S. Small Business Administration, 1720 Peachtree Road NW., 6th Floor, Atlanta, Georgia 30309, (404) 347–4749.

Dated: October 13, 1993.

Dorothy A. Overal,
Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–25589 Filed 10–18–93; 8:45 am]

BILLING CODE 8025–01–M

Clarksburg District Advisory Council; Public Meeting

The U.S. Small Business Administration Clarksburg District Advisory Council will hold a public meeting at 1 p.m. on Monday, November 15, 1993, at The Bavarian Inn, Shepherdstown, West Virginia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Marvin Shelton, District Director, U.S. Small Business Administration, P.O. Box 1608, 168 W. Main Street, Clarksburg, WV 26302–1608, (304) 623–5631.

Dated: October 13, 1993.

Dorothy A. Overal,
Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–25588 Filed 10–18–93; 8:45 am]

BILLING CODE 8025–01–M

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

Regional Advisory Board Meetings for Regions 1–6

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Meetings notice.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is hereby published for the Series 14 Regional Advisory Board meetings for Regions 1 through 6. The meetings are open to the public.

DATES: The 1993 meetings are scheduled as follows:

1. November 2, 9 a.m. to 12:30 p.m., Houston, Texas, Region 4 Advisory Board.
2. November 9, 9 a.m. to 12:30 p.m., New York, N.Y., Region 1 Advisory Board.
3. November 16, 9 a.m. to 12:30 p.m., Tucson, Ariz., Region 5 Advisory Board.
4. November 30, 9 a.m. to 12:30 p.m., Los Angeles, Calif., Region 6 Advisory Board.
5. December 2, 9 a.m. to 12:30 p.m., Seattle, Wash., Region 3 Advisory Board.
6. December 9, 9 a.m. to 12:30 p.m., Miami, Fla., Region 2 Advisory Board.

ADDRESSES: The meetings will be held at the following locations:

1. Houston, Texas—The Westin Galleria & Westin Oaks, 5060 West Alabama.
2. New York, N.Y.—Marriott East Side, 525 Lexington Avenue.
3. Tucson, Ariz.—Tucson East Hilton, 7600 East Broadway.
4. Los Angeles, Calif.—Hyatt Regency Los Angeles, 711 S. Hope Street.
5. Seattle, Wash.—Seattle Hilton, Sixth and University.
6. Miami, Fla.—Hyatt Regency Miami, City Center at Riverwalk, 400 SE Second Avenue.

FOR FURTHER INFORMATION CONTACT: Jill Nevius, Committee Management Officer, Thrift Depositor Protection Oversight Board 1777 F Street, NW., Washington, DC 20232, 202/786–9675.

SUPPLEMENTARY INFORMATION: Section 501(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73, 103 Stat. 183, 382–383, directed the Oversight Board to establish one national advisory board and six regional advisory boards.

Purpose: The Regional Advisory Boards provide the Resolution Trust Corporation (RTC) with recommendations on the policies and programs for the sale of RTC owned real property assets.

Agenda: Topics to be addressed at the six meetings will include: The impact of RTC property sales on local real estate markets; an update on RTC's Small Investor Program; the status of Treasury Secretary Bentsen's RTC Management Reforms, RTC's affordable housing disposition programs and the RTC's environmentally significant property disposition programs. In addition, the Boards will review the effectiveness of RTC's outreach efforts for its real estate asset management and sales program and examine the effectiveness of its auction programs. The Boards will hear from the vice presidents of each of RTC's regional offices as well as from witnesses testifying on specific agenda topics.

Statements: Interested persons may submit to an Advisory Board written statements, data, information, or views on the issues pending before the board prior to or at the meeting. The meetings will include a public forum for oral comments. Oral comments will be limited to approximately five minutes. Interested persons may sign up for the public forum at the meeting. All meetings are open to the public. Seating is available on a first come first served basis.

Dated: October 14, 1993.

Jill Nevius,

Committee Management Officer, Office of Advisory Board Affairs.

[FR Doc. 93–25605 Filed 10–18–93; 8:45 am]

BILLING CODE 2222–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended October 8, 1993

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 49162
Date filed: October 4, 1993
Parties: Members of the International Air Transport Association
Subject: Comp Telex 024f—Portugal Local Currency Fare Changes
Proposed Effective Date: November 1, 1993

Docket Number: 49169
Date filed: October 5, 1993
Parties: Members of the International Air Transport Association
Subject: TC2 Reso/P 1470 dated September 24, 1993
Expedited Within Europe—R–1 to R–9
TC2 Reso/P 1474 dated September 24, 1993
Expedited Within Europe—R–10
TC2 Reso/P 1475 dated September 24, 1993
Expedited Within Europe—R–11 to R–13
TC2 Reso/P 1476 dated September 24, 1993
Expedited Within Europe—R–14
TC2 Reso/P 1477 dated September 24, 1993
Expedited Within Europe—R–15 to R–20
Proposed Effective Date: Expedited November 1, 1993

Docket Number: 49170
Date filed: October 5, 1993
Parties: Members of the International Air Transport Association
Subject: TC2 Reso/P 1480 dated September 24, 1993
Expedited Within Mideast—R–1 to R–4
Proposed Effective Date: November 1, 1993

Docket Number: 49171
Date filed: October 5, 1993
Parties: Members of the International Air Transport Association
Subject: TC2 Reso/P 1482 dated September 24, 1993
Expedited Europe-Mideast—R–13 to R–15
Proposed Effective Date: Oct. 31/Nov. 1, 1993

Docket Number: 49172
Date filed: October 5, 1993
Parties: Members of the International Air Transport Association
Subject: TC2 Reso/P 1524 dated September 21, 1993
Expedited South Atlantic-Europe/Mideast
R–1—076w R–2—080c R–1—087uu
Proposed Effective Date: October 15, 1993

Docket Number: 49177
Date filed: October 6, 1993
Parties: Members of the International Air Transport Association
Subject: TC12 Reso/P 1525 dated September 21, 1993
South Atlantic-Europe/Mideast Expedited Resos
r–1—002k r–2—073e
TC12 Reso/P 1526 dated September 21, 1993
South Atlantic-Africa Expedited Reso
r–3—002i
Proposed Effective Date: January 1, 1994

Docket Number: 49178
Date filed: October 6, 1993
Parties: Members of the International Air Transport Association
Subject: TC2 Reso/P 1471 dated September 24, 1993
Within Europe Expedited Resos—r–1 to r–5 intended effect: December 1, 1993
TC2 Reso/P 1472 dated September 24, 1993
Within Europe Expedited Resos—r–6 to r–10 intended effect: January 1, 1994
TC2 Reso/P 1473 dated September 24, 1993
Within Europe Expedited Resos—r–11 to r–15 intended effect: March 25, 1994

Docket Number: 49179
Date filed: October 6, 1993
Parties: Members of the International Air Transport Association
Subject: TC12 Reso/P 1520 dated September 14, 1993
Canada/Mexico-Europe Expedited Reso
r–1—015v
TC12 Reso/P 1521 dated September 14, 1993
Mexico-Europe Expedited Resos
r–2—002g r–4—074j r–6—085ff
r–3—0r r–5—074u
Proposed Effective Date: November 1, 1993

Docket Number: 49180
Date filed: October 6, 1993
Parties: Members of the International Air Transport Association
Subject: PAC/Reso/380 dated September 13, 1993 Mail Vote A086—Reso 810 Russian Federation
Proposed Effective Date: November 1, 1993.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–25581 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–62–P

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q during the Week Ended October 8, 1993

The following applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's

Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 49163
Date filed: October 4, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 1, 1993
Description: Application of Cargo Tres, S.A., pursuant to section 402 of the Act and subpart Q of the Regulations, applies for a Foreign Air Carrier Permit to engage in nonscheduled, including charter, foreign air transportation of property and mail between points in Panama and (a) Miami, Florida; and (b) San Juan, Puerto Rico, via certain optional intermediate points. All such flights will originate or terminate in Panama.

Docket Number: 49166
Date filed: October 4, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 1, 1993
Description: Application of Express One International, Inc. pursuant to section 401(d)(1) of the Act and subpart Q of the Regulations, to engage in interstate and overseas scheduled air transportation of persons, property and mail.

Docket Number: 49167
Date filed: October 4, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 1, 1993
Description: Application of Express One International, Inc., pursuant to section 401(d)(1) of the Act and subpart Q of the Regulations, requests authority to engage in foreign scheduled air transportation of persons, property and mail: Between any point in any State in the United States and the District of Columbia, or any territory or possession of the United States, and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States, or any point in Canada, Mexico, Gulf of Mexico or the Caribbean Sea, Central or South America, Australia, Indonesia, Asia as far west as longitude 70 degrees east via a transpacific routing, Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as and including India.

Docket Number: 49175
Date filed: October 6, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 3, 1993
Description: Application of Horizon Air Industries, Inc. d/b/a Horizon Air, pursuant to section 401 of the Act and subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing service between Spokane, Washington and Calgary/Edmonton, Alberta, Canada.

Docket Number: 49181
Date filed: October 7, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 4, 1993
Description: Application of Sportsflight Airways, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, requests a certificate of public convenience and necessity authorizing it to engage in interstate and overseas charter air transportation of persons, property and mail.

Docket Number: 49183
Date filed: October 8, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 5, 1993
Description: Application of American Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for renewal of its certificate for Route 325, authorizing scheduled foreign air transportation of persons, property, and mail between the terminal points Houston and Dallas/Ft. Worth, Texas, and the terminal points Toronto, Ontario, and Montreal, Quebec, Canada.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 93–25582 Filed 10–18–93; 8:45 am]
BILLING CODE 4910–62–P

Coast Guard

[CGD 93–067]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DOT.
ACTION: Notice of meeting.

SUMMARY: The Navigation Safety Advisory Council will meet at the Old Colony Inn, 625 First Street, Alexandria, VA on Sunday through Tuesday, November 14–16, 1993.

FOR FURTHER INFORMATION CONTACT: Margie G. Hegy, Executive Director, Navigation Safety Advisory Council, U.S. Coast Guard (G–NSR–3), 2100 Second Street, SW. Washington, DC 20593–0001, Telephone (202) 267–0415.

SUPPLEMENTARY INFORMATION: Committees will meet on Sunday, November 14 from 9 a.m. to noon and 2 p.m. to 5 p.m. Committee meetings may be held on Sunday evening if additional time is needed. The discussions will include the following topics:

a. *Navigation Rules:*
   1. Legislative and regulatory initiatives.
   2. Casualty Review.
b. *Navigation Equipment:* Update on status of Electronic Chart Display (ECDIS).
c. *Human Factors in Navigation Safety:* Bridge Resource Management.
d. *Vessel Routing and VTS:* Mandatory ship reporting and traffic separation schemes.

The Council will convene in plenary session on Monday, November 15 at 8 a.m. to 5 p.m. and reconvene on Tuesday, November 16 at 8 a.m. to 12 noon to hear Committee status reports and any matters properly brought before the Council.

The meeting is open to the public. Persons wishing to make oral statements should notify the Executive Director no later than Thursday, November 11, 1993. Any person may present a written statement to the Council at any time without advance notice.

W.J. Ecker,
Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 93–25653 Filed 10–18–93; 8:45 am]
BILLING CODE 4910–14–M

Federal Aviation Administration

Proposed Advisory Circular—Damage-Tolerance and Fatigue Evaluation of Structure

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of proposed advisory circular and request for comments.

SUMMARY: This notice requests comments on a proposed revision to Advisory Circular (AC) 25.571–1A, Damage-Tolerance and Fatigue Evaluation of Structure. The proposed revision consists of additional guidance for demonstrating compliance with the requirements being proposed in a separate notice pertaining to fatigue requirements for damage tolerant structure on transport category airplanes. This notice provides interested persons an opportunity to present their views on the proposed revision to the AC.

DATES: Comments must be received on or before January 14, 1994.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation

Administration, Attn: Patricia Siegrist, FAA, Transport Airplane Directorate, Aircraft Certification Service, Regulations Branch, ANM–114, 1601 Lind Avenue SW., Renton, WA 98055–4056. Comments may be inspected at the above address between 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Patricia Siegrist, Regulations Branch, ANM–114, at the above address, telephone (206) 227–2126.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the proposed AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**. Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters must identify the AC by title and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Airplane Directorate before issuing the final AC.

Discussion

Multiple site damage (MSD) continues to be a problem in conventional metal structure. For this reason, the FAA is proposing, by separate notice (Notice 93–9, 58 FR 38642, July 19, 1993), to amend the fatigue requirements for damage-tolerant structure on transport category airplanes to require full-scale fatigue testing and inspection thresholds based on crack growth from likely initial manufacturing defects in the structure. To provide guidance for demonstrating compliance with the requirements being proposed in that notice, the FAA also proposes to revise AC 25.571–1A. The proposed revision consists of additional guidance for (1) demonstrating compliance with the full-scale fatigue test requirement, and (2) establishing inspection thresholds for initial inspections for fatigue damage.

Other minor changes are also proposed, including definitions of terms used in the AC. The design service goal, for instance, has been defined as "The period of time (in flight cycles/hours), established at design and/or certification, during which the principal structure will be reasonably free from significant cracking."

Issuance of the revision to AC 25.571–1A is contingent on final adoption of the proposed changes to part 25.

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

Ronald Wojnar,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–25635 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., Seventh Meeting, Special Committee 176; Airborne Loran-C Area Navigation Equipment Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix I), notice is hereby given for Special Committee 176 meeting to be held November 8–9, 1993, starting at 9 a.m. at the RTCA Conference Room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of the summary of the sixth meeting; (3) Review Draft Change No. 1 to RTCA/DO–194; (4) Assignment of tasks; (5) Other business; (6) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC on October 12, 1993.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 93–25633 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc.; Special Committee 177, Test Criteria and Guidance Relative to Portable Electronic Devices Carried On Board Aircraft; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix I), notice is hereby given for Special Committee 177 meeting to be held November 30–December 1, 1993, starting at 9 a.m. at the Electronic Industries Association, 20001 Pennsylvania Avenue NW., Washington, DC 20006.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of the summary of the sixth meeting; (3) Presentations of subcommittees: (a) Testing methods and criteria (b) PED testing (c) In-aircraft testing (d) Reporting Procedures; (4) New business; (5) Discussion of test plans; (6) Task assignments; (7) Other business; (8) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 12, 1993.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 93–25631 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc.; Special Committee 171, Airborne MLS Navigation Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix I), notice is hereby given for Special Committee 171 meeting to be held October 13–15, 1993, starting at 9:30 a.m., in the RTCA Conference Room at 1140 Connecticut Avenue, SW., suite 1020, Washington, DC 20036.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of the summary of the seventh meeting; (3) Working Group Reports: Technical Working Group (WG–2); (4) Review EUROCAE WG–43/Industry Activities; (5) Review the third draft; (6) Other business; (7) Date and place of next meeting.

Note: The committee intends this meeting to be the final meeting and requests a complete review of the draft document.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 5, 1993.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 93-25632 Filed 10-18-93; 8:45 am]

BILLING CODE 4910-13-M

Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at the Long Beach Municipal Airport, Long Beach, CA

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 as well as impose only the revenue from a PFC at the Long Beach Airport, 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 November 18, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, Standards Section, AWP-621, P.O. Box 92007, WWPC, Los Angeles, CA 90009, or 15000 Aviation Blvd., Hawthorne, CA 90261.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Chris Kunze, Manager, Airport Bureau, City of Long Beach, at the following address: Long Beach Airport, City of Long Beach, 4100 Donald Douglas Dr., Long Beach, CA 90808

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Long Beach under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. John P. Milligan, Supervisor, Standards Section, AWP-621, Federal Aviation Admin., P.O. Box 92007, WWPC, Los Angeles, CA 90009, or 15000 Aviation Blvd., Hawthorne, CA 90261, (310) 297-1029.

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 as well as to impose only the revenue from a PFC at the Long Beach Airport 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 September 29, 1993, the FAA determined that the application to impose and use and impose only the revenue from a PFC submitted by the City of Long Beach was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 29, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: March 1, 1994

Proposed charge expiration date: April 30, 1998

Total estimated PFC revenue: $3,800,000.00

Brief description of proposed project(s):

Impose and Use: Improve airfield lighting for RW 7R/25L and TW F; Construct perimeter service road around RW 25L safety area; Compile airport pavement management system; Reconstruct TW F: Rehabilitate RW 7R/25L: Rehabilitate and construct porous friction course, RW 7L/25R; Improve lighting and signage, RW 7L/25R; Install guidance signs per FAR part 139; Rehabilitate TW's J1,J2,L5; Improve safety areas RW's 30/12, 7R/25L and TW's C,L,G and K; Construct earth berm erosion control; Reconstruct TW A: Slurry seal TW's C,D,G,K and L: Improve shoulders TW's D and K; Install back-up engine generator; Rehabilitate airfield pavements including TW's A,B,D,G, and service road to Parcel J: Construct GA tie-down facility, Parcel "O"; Widen portions of perimeter service road; Construct two mid-field run-up pads; Procure ARFF vehicle; Improve security fences and gates; Install security access control; Rehabilitate portions of terminal building; Improve airport access roads; Install noise monitoring system.

Impose Only: Reconstruct terminal apron, TW J and widen portions of perimeter service road; Construct ARFF training facility; Improve handicapped facilities.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators and On-Demand Charter Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports Division office located at:

Federal Aviation Administration, Western-Pacific Region, Airports Division, room 3024, 15000 Aviation Blvd., Hawthorne, California 90261.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Long Beach.

Issued in Hawthorne, California on September 29, 1993.

Ellsworth L. Chan,

Acting Manager, Airports Division, Western Pacific Region.

[FR Doc. 93-25630 Filed 10-18-93; 8:45 am]

BILLING CODE 4910-13-M

Intent To Rule on Application To Impose a Passenger Facility Charge at the Palm Beach International Airport, et al.

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 a passenger facility charge (PFC) at the Palm Beach International Airport, West Palm Beach, Florida, and to use the revenue from a PFC at the Palm Beach International Airport, West Palm Beach, Florida and at the North County General Aviation Airport, Jupiter, Florida, 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 November 18, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827-5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jerry L. Allen, Director of Airports Planning and Development of the Palm Beach Country Department of Airports, at the following address: Palm Beach International Airport, Building 846, West Palm Beach, Florida 33406-1491.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Palm Beach County Department of Airports under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mrs. Ilia A. Quinones, Airports Plans and Programs Manager, FAA, Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–5397, telephone (407) 648–6583. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Palm Beach International Airport and use the revenue from a PFC at Palm Beach International Airport and at North County General Aviation Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Onmibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 6, 1993, the FAA determined that the application to impose a PFC at Palm Beach International Airport and use revenue from a PFC at Palm Beach International Airport and at North County General Aviation Airport, submitted by the Palm Beach County Department of Airports was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 26, 1994.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: April 1, 1994.

Proposed charge expiration date: March 31, 1999.

Total estimated net PFC revenue: $38,804,838.

Brief description of proposed projects:

At Palm Beach International Airport:

Impose and Use Projects:

- Construct North Federal Inspection Station Facilities.
- Acquire 24.5 Acres of Land—Runway 13/31 Runway Protection Zone.
- Construct Miscellaneous Taxiways and Holdpads.
- Install Security Access System to Meet Part 107.14.
- Construct Inner Perimeter Road—West Extension.

Impose Only Projects:

- Acquire Land Approved in Part 150 Noise Compatibility Plan.
- Extend and overlay Runway 13/31.
- Construct West Enplane Roadway with Canopy.
- Replace ARFF Vehicles.
- Extend Inner Perimeter Road—West Phase 3.
- Construct I–95 Connector to Palm Beach International Airport.
- Construct East Enplane Roadway and Deplane Extension.
- Update Part 150 Noise Compatibility Study.

At North County General Aviation Airport:

Impose and Use Project:

- North County Construction Package A (Entrance Road, Primary and Secondary Runways and Taxiways, and Environmental Mitigation).

Impose Only Project:

- Install Instrument Landing System (ILS) and Very High Frequency Omnidirectional Radio Range Station (VOR) at North County General Aviation Airport.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi and Commercial Operators filing FAA Form 1800–31.

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 Palm Beach County Department of Airports, Palm Beach International Airport, West Palm Beach, Florida.

Issued in Atlanta, Georgia on October 7, 1993.

Troy R. Butler,

PFC Program Manager, Southern Region.

[FR Doc. 93–25368 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Research and Special Programs Administration

DEPARTMENT OF THE INTERIOR

Minerals Management Service

ENVIRONMENTAL PROTECTION AGENCY

[CGD 93–062]

National Preparedness for Response Exercise Program (PREP)

AGENCIES: Coast Guard, DOT; Research and Special Programs Administration, DOT; Minerals Management Service, DOI; Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: The Coast Guard, the Environmental Protection Agency, the Research and Special Programs Administration and the Minerals Management Service jointly developed the National Preparedness for Response Exercise Program (PREP) to provide guidelines for compliance with the Oil Pollution Act of 1990 pollution response exercise requirements. The PREP guidelines outline the applicability, type, frequency, and objectives of the required exercises and will aid industry in meeting the requirements of the Federal regulations regarding pollution response exercises. This notice announces the availability of the draft PREP guidelines and solicits comments on them.

DATES: Comments should be submitted by November 30, 1993.

ADDRESSES: Written comments should be submitted to COMMANDANT (G-MEP-4), room 2100, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001, ATTN: LCDR Rhae Giacoma.

Copies of the PREP guidelines are available for inspection at the above address or may be obtained by contacting Petty Officer Daniel Caras at (202) 267–6570 or faxing a request at (202) 267–4085/4065.

FOR FURTHER INFORMATION CONTACT: LCDR Rhae Giacoma, Office of Marine Safety, Security and Environmental Protection (G-MEP-4), (202) 267–2616; Ms. Stacey Gerard, Research and Special Programs Administration, (202) 366–6855; Ms. Bobbie Lively-Diebold, Environmental Protection Agency, (703) 356–8774; Mr. Larry Ake, Minerals Management Service, (703) 787–1567.

SUPPLEMENTARY INFORMATION:

Request for Comments

Copies of the PREP guidance document are available as described under "ADDRESSES." The four Federal agencies encourage interested persons to comment on the document. The agencies may revise the document in view of the comments. If revisions are warranted, availability of the revised document will be announced by a later notice in the **Federal Register.**

Background Information

In accordance with the requirements of section 311 of the Clean Water Act (33 U.S.C. 1321) (the Act), as amended by the Oil Pollution Act of 1990 (Pub. L. 101–380), Area Committees comprised of Federal, State and local government representatives have been established throughout the country and are in the process of developing Area Contingency Plans for response to oil and hazardous substance spills within their area of responsibility. Section 311(j)(5)(c)(iv) requires responsible parties to submit spill response plans

that include provisions for periodic unannounced drills and equipment testing. Section 311(j)(7), as implemented by Executive Order 12777, provides further for the Coast Guard (in the case of the coastal zone) and the Environmental Protection Agency (in the inland zone) to conduct periodic drills of removal activity, which may include participation by the owners of vessels and facilities in the area, to assess the effectiveness of the plans.

Also, in accordance with section 311(j) of the Act, the Coast Guard issued regulations on February 5, 1993 (58 FR 7330, 7376), requiring owners or operators of certain vessels and marine transportation-related facilities to submit response plans to the Coast Guard for approval. The purpose of the response plans is to enhance private sector planning and response capabilities to minimize the environmental impacts of spilled oil. The response plans must identify a planned exercise program. The program must include announced and unannounced exercises conducted by the owner or operator of certain facilities and vessels as necessary to ensure that a response plan will function in the event of an oil discharge emergency. (33 CFR 154.1055, 155.1060; 58 FR 7363, 7438).

The Environmental Protection Agency issued a notice of proposed rulemaking on February 17, 1993, for revisions to 40 CFR part 112 (58 FR 34164) Oil Pollution Prevention Regulation, which would include requirements for response exercises to test the effectiveness of non-transportation-related onshore facility response plans for response to oil spills. The Research and Special Programs Administration Office of Pipeline Safety published an interim final rule for response plans for onshore transportation-related oil pipelines on January 5, 1993, which specified requirements for exercises to ensure response plans were adequate for oil discharges from pipelines (49 CFR part 194; 58 FR 244). The Minerals Management Service issued an interim final rule on February 8, 1993 (30 CFR part 254; 58 FR 7489), requiring that owners or operators of offshore platforms and other offshore facilities submit spill response plans including, among other things, provisions for response drills and for inspecting, testing and maintaining response equipment.

In addition to the Federal mandates, there are also State requirements for exercises. To facilitate the coordination of required exercises, the Coast Guard, the Environmental Protection Agency, the Research and Special Programs Administration, the Minerals Management Service and a number of the States jointly conducted a series of four workshops, announced through earlier notices in the **Federal Register**, to solicit comments from the public and to discuss the exercise requirements and a method to develop an efficient, cost effective approach for compliance. The workshops addressed such issues as exercise frequency, objectives, certification, cost, credit, and scheduling. Through discussions held, consensus was achieved on the issues and the PREP guidelines were developed. Although the PREP guidelines are not regulations and compliance with the guidelines is not mandatory, following the guidelines will aid industry in meeting the Federal requirements for pollution response exercises.

Dated: October 8, 1993.

A.E. Henn,

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

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

George Tenley,

Associate Administrator for Pipeline Safety.

Richard J. Guimond,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 93–25665 Filed 10–18–93; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974; Computer Matching Programs

AGENCY: Internal Revenue Service, Treasury Department.

ACTION Proposed notice.

SUMMARY: Pursuant to 5 USC 552a, the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given of the conduct of an Internal Revenue Service (IRS) program of computer matches.

EFFECTIVE DATE: This notice will be effective on November 18, 1993, unless comments dictate otherwise.

ADDRESS: Comments or inquiries may be mailed to Chief Inspector, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: A. Michael Stevens, Internal Auditor, Strategic Issues Section, Office of Planning and Management, Office of Assistant Chief Inspector (Internal Audit), Internal Revenue Service, (202) 622–6002.

SUPPLEMENTARY INFORMATION: IRS management is responsible for discouraging the perpetration of irregular or illegal acts and limiting any exposure if an integrity breach occurs. To accomplish its mission, the Inspection Service assists management in achieving this objective by enhancing its conventional audit and investigative activities with a program designed to deter and detect such acts and to search for indicators of fraud sufficient to warrant investigation.

The Inspection Service's Integrity Program includes Integrity Projects, Integrity Tests, and national or other projects, including joint Internal Audit/ Internal Security activities, designed to detect indicators of fraud and which focus specifically on the deterrence and detection of integrity breaches.

Integrity Projects are reviews or probes of specific high risk areas or transactions by the Inspection Service to detect material fraud and to assess the extent of integrity breaches that may have occurred.

Integrity Tests are in-depth reviews of the high risk features of auditable areas conducted as a part of National, Regional, or Single Office Audits. Integrity tests are designed to be of sufficient scope to detect the presence of material fraud.

One of the five IRS organizational strategies is to ensure public confidence in the integrity of the IRS by a dedication to the highest ethical standards. One of the ways that the Inspection Service supports this objective is to provide IRS management an assessment of the organization's ethical environment through the Inspection Service Integrity Program.

Computer matching is the most feasible method of performing comprehensive analysis of employee, taxpayer, and tax administration data because of the large number of employees (seasonally varying to over 110,000), the geographic dispersion (nationwide) of IRS offices and employees, and the tremendous volume of computerized data that is available for analysis.

This program of computer matches may be conducted in part or in its entirety by any or all of the Inspection Service's offices.

Name of Source Agency

Internal Revenue Service.

Name of Recipient Agency

Internal Revenue Service.

Beginning and Completion Dates

This program of computer matches will commence not earlier than the fortieth day after notices are provided to the Congress and OMB unless comments dictate otherwise. The program of computer matches will conclude at the end of the eighteenth month after the beginning date.

Purpose

The purpose of this program of computer matches is to detect and deter fraud, waste, and abuse in IRS programs and operations by identifying employees who are violating laws, rules, or regulations related to the performance of their duties.

Authority

The Office of Chief Inspector was established and provided the authority to perform character and conduct investigations of IRS employees pursuant to 31 USC 321(b); sections 7801(a), 7802, and 7803 of the Internal Revenue Code of 1986; 26 USC 7804 and Reorganization Plan Numbered 1 of 1952.

Commissioner's reorganization Order #Hdq–1 (July 29, 1952), IR–Mimeograph Number 236 (December 7, 1953), and the current provisions of the Internal Revenue Manual (IRM) give authority to conduct personnel investigations to the Chief Inspector.

Internal Revenue Manual 1161 charges the Chief Inspector with carrying out a program for assisting management to maintain the highest standards of honesty and integrity among its employees.

The United States General Accounting Office field work standards for both performance and financial audits require auditors to design an audit to provide reasonable assurance of detecting abuse of illegal acts that could significantly affect the financial statements, audit objectives, or audit results.

Categories of Individuals Covered

Current and former employees of the IRS.

Categories of Records Covered

Included in this program of computer matches is information on IRS employees.

1. Personnel and payroll actions and determinations on current and former employees of the IRS. (General Personnel and Payroll Records (Treasury/IRS 36.003).)

2. Information on travel and moving expenses incurred by IRS employees in conjunction with official business. (Travel Expense Records (Treasury/IRS 32.001)).

Information other than that specifically on IRS employees will be used to determine the actions or the effect of actions of employees or to corroborate declarations or statements by employees.

1. Specific computer inquiries and entries to IRS information systems made by employees. (Integrated Data Retrieval System (IDRS) Security Files (Treasury/IRS 34.018).)

2. Information on the individuals who owe and the amounts owed to Federal or state agencies. (Debtor Master File (Treasury/IRS 24.070).)

3. Information regarding taxpayers, tax returns, and tax return information.

a. Individual Returns Files, Adjustments and Miscellaneous Documents Files (Treasury/IRS 22.034).

b. Wage and Information Returns Processing (IRP) File (Treasury/IRS 22.061).

c. Combined Account Number Number File (Treasury/IRS 24.013).

d. Individual Account Number File (Treasury/IRS 24.029).

e. Individual Master File (IMF) (Treasury/IRS 24.030).

f. Business Master File (BMF) (Treasury/IRS 24.046).

g. Taxpayer Delinquent Account (TDA) Files and subsystems (Treasury/IRS 26.019).

h. Taxpayer Delinquency Investigation (TDI) Files (Treasury/IRS 26.020).

i. Examination Administrative File (Treasury/IRS 42.001).

j. Audit Information Management System (AIMS) (Treasury/IRS 42.008).

k. Compliance Programs and Projects Files (Treasury/IRS 42.021).

l. Case Management and Time Reporting System (Treasury/IRS 46.002).

m. Controlled Accounts (Open and Closed) (Treasury/IRS 46.004).

Dated: October 7, 1993.

Deborah M. Witchey,

Deputy Assistant Secretary (Administration).

[FR Doc. 93–25524 Filed 10–18–93; 8:45 am]

BILLING CODE 4830–01–M

Office of Thrift Supervision

First American Federal Savings Bank, Greensboro, NC; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of Section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for First American Federal Savings Bank, Greensboro, North Carolina ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on October 8, 1993.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93–25553 Filed 10–18–93; 8:45 am]

BILLING CODE 6720–01–M

Palm Beach Federal Savings Association, Palm Beach Gardens, FL; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of Section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Palm Beach Federal Savings Association, Palm Beach Gardens, Florida ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on October 8, 1993.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93–25550 Filed 10–18–93; 8:45 am]

BILLING CODE 6720–01–M

Surety Federal Savings and Loan Association, F.A., Morganton, NC; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Surety Federal Savings and Loan Association, F.A, Morganton, North Carolina ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on August 27, 1993.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93–25552 Filed 10–18–93; 8:45 am]

BILLING CODE 6720–01–M

[AC-46; OTS No. 4115]

Astoria Federal Savings and Loan Association, Lake Success, NY; Approval of Conversion Application

Notice is hereby given that on September 20, 1993, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Astoria Federal Savings and Loan Association, Lake Success, New York, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93-25556 Filed 10-18-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-44; OTS No. 9623]

Crossland Federal Savings Bank, Brooklyn, NY; Final Action; Approval of Voluntary Supervisory Conversion Application

Notice is hereby given that, on August 18, 1993, the Acting Assistant Director for Supervisory Operations approved the application of Crossland Federal Savings Bank, Brooklyn, New York, for permission to convert to the stock form of organization, in a voluntary supervisory conversion in connection with a public offering. Copies of the applications are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Plaza, 18th floor, Jersey City, New Jersey 07302.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93-25558 Filed 10-18-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-47; OTS No. 2501]

Financial Federal Savings and Loan Association of Dade County, Miami Lakes, FL; Final Action; Approval of Voluntary Supervisory Conversion Application

Notice is hereby given that, on August 27, 1993, the Acting Assistant Director for Supervisory Operations approved the application of Financial Federal Savings and Loan Association of Dade County, Miami Lakes, Florida, for permission to convert to the stock form of organization in a voluntary supervisory conversion. A copy of the application is available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Southeast Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE., Atlanta, GA 30309.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93-25555 Filed 10-18-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-48; OTS No. 2746]

Chase Federal Bank, a Federal Savings Bank, Miami, FL; Final Action; Approval of Voluntary Supervisory Conversion Application

Notice is hereby given that, on August 27, 1993, the Acting Assistant Director for Supervisory Operations approved the application of Chase Federal Bank, a Federal Savings Bank, Miami, Florida, for permission to convert to the stock form of organization in a voluntary supervisory conversion. A copy of the application is available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Southeast Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE., Atlanta, GA 30309.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93-25554 Filed 10-18-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-45; OTS No. 7245]

Equitable Federal Savings Bank, Wheaton, MD; Final Action; Approval of Voluntary Supervisory Conversion Application

Notice is hereby given that, on August 30, 1993, the Deputy Director for Washington Operations approved the application of Equitable Federal Savings Bank, Wheaton, Maryland, for permission to convert to the stock form of organization in a voluntary supervisory conversion. A copy of the application is available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Boston Area Office, Office of Thrift Supervision, 1475 Peachtree Street, NE., Atlanta, GA 30309.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 93-25557 Filed 10-18-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-43; OTS No. 2501]

Greater Boston Bank, A Co-Operative Bank, Brighton, MA; Final Action; Approval of Voluntary Supervisory Conversion Application

Notice is hereby given that, on August 27, 1993, the Deputy Director for Regional Operations approved the application of Greater Boston Bank, A Co-Operative Bank, Brighton, Massachusetts, for permission to convert to the stock form of organization in a voluntary supervisory conversion. A copy of the application is available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: October 13, 1993.

By the Office of Thrift Supervision.

Kimberly White,

Corporate Technician.

[FR Doc. 93-25559 Filed 10-18-93; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES INFORMATION AGENCY

International Conference on Government Ethics: Public Service and Public Trust in Democracies

AGENCIES: United States Information Agency, Office of Government Ethics.

ACTION: Notice—Request for Support.

SUMMARY: The United States Information Agency (USIA) and the Office of Government Ethics (OGE) are planning to cosponsor an international conference titled: "The International Conference on Government Ethics: Public Service, Public Trust in Democracies."

This announcement seeks support for this endeavor from United States and foreign institutions including international business corporations, nonprofit exchange organizations, foundations, professional associations, universities, and other institutions and individuals concerned with government ethics and integrity. It further seeks support from foreign governments and leaders concerned with the development of organizational structures necessary to insure integrity in government administration.

Tentatively scheduled for May 1994, this international conference will compare, across cultures, organizational structures, laws and regulations, that support ethical behavior in government and between government and other sectors of society. It also addresses the impact of corruption on international commerce and the need for effective government to create a positive environment for international investment.

The proposed conference is designed as a multilateral program in which U.S. leaders share their expertise and insights through case studies with representatives from other developed (United Kingdom, France, Germany, Australia, Sweden, etc.) and developing democracies. Follow-on regional workshops and consultancies overseas, study tours and internships in the United States are proposed.

Program Rationale and Thematic Focus: Public service is a public trust. Standards of ethical conduct are necessary for all public servants. For emerging democratic nations to succeed, citizens must have confidence in their new government's integrity. This principle is fundamental for global democratic development.

Political corruption undermines the ability of all nations to develop mutually beneficial economic relations and joint venture programs. Consequently, regulatory systems and codes of behavior are needed which hold nations to similarly high standards of accountability.

Many global regions are going through democratic revolutions whether in Africa, Asia, Latin America or most prominently in Central and Eastern Europe and the former Soviet Union. These transitions are critical to world peace. Having moved away from or rejected authoritarian and dictatorial systems and practices, how will each of these nations' leaders meet this challenge without replacing one corrupt and abusive system with another?

Program discussions and presentations will examine such abuses as conflict of interest by employees; manipulation of rules for political or personal gain; nepotism; bribery and payoffs; disclosure of insider information; waste, fraud and abuse; and other corrupt practices or even the appearance of improper conduct. It will also compare protective systems for employees which provide opportunities for redress, grievance and appeal.

While focusing on the executive branch of government, ethical issues concerning judicial and legislative behavior may arise as this conference compares and examines parliamentary as well as presidential systems.

Program sessions will address many interrelated issues, for example:

What institutions, rules, laws and regulations have already been developed in these nations to address fundamental ethical issues and public corruption?

Which codes or regulations are needed to raise the standards of ethical conduct, and which regulations obstruct progress or may even stimulate abuse within newly democratic nations?

Which codes of ethics are only applicable within certain cultural and social contexts? When is a gift a bribe?

What systems of accountability have been put into place and what kinds of punishment have been legislated or enacted. Are these systems enforced, why or why not?

What kind of ethics training do government officials receive?

What type of civics education is there in support of ethical codes of conduct? When is it provided and for whom?

What role are the United Nations or other international organizations such as CSCE or NATO (NACC) playing in addressing ethics issues?

Can new ethical standards work in nations suffering from significant economic problems? Will the people and their leaders support new systems of ethics and accountability?

Structure and Development: OGE and USIA will manage this program. Key American and foreign nonprofit institutions (professional and exchange associations, universities), foundations, corporations and individuals will share in its analytical development; and USIA posts overseas (USIS) will facilitate and approve foreign leader participation. Given this conference's broad multilateral mandate, no initial U.S. Government funding is envisioned in its support. Rather, U.S. and foreign foundations, corporations and individuals will be carefully solicited.

This conference is dedicated to addressing real world problems with concrete, practical solutions. It is not envisioned as a passive exercise. Rather, all participants will be actively involved before, during and after the seminal event. It is expected to attract well over 100 prominent leaders and ethics practitioners. Furthermore, this conference is envisioned as only a first step which could stimulate a coordinated program of follow-on regional workshops, overseas consultations, materials development, and internships in the United States and in other participating nations.

Related issues for this international conference program on government and ethics are government-business ethics and corruption, government accountability and systems for enforcement, and the creation of a "rule of law" concept among the people.

Action Requested: This announcement is not a request for proposals. Rather, it is a request for interest in and support for the planning and development of the proposed international conference on government and ethics. U.S. Government coordinators of this program are seeking assistance in the process of nominating prominent leaders as chairpersons for this program; developing the program's content; developing follow-on programs; and working together with the private sector (corporations, foundations, individuals) in the United States and overseas to include foreign governments to raise the initial funds necessary to hold this international conference under USIA's gift authority. The conference will also focus participant attention on practical follow-on programs and potential public as well as private funding sources for these programs.

Response Address: All communications concerning this announcement should refer to the *International Conference on Government Ethics.* Interrested individuals and institutions may indicate their willingness to assist in this effort by contacting the program

staff at the following address: Mr. Richard Werksman, Office of the General Counsel, United States Information Agency, Washington, DC 20547. Tel: 202–619–6827 FAX: 202–619–4573.

Dates: Deadline for expressions of interest and potential cosponsorship for this May 1994 event, in any or all facets of this program, is November 26, 1993. An Executive Committee will review all communication and intentions of support and respond promptly to these inquiries. Based on the level of interest and support for this program, the United States Information Agency and the Office of Government Ethics will make a formal determination on or about December 31, 1993 whether or not to proceed with this program as designed.

Expressions of interest will be reviewed according to several criteria including the quality of proposed support, a potential cosponsoring institution's reputation and capabilities, relative commitment of project personnel to this endeavor, program planning contributions and follow-on program ideas, thematic expertise, cross-cultural and area affairs expertise, international outreach and cosponsorship, and willingness and ability to generate support directly or indirectly for this program's development.

United States Information Service (USIS) posts overseas will have final authority in approving the participation of international participants.

Issuance of this announcement does not constitute a commitment to allocate resources or conduct this program on the part of the United States Information Agency or the Office of Government Ethics.

Dated: October 14, 1993.

Michael Schneider,

Acting Associate Director, Bureau of Policy and Programs, Untied States Information Agency.

Dated: October 14, 1993.

Donald Campbell,

Deputy Director, Office of Government Ethics.

[FR Doc. 93–25569 Filed 10–18–93; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Former Prisoners of War will be held at the Department of Veterans Affairs Medical Center, 1660 S. Columbian Way, Seattle, WA 98108, from November 10 through November 12, 1993. The meeting will convene at 9 a.m. each day and will be open to the public. Seating is limited and will be available on a first-come, first-served basis.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under title 38, United States Code, for Veterans who are former prisoners of war, and to make recommendations on the need of such veterans for compensation, health care and rehabilitation.

The Committee will receive briefings and hold discussions on various issues affecting health care and benefits delivery, including, but not limited to, the following: Education and training of VA personnel involved with former prisoners of war; the status of privately and publicly funded research affecting former prisoners of war; past and current legislative issues affecting former prisoners of war; the various disabilities and sequelae of long-term captivity; and the procedures involved in processing claims for service-connected disabilities submitted by former prisoners of war.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. J. Gary Hickman, Director, Compensation and Pension Service (21), room 276, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Submitted material must be received at least five business days prior to the meeting. Members of the public may be asked to clarify submitted material prior to consideration by the Committee.

A report of the meeting and a roster of Committee members may be obtained from Mr. Hickman.

Dated: October 7, 1993.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 93–25533 Filed 10–18–93; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 200
Tuesday, October 19, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting,[1] Thursday, October 21, 1993

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 21, 1993, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No., Bureau, and Subject

1—Office of Engineering and Technology—Title: Review of the Pioneer's Preference Rules. Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* to review the pioneer's preference rules.

2—Common Carrier—Title: Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Non-Voice, Non-Geostationary Mobile-Satellite Service (CC Docket No. 92–76). Summary: The Commission will consider adoption of a *Report and Order* concerning the establishment of rules and policies for Non-Voice, Non-Geostationary Mobile-Satellite Service in bands below 1 GHz.

3—Private Radio—Title: Amendment of the Commission's Rules to Channel Exclusivity to Qualified Private Paging Systems at 929–930 MHz (PR Docket No. 93–35, RM–7986). Summary: The Commission will consider adoption of a *Report and Order* concerning channel exclusivity on private paging frequencies in the 929–930 MHz band.

4—Private Radio—Title: Amendment of the Amateur Service Rules to Extend Temporary Operating Authority to New Amateur Operators (RM–8288). Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* concerning whether to authorize immediate temporary operating authority to new amateur operators who pass the required examinations and file an application with the commission.

5—Mass Media—Title: Compliance with Commercial Limits During Children's Programming. Summary: The Commission will consider adoption of three *Letters* to impose forfeitures for exceeding the limits on commercial matter which may be aired during children's programming against the following Television Stations: KPLR–TV, St. Louis, MO; KTTM–TV, Huron, SD; KTTW–TV, Sioux Falls, SD; and KXRM–TV, Colorado Springs, CO.

6—Mass Media—Title: Survey of Cable Television Service Rates. Summary: The Commission will receive a preliminary report on the results of its survey of cable television service rates and on associated matters.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Steve Svab, Office of Public Affairs, telephone number (202) 632–5050.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–25770 Filed 10–15–93;12:44pm]

BILLING CODE 6712–01–M

[1] The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission's authority to consider any relevant information.

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:04 p.m. on Thursday, October 14, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a matter relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), seconded by Acting Chairman Andrew C. Hove, Jr., concurred in by Director Eugene A. Ludwig (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: October 14, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–25772 Filed 10–15–93;12:44pm]

BILLING CODE 6714–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, October 14, 1993.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed [Pursuant to 5 U.S.C. § 552b(c)(10)]

MATTERS TO BE CONSIDERED: In addition to the previously announced items, the Commission will consider and act upon the following in closed session:

2. *C & B Mining Company*, Docket No. PENN 92–531. (Issues include consideration of request to reopen and file out of time a petition for discretionary review.)
3. *W–P Coal Company*, Docket No. WEVA 92–746. (Issues include consideration of a motion for amicus participation.)

It was determined by the Commission that these items be included on the agenda, in closed session, and that no earlier announcement of the additions was possible.

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5629/(202) 708–9300 for TDD Relay/800–877–8339 Toll Free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93–25823 Filed 10–15–93; 3:44 pm]

BILLING CODE 6735–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, October 25, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed 1994 Federal Reserve Bank officer salary structure adjustment.
2. Personnel actions (appointments, promotions, assignments, reassignments, and

salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 15, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–25824 Filed 10–15–93; 3:44 pm]

BILLING CODE 6210–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Wednesday, October 27, 1993.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

6180 Aviation Accident Report: Inadvertent In-Flight Slat Deployment, China Eastern Airlines Flight 583, McDonnell Douglas MD–11, Shemya, Alaska, April 6, 1993.

NEWS MEDIA CONTACT: Telephone (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: October 27, 1993.

Ray Smith,

Alternate Federal Register Liaison Officer.

[FR Doc. 93–25768 Filed 10–15–93;12:44pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 18, 25, November 1, and 8, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of October 18

Thursday, October 21

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Motion by Five Star Products and Construction Products Research to Quash a Subpoena Issued by the Office of Investigations (Tentative)
(Contact: Charles Mullins, 301–504–1606)

Week of October 25—Tentative

Monday, October 25

10:00 a.m.
Briefing on Final Report of Regulatory Review Task Force (Public Meeting)
(Contact: Frank Gillespie, 301–504–1275)

Tuesday, October 26

10:00 a.m.
Briefing on Severe Accident Research Program (Public Meeting)
(Contact: Brian Sheron, 301–492–3500)
2:00 p.m.
Briefing on Proposed Standards for Gaseous Diffusion Facilities (Public Meeting)
(Contact: Charles Nilsen, 301–492–3834)

Wednesday, October 27

10:00 a.m.
Briefing on NRC Research Programs on Waste (Public Meeting)
(Contact: Nick Costanzi, 301–492–3760)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, October 29

10:00 a.m.
Briefing on Status of Thermo-Lag (Public Meeting) (Contact: Ashok Thadani, 301–504–2884)

Week of November 1—Tentative

Wednesday, November 3

11:00 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of November 8—Tentative

Monday, November 8

9:30 a.m.
Briefing on Site Decommissioning Management Plan (Public Meeting)
(Contact: David Fauver, 301–504–2554)
11:00 a.m.
Briefing on Investigative Matters (Closed—Ex. 5 & 7)

Wednesday, November 10

2:00 p.m.
Briefing on NRC Research Programs on Human Factors (Public Meeting)
(Contact: Tom King, 301–492–3510)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: October 14, 1994.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–25769 Filed 10–15–93;12:44pm]

BILLING CODE 7590–01–M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 52531 October 8, 1993.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m. on October 21, 1993.

CHANGE IN THE MEETING: The oral argument is tentatively rescheduled at 10:00 a.m., on December 2, 1993.

CONTACT PERSON FOR MORE INFORMATION: Patrick Moran, (202) 606–5410.

Dated: October 15, 1993.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 93–25787 Filed 10–15–93; 2:38 pm]

BILLING CODE 7600–01–M

federal register

Tuesday
October 19, 1993

Part II

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for August 1993

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53170; FRL-4650-5]

Premanufacture Notices; Monthly Status Report for AUGUST 1993

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for August 1993.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Nonconfidential Information Center, (NCIC) ETG-102 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "[OPPTS-53170]" and the specific PMN and exemption request number should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG-099, Washington, DC, 20460, (202) 260-1532.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 260-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during August; (b) PMNs received previously and still under review at the end of August; (c) PMNs for which the notice review period has ended during August; (d) chemical substances for which EPA has received a notice of commencement to manufacture during August; and (e) PMNs for which the review period has been suspended. Therefore, the August 1993 PMN Status Report is being published.

List of Subjects

Environmental protection.

Dated: October 8, 1993.

Frank V. Caesar,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for AUGUST 1993.

I. 207 Premanufacture notices and exemption requests received during the month:

PMN No.

P 93-1385 P 93-1395 P 93-1398 P 93-1399
P 93-1400 P 93-1401 P 93-1402 P 93-1403
P 93-1404 P 93-1405 P 93-1406 P 93-1407
P 93-1408 P 93-1409 P 93-1410 P 93-1411
P 93-1412 P 93-1413 P 93-1414 P 93-1415
P 93-1416 P 93-1417 P 93-1418 P 93-1419
P 93-1420 P 93-1421 P 93-1422 P 93-1423
P 93-1424 P 93-1425 P 93-1426 P 93-1427
P 93-1428 P 93-1429 P 93-1430 P 93-1431
P 93-1432 P 93-1433 P 93-1434 P 93-1435
P 93-1436 P 93-1437 P 93-1438 P 93-1439
P 93-1440 P 93-1441 P 93-1442 P 93-1443
P 93-1444 P 93-1445 P 93-1446 P 93-1447
P 93-1448 P 93-1449 P 93-1450 P 93-1451
P 93-1452 P 93-1453 P 93-1454 P 93-1455
P 93-1456 P 93-1457 P 93-1458 P 93-1459
P 93-1460 P 93-1461 P 93-1462 P 93-1463
P 93-1464 P 93-1465 P 93-1466 P 93-1467
P 93-1468 P 93-1469 P 93-1470 P 93-1471
P 93-1472 P 93-1473 P 93-1474 P 93-1475
P 93-1476 P 93-1477 P 93-1478 P 93-1479
P 93-1480 P 93-1481 P 93-1482 P 93-1483
P 93-1484 P 93-1485 P 93-1486 P 93-1487
P 93-1488 P 93-1489 P 93-1490 P 93-1491
P 93-1492 P 93-1493 P 93-1494 P 93-1495
P 93-1496 P 93-1497 P 93-1498 P 93-1499
P 93-1500 P 93-1501 P 93-1502 P 93-1503
P 93-1504 P 93-1505 P 93-1506 P 93-1507
P 93-1508 P 93-1509 P 93-1510 P 93-1511
P 93-1512 P 93-1513 P 93-1514 P 93-1515
P 93-1516 P 93-1517 P 93-1518 P 93-1519
P 93-1520 P 93-1521 P 93-1522 P 93-1523
P 93-1524 P 93-1525 P 93-1526 P 93-1527
P 93-1528 P 93-1529 P 93-1530 P 93-1531
P 93-1532 P 93-1533 P 93-1535 P 93-1536
P 93-1537 P 93-1538 P 93-1539 P 93-1540
P 93-1541 P 93-1542 P 93-1543 P 93-1544
P 93-1545 P 93-1546 P 93-1547 P 93-1548
P 93-1549 P 93-1550 P 93-1551 P 93-1552
P 93-1553 P 93-1554 P 93-1556 P 93-1557
P 93-1558 P 93-1559 P 93-1560 P 93-1561
P 93-1562 P 93-1563 P 93-1564 P 93-1565
P 93-1566 P 93-1567 P 93-1569 P 93-1570
P 93-1572 P 93-1573 P 93-1574 P 93-1575
P 93-1576 P 93-1577 P 93-1578 P 93-1579
P 93-1580 P 93-1581 P 93-1582 P 93-1583
P 93-1584 P 93-1585 P 93-1586 P 93-1587
P 93-1588 P 93-1589 P 93-1590 P 93-1592
P 93-1593 P 93-1594 P 93-1595 P 93-1596
P 93-1597 P 93-1598 P 93-1599 P 93-1613
Y 93-0195 Y 93-0196 Y 93-0197 Y 93-0198
Y 93-0199 Y 93-0200 Y 93-0201

II. 228 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 84-0660 P 84-0704 P 85-0619 P 85-0941
P 86-0066 P 86-1315 P 87-0323 P 88-0998
P 88-0999 P 88-1937 P 88-1938 P 88-1980
P 88-1982 P 88-1984 P 88-1985 P 88-2484
P 88-2518 P 89-0721 P 89-0775 P 89-0867
P 89-0963 P 89-1038 P 90-0158 P 90-0263
P 90-0550 P 90-0558 P 90-0564 P 90-0581
P 90-0608 P 90-1358 P 90-1422 P 90-1527
P 90-1592 P 90-1840 P 91-0043 P 91-0572
P 91-0619 P 91-0689 P 91-0809 P 91-0818
P 91-0914 P 91-0915 P 91-0939 P 91-0940
P 91-0941 P 91-1009 P 91-1010 P 91-1014
P 91-1015 P 91-1131 P 91-1206 P 91-1210
P 91-1324 P 91-1386 P 91-1394 P 91-1409
P 92-0003 P 92-0031 P 92-0032 P 92-0033
P 92-0048 P 92-0314 P 92-0343 P 92-0344
P 92-0477 P 92-0478 P 92-0606 P 92-0649
P 92-0692 P 92-0714 P 92-0787 P 92-0804
P 92-0919 P 92-1003 P 92-1125 P 92-1222
P 92-1255 P 92-1294 P 92-1295 P 92-1296
P 92-1298 P 92-1307 P 92-1308 P 92-1324
P 92-1337 P 92-1345 P 92-1352 P 92-1364
P 92-1369 P 92-1489 P 92-1503 P 92-1504
P 93-0014 P 93-0017 P 93-0040 P 93-0066
P 93-0094 P 93-0126 P 93-0168 P 93-0177
P 93-0204 P 93-0212 P 93-0213 P 93-0215
P 93-0227 P 93-0250 P 93-0251 P 93-0252
P 93-0253 P 93-0254 P 93-0255 P 93-0256
P 93-0257 P 93-0277 P 93-0282 P 93-0307
P 93-0313 P 93-0314 P 93-0315 P 93-0316
P 93-0339 P 93-0343 P 93-0352 P 93-0353
P 93-0362 P 93-0364 P 93-0374 P 93-0375
P 93-0438 P 93-0458 P 93-0480 P 93-0483
P 93-0498 P 93-0505 P 93-0507 P 93-0512
P 93-0532 P 93-0533 P 93-0553 P 93-0555
P 93-0568 P 93-0572 P 93-0578 P 93-0603
P 93-0627 P 93-0633 P 93-0652 P 93-0658
P 93-0698 P 93-0699 P 93-0701 P 93-0718
P 93-0720 P 93-0721 P 93-0722 P 93-0723
P 93-0724 P 93-0725 P 93-0726 P 93-0731
P 93-0732 P 93-0733 P 93-0734 P 93-0735
P 93-0761 P 93-0832 P 93-0853 P 93-0854
P 93-0855 P 93-0856 P 93-0857 P 93-0858
P 93-0880 P 93-0881 P 93-0896 P 93-0936
P 93-0937 P 93-0953 P 93-0955 P 93-0959
P 93-0964 P 93-0987 P 93-1024 P 93-1025
P 93-1026 P 93-1027 P 93-1028 P 93-1039
P 93-1043 P 93-1047 P 93-1069 P 93-1071
P 93-1074 P 93-1082 P 93-1096 P 93-1108
P 93-1111 P 93-1119 P 93-1166 P 93-1180
P 93-1183 P 93-1222 P 93-1224 P 93-1231
P 93-1235 P 93-1236 P 93-1238 P 93-1244
P 93-1254 P 93-1261 P 93-1262 P 93-1263
P 93-1264 P 93-1265 P 93-1266 P 93-1267
P 93-1307 P 93-1308 P 93-1313 P 93-1315
P 93-1316 P 93-1347 P 93-1369 P 93-1376
P 93-1381 P 93-1382 P 93-1393 P 93-1394

III. 176 Premanufacture notices and exemption request for which the notice review period has ended during the month.
(Expiration of the notice review period does not signify that the chemical has been added to the Inventory).

PMN No.

P 89-0957 P 89-0958 P 89-0959 P 89-1058
P 90-1564 P 91-0826 P 92-0129 P 92-1357
P 93-0066 P 93-0067 P 93-0068 P 93-0122
P 93-0123 P 93-0124 P 93-0214 P 93-0282
P 93-0307 P 93-0555 P 93-0561 P 93-0637
P 93-0950 P 93-0952 P 93-0954 P 93-0956
P 93-0957 P 93-0958 P 93-0960 P 93-0961
P 93-0962 P 93-0963 P 93-0965 P 93-0966
P 93-0967 P 93-0968 P 93-0969 P 93-0970
P 93-0971 P 93-0972 P 93-0973 P 93-0974
P 93-0975 P 93-0976 P 93-0977 P 93-0978
P 93-0979 P 93-0980 P 93-0981 P 93-0982
P 93-0983 P 93-0984 P 93-0985 P 93-0986

P 93–0988 P 93–0989 P 93–0990 P 93–0991
P 93–0992 P 93–0993 P 93–0994 P 93–0995
P 93–0996 P 93–0997 P 93–0998 P 93–0999
P 93–1000 P 93–1001 P 93–1002 P 93–1004
P 93–1005 P 93–1006 P 93–1007 P 93–1008
P 93–1009 P 93–1010 P 93–1011 P 93–1012
P 93–1013 P 93–1014 P 93–1015 P 93–1016
P 93–1017 P 93–1018 P 93–1019 P 93–1020
P 93–1021 P 93–1022 P 93–1023 P 93–1029
P 93–1030 P 93–1031 P 93–1032 P 93–1033
P 93–1034 P 93–1035 P 93–1036 P 93–1037
P 93–1039 P 93–1040 P 93–1041 P 93–1042
P 93–1044 P 93–1045 P 93–1046 P 93–1048
P 93–1049 P 93–1050 P 93–1051 P 93–1052
P 93–1053 P 93–1054 P 93–1055 P 93–1056
P 93–1057 P 93–1058 P 93–1059 P 93–1060
P 93–1061 P 93–1062 P 93–1063 P 93–1064
P 93–1065 P 93–1066 P 93–1067 P 93–1068
P 93–1070 P 93–1072 P 93–1073 P 93–1075
P 93–1076 P 93–1077 P 93–1078 P 93–1079
P 93–1080 P 93–1081 P 93–1082 P 93–1083
P 93–1084 P 93–1085 P 93–1086 P 93–1087
P 93–1088 P 93–1089 P 93–1090 P 93–1091
P 93–1092 P 93–1093 P 93–1094 P 93–1097
P 93–1098 P 93–1100 P 93–1101 Y 93–0172
Y 93–0173 Y 93–0174 Y 93–0175 Y 93–0176
Y 93–0177 Y 93–0178 Y 93–0179 Y 93–0180
Y 93–0181 Y 93–0182 Y 93–0183 Y 93–0184
Y 93–0185 Y 93–0186 Y 93–0187 Y 93–0188
Y 93–0189 Y 93–0190 Y 93–0191 Y 93–0192
Y 93–0193 Y 93–0194 Y 93–0195 Y 93–0198

IV. 28 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 86–1153	G polyamide precursor	January 23, 1987.
P 86–1648	1-Oxo 4-azaspiro(4,5 decane, 4-(dichloroacetyl)-	October 29, 1990.
P 88–0436	G Poly(triazinyl piperazine)	September 25, 1989.
P 88–0998	G Fluorene-containing diaromatic amine	March 3, 1992.
P 89–0632	4-Piperidinamine,*N*-butyl-2,2,6,6-tetramethyl; 1,3-propanediamine,a *N,N,N'*-1,2-ethandiyl bis-; 1,3,5-triazine,2,4,6-trichloro-	June 23, 1991.
P 91–0431	G Isophthalic alkyd resin	April 20, 1993.
P 91–0713	G Olefinic alcohol	April 28, 1993.
P 91–0809	G Recovered metal hydride	February 18, 1992.
P 91–0921	G Urethane modified alkyd resin	April 20, 1993.
P 91–0922	G Maleic imide modified rosin phenolic resin	April 20, 1993.
P 91–0987	Fatty acids, C_5—C_{12}-esters with pentaerythritrol and dipentaerythritol	April 17, 1993.
P 91–0994	G Diisocyanate trimer, reaction product with polyether polyol	March 30, 1993.
P 91–1012	G Substituted alkyl alcohol	March 24, 1993.
P 91–1087	G Polyurethane resin	April 20, 1993.
P 92–0719	G Rosin-modified hydrocarbon resin	March 30, 1993.
P 92–0835	Fatty acids, C_{18}-unstd., dimer polymer with a dibasic acid, ethylenediamine and diamines	April 18, 1993.
P 92–1160	G Hydroxyl-terminated saturated polyester resin	April 12, 1993.
P 93–0060	G Anthraquinone derivative	April 8, 1993.
P 93–0125	A phthalic anhydride, maleic anhydride, tall oil fatty acids, neopentyl glycol, ethylene glycol, andpentaerythritol polyester reacted with styrene andmethacrylate acid	April 1, 1993.
P 93–0182	G Formaldehyde, polymer with(chloromethyl)oxirane and methylphenol, reaction products with acrylic acid and an anhydride	April 20, 1993.
P 93–0247	G Polysulfide polymer modified with phenolic resins	April 15, 1993.
P 93–0369	G Polyether ketone	May 5, 1993.
P 93–0396	G Acid modified polyether prepolymer	April 13, 1993.
P 93–0398	G Polyurethane	April 16, 1993.
Y 91–0163	G Polyurethsane resin	April 20, 1993.
Y 91–0164	G Phthallic alkyd resin	April 12, 1993.
Y 93–0017	G Styrene-acrylic copolymer	March 30, 1993.
Y 93–0071	G Styrenated acrylic graft copolymer with fumaric resin, amine salt	April 19, 1993.

V. 28 Premanufacture notices for which the period has been suspended.

PMN No.

P 91–1210 P 92–0048 P 92–0714 P 92–1503
P 92–1504 P 93–0532 P 93–0718 P 93–0880
P 93–0881 P 93–0953 P 93–0959 P 93–0964
P 93–0987 P 93–1024 P 93–1025 P 93–1026
P 93–1027 P 93–1028 P 93–1039 P 93–1043
P 93–1047 P 93–1069 P 93–1071 P 93–1074
P 93–1096 P 93–1180 Y 93–0196 Y 93–0197

[FR Doc. 93–25474 Filed 10–18–93; 8:45 am]

BILLING CODE 6560–50–F

federal register

Tuesday
October 19, 1993

Part III

Department of Education

National Institute on Disability and Rehabilitation Research; Inviting Applications for a New Award; Notices

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Department of Education.

ACTION: Notice of a final funding priority for fiscal years 1994–1995 for a Rehabilitation Research and Training Center on Rehabilitation in the Pacific Basin.

SUMMARY: The Secretary announces a funding priority for a Rehabilitation Research and Training Center (RRTC) under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 1994–1995. The Secretary takes this action to focus research attention on an area of national need consistent with NIDRR's long-range planning process. This priority is intended to improve rehabilitation services and outcomes for individuals with disabilities.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: David Esquith, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3424, Switzer Building, Washington, D.C. 20202–2601. Telephone: (202) 205–8801. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–5516.

SUPPLEMENTARY INFORMATION: This notices contains a final priority under the RRTC program for research on rehabilitation in the Pacific Basin.

Authority for the RRTC program of NIDRR is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 760–762). Under this program the Secretary makes awards to public and private organizations, including institutions of higher education and Indian tribes or tribal organizations for coordinated research and training activities. These entities must be of sufficient size, scope, and quality to effectively carry out the activities of the Center in an efficient manner consistent with appropriate State and Federal laws. They must demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

The Secretary may make awards for up to 60 months through grants or cooperative agreements. The purpose of the awards is for planning and conducting research, training, demonstrations, and related activities leading to the development of methods, procedures, and devices that will benefit individuals with disabilities, especially those with the most severe disabilities.

This final priority supports the National Education Goals. National Education Goal 5 calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Under the regulations for this program (see 34 CFR 352.32) the Secretary may establish research priorities by reserving funds to support particular research activities.

NIDRR is in the process of developing a revised long-range plan. The priority in this notice is consistent with the long-range planning process.

On August 5, 1993 the Secretary published a notice of proposed priorities in the **Federal Register** at (58 FR 41910). The Secretary intends to publish additional final priorities in this program at a later date.

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, one party submitted a comment on the proposed priority on rehabilitation in the Pacific Basin.

Comment: The commenter stated that the RRTC on Rehabilitation in the Pacific Basin "seems rather political" and was not based on "scientific merit and the needs of persons with disabilities."

Discussion: The RRTC on Rehabilitation in the Pacific Basin is required under the Rehabilitation Act of 1973, as amended.

Changes: None.

Description of the Rehabilitation Research and Training Center Program

RRTCs are operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services. RRTCs serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the parents, family members, guardians, advocates or authorized representatives of these individuals.

RRTCs conduct coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge to improve rehabilitation methodology and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities.

RRTCs provide training, including graduate, pre-service, and in-service training, to assist individuals to more effectively provide rehabilitation services. They also provide training, including graduate, pre-service, and in-service training, for rehabilitation research personnel and other rehabilitation personnel.

RRTCs serve as informational and technical assistance resources to providers, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of these individuals through conferences, workshops, public education programs, in-service training programs and similar activities.

The statute requires that each applicant for a grant, including an RRTC, demonstrate how its proposed activities address the needs of individuals from minority backgrounds who have disabilities. NIDRR encourages all Centers to involve individuals with disabilities and minorities in research training as well as clinical training.

Applicants have considerable latitude in proposing the specific research and related projects they will undertake to achieve the designated outcomes; however, the regulatory selection criteria for the program (34 CFR 352.31) states that the Secretary reviews the extent to which applicants justify the choice of research projects in terms of the relevance to the priority and to the needs of individuals with disabilities. The Secretary also reviews the extent to which applicants present a scientific methodology that includes reasonable hypotheses, appropriate methods of data collection and analysis, and a means to evaluate the extent to which project objectives have been achieved.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. Not later than three years after the establishment of any RRTC, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on the grantee's substantial progress toward meeting the objectives in its approved application.

General

Each RRTC must conduct a multifaceted program of research to develop solutions to problems confronted by individuals with disabilities.

Each RRTC must conduct an interdisciplinary program of training in rehabilitation research, including training in research methodology and applied research experience, that will contribute to the number of qualified researchers working in the area of rehabilitation research.

Each Center must disseminate and encourage the use of new rehabilitation knowledge. It must publish all materials for dissemination or training in alternate formats to make them accessible to individuals with a range of disabling conditions.

Each RRTC must involve individuals with disabilities and, if appropriate, their family members, as well as rehabilitation service providers, including vocational rehabilitation service providers, in planning and implementing the research and training programs, in interpreting and disseminating the research findings, and in evaluating the Center.

Priority

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary will fund under this competition only applications that meet this absolute priority:

Priority—Rehabilitation in the Pacific Basin

Background: In the Rehabilitation Act Amendments of 1984, the Congress mandated that NIDRR establish an RRTC to address rehabilitation needs of the Pacific Basin, and further described a scope of work for the Center in the 1986 Amendments. In response to the Congressional mandates of 1984 and 1986, NIDRR provided support, on a competitive basis, to the University of Hawaii to conduct a program of research and training to address needs for rehabilitation knowledge concerning the Pacific Basin. In the Rehabilitation Act Amendments of 1992, the Congress again mandated that NIDRR support such a Center.

For the purpose of this priority, the Pacific Basin is defined to include Hawaii, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, and Guam. With the exception of Hawaii, the entities in the Pacific Basin are small, geographically-isolated island governments with limited resources for addressing the needs of persons with disabilities.

Disability should be studied and understood in terms of culturally acceptable norms and behaviors. Prior research suggests differences among various cultural groups, such as Asian-American and Pacific Islanders, related to perceptions of impairment and disability, participation in the rehabilitation process, and outcomes of the rehabilitation process. The concepts of independence, independent living, integration, and economic self-sufficiency must be defined in the context of island cultures that value interdependence and the sharing of community and family resources.

At the time the first RRTC was established in the Pacific Basin, little was known about disability in the region. Epidemiologic and rehabilitation service system data regarding individuals with disabilities in the various entities were either incomplete, inaccurate, or non-existent. There was little definitive knowledge about the influence of cultural values or local lifestyles on the experiences of disability and the outcomes of rehabilitation. The capacity to produce, analyze, report and use data was limited. Mechanisms to translate such information into the development of effective programs, practices, and service systems also were limited.

The RRTC focused on the design and development of demographic databases; the design of training for personnel who provide vocational and independent living rehabilitation services and special education; investigations of the primary and secondary long-term disabilities of islanders, such as diabetes, stroke, and spinal cord injuries; and the development of rehabilitation data systems in Hawaii, American Samoa, and the Commonwealth of the Northern Marianas.

There is an ongoing need for research directed to epidemiologic and rehabilitation service system databases to enhance the capacity of the Pacific Basin entities to (1) identify rehabilitation needs, patterns, and priorities; (2) engage in coordinated planning for disability and prevention of disability; (3) provide services to persons with disabilities and their families; and (4) evaluate programs.

In addition, while Hawaii is improving its assistive technology service-delivery systems, the use of assistive technology in the other entities continues to present problems. For example, many assistive devices manufactured for use on the mainland do not always have the capacity to withstand the climate and terrain of the Pacific Basin. Furthermore, the need for assistive technology devices may overwhelm the rehabilitation service delivery systems in some entities.

Prior research has led to the identification and development of some assistive technology devices that are cost-effective, able to endure the physical conditions of the islands, and constructed of materials that are available on the islands. Further efforts are needed to refine and disseminate information about assistive technology that is developed in collaboration with persons with disabilities, that supports the infrastructure and economy of each island, and that is acceptable within the culture and social system of each island. Persons with disabilities and their family members, service providers, and local agencies require further training to enable them to maintain assistive devices.

Technical assistance is needed to establish rehabilitation systems, interagency communication and collaboration, and strategies to provide responsive services at low cost. These strategies include on-island services, use of indigenous personnel, networking among islands, and use of modern telecommunications.

There is a continuing need for training of more rehabilitation service providers, including independent living and vocational rehabilitation service providers, from the variety of cultural, linguistic, and ethnic backgrounds represented in the region, and for updated training to address the demands of new and emerging technologies.

Priority: An RRTC on rehabilitation in the Pacific Basin shall—

- Design new or expand and improve existing rehabilitation service system databases and demographic databases that describe Pacific Basin populations in need of rehabilitation services and promote the implementation and effective use of databases to assess and improve rehabilitation programs;
- Identify or develop, assess, and promote the use of assistive technology devices and services appropriate for use on the islands in the Pacific Basin other than Hawaii;
- Develop strategies to facilitate interagency communication and collaboration among rehabilitation-related service providers in the Pacific Basin to expand the capacity to provide effective rehabilitation services;
- Conduct collaborative and participatory research to identify pertinent disability-related differences among cultural and ethnic groups in the

Pacific Basin and develop culturally relevant interventions to improve vocational rehabilitation and independent living outcomes;

• Develop and provide pre-service and in-service training that is culturally relevant, including training on advances in assistive technology devices, for rehabilitation services personnel;

• Develop and disseminate educational materials on rehabilitation interventions that are culturally relevant and in accessible formats to persons with disabilities, their family members, and to vocational rehabilitation, education, and health care personnel;

• Involve individuals with disabilities, including those from minority backgrounds, in all phases of planning, conducting, and disseminating the research and in evaluating the research and training activities;

• Develop all materials for training and dissemination in formats and media that will make them usable by individuals from the relevant cultural backgrounds and accessible to individuals with various types of disabilities; and

• Cooperate with the Hawaii Technology Assistance Project, with vocational rehabilitation agencies, and with other RRTCs and Rehabilitation Engineering Research Centers addressing related problems.

Applicable Program Regulations: 34 CFR parts 350 and 352.

Program Authority: 29 U.S.C. 760–762.

(Catalog of Federal Domestic Assistance Number 84.133B, Rehabilitation Research and Training Centers)

Dated: October 13, 1993.

Andrew Pepin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 93–25549 Filed 10–18–93; 8:45 am]

BILLING CODE 4000–01–P

[CFDA No.: 84.133B]

Notice Inviting Applications for a New Award Under the Rehabilitation Research and Training Centers (RRTC) for Fiscal Year (FY) 1994

Purpose of Program: Rehabilitation Research and Training Centers conduct coordinated and advanced programs of rehabilitation research, provide training—including undergraduate, graduate, and in-service training—to research and other rehabilitation personnel, and assist individuals to more effectively provide rehabilitation services. The final priority for this award is published in this issue of the **Federal Register**. Potential applicants should consult the statement of the final priority published in this issue to ascertain the substantive requirements for their applications.

This final priority supports the National Education Goals. National Education Goal 5 calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. This notice would address Goal 5 by helping individuals with disabilities to develop the skills necessary to live and work successfully in the world as it is today.

Eligible Applicants: Institutions of higher education and public or private agencies and organizations collaborating with institutions of higher education, including Indian tribes and tribal organizations, are eligible to apply for awards under this program.

Deadline for Transmittal of Applications: November 19, 1993.

Applications Available: October 27, 1993.

Available Funds: $650,000.

Estimated Number of Awards: 1.

Note: The estimates of funding levels and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants, unless the amount is otherwise specified by statute or regulation.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 74, 75, 77, 78, 80, 81, 82, 85, 86; (b) the regulations for this program in 34 CFR parts 350 and 352; and (c) the notice of final priority published elsewhere in this issue of the **Federal Register**.

For Further Information Contact: Dianne Villines, U.S. Department of Education, room 3417 Switzer Building, 400 Maryland Avenue, SW., Washington, DC. 20202–2704. Telephone: (202) 205–9141. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8887.

Program Authority: 29 U.S.C. 760–762.

Dated: October 13, 1993.

Andrew Pepin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 93–25551 Filed 10–18–93; 8:45 am]

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federal register

Tuesday
October 19, 1993

Part IV

Department of Commerce

Economic Development Administration

Assistance Program for Disaster Relief Activities; Availability of Funds; Notice

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 930942-3242]

Economic Development Assistance Program for Disaster Relief Activities as Described in Public Law 103-75, Chapter I; Availability of Funds

AGENCY: Economic Development Administration (EDA), DOC.

ACTION: Supplementary notice.

SUMMARY: Effective immediately, the Economic Development Administration (EDA) announces the policies and the application procedures for funds available to support disaster relief programs designed to assist affected states and local communities to recover from the consequences of the Midwest Floods of 1993, and for other disasters.

EDA offers a variety of program tools to assist affected communities. The primary emphasis of EDA's program will be to assist flood-impacted areas with the development and implementation of strategies that are needed for long-term economic relief, including planning and technical assistance; the capitalization and recapitalization of Revolving Loan Funds; the construction of new and expanded infrastructure and development facilities required for economic development of the area; and other economic development programs designed to alleviate the economic distress of the areas.

SUPPLEMENTARY INFORMATION:

Funding Availability

Funds in the amount of $200 million are available for this disaster relief program and shall remain available until September 30, 1995. The funds are available for awarding disaster assistance grants pursuant to the Public Works and Economic Development Act of 1965, as amended. However, $100 million shall only be available to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Grant Rates

Grant rates, as established by the Public Works and Economic Development Act of 1965, as amended (PWEDA) and its implementing regulations at 13 CFR chapter III may vary, if permitted by PWEDA and its implementing regulations, and depending on the relative needs and financial capacity of applicants. In most cases, a nonfederal local share will be required. In rare and extenuating circumstances, EDA may waive the local share requirement where permitted by the PWEDA and its implementing regulations at 13 CFR chapter III. Local share requirements are discussed in the **Federal Register** of January 11, 1993, (58 FR 3800) announcing the policies and application procedures for EDA's Fiscal Year 1993 programs.

Eligible Applicants

Eligible applicants include any of the states or political subdivisions thereof, including municipalities and quasi-public corporations and authorities, Indian tribes, and nonprofit corporations representing an EDA designated redevelopment area or part thereof located in areas affected by the Midwest Flood of 1993, and other disasters. Eligible applicants are further identified in the **Federal Register** of January 11, 1993 (58 FR 3800).

Proposal Submission Procedures

Proposals for assistance authorized under chapter I, of Public Law 103-75 shall be submitted to EDA with a completed Form SF-424. Applicants must clearly demonstrate how the EDA assistance will help the area recover from the economic hardship and other problems caused by the floods, or other disasters, and that such assistance has been preceded by sound planning. Interested parties should contact the appropriate Economic Development Representative for the area or the appropriate EDA Regional Office for a proposal package.

Application Procedures

A determination of whether to invite a grant application for EDA assistance will be issued based upon the outcome of the Agency's review of the applicant's preliminary application/proposal.

Funding Instrument

Funds will be awarded as grants in accordance with the requirements of title I, title III, title IV, and title IX of the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136; 42 U.S.C. 3121 *et. seq.*) (PWEDA). The appropriate title for grant application and award will be determined by EDA based on the nature of the project and the eligibility of the area.

Other Information

Application procedures, competitive selection criteria and post approval project implementation information for the applicable assistance are described in the **Federal Register** of January 11, 1993, (58 FR 3800) announcing EDA's Notice of Availability of Funds for FY 1993.

FOR FURTHER INFORMATION CONTACT: Contact the appropriate Economic Development Representative or EDA Regional Office listed below:

Denver Regional Office (ND, SD, IA, MO, KS):
Economic Development Administration, Denver Regional Office, room 670, 1244 Speer Boulevard, Denver, CO 80204, Telephone: (303) 844-4714

Denver Region Economic Development Representatives:

North Dakota
Economic Development Representative: Cornelius Grant, Address: EDA Disaster Field Office, P.O. Box 1911, Bismarck, ND 58501, Telephone Number: (701) 250-4321

South Dakota and Nebraska
Economic Development Representative: Warren A. Albertson, Address: Federal Building, room 219, Pierre, SD 57501, Telephone Number: (605) 224-8280

Iowa
Economic Development Representative: Robert Cecil, Address: Federal Building, room 593A, 210 Walnut Street, Des Moines, IA 50309, Telephone Number: (515) 284-4746

Missouri
Economic Development Representative: Forrest E. Koch, Address: Robert A. Young Building, room 8.308H, 1222 Spruce Street, St. Louis, MO 63103, Telephone Number: (314) 539-2321

Kansas
Economic Development Representative: John Zender, Address: Room 632, 1244 Speer Blvd., Denver, CO 80204, Telephone: (303) 844-4902

Chicago Regional Office (WI, MN, IL):
Economic Development Administration, Chicago Regional Office, suite 855, 111 North Canal Street, Chicago, IL 60606-7204, Telephone: (312) 353-7706

Chicago Region Economic Development Representatives:

Wisconsin
Economic Development Representative: Jack D. Price, Address: Suite 114, 1320 West Clairemont Avenue, Eau Claire, WI

54701, Telephone: (715) 834–4079

Minnesota

Economic Development

Representative: John B. Arnold, III, Address: 104 Federal Building, 515 West First Street, Duluth, MN 55802, Telephone: (218) 720–5326

Illinois

Economic Development

Representative: Alfred L. Casals, Address: 509 West Capitol, suite 204, Springfield, IL 62704, Telephone: (217) 492–4224

Dated: October 12, 1993.

Wilbur F. Hawkins,

Acting Assistant Secretary for Economic Development.

[FR Doc. 93–25644 Filed 10–18–93; 8:45 am]

BILLING CODE 3510–24–M

federal register

Tuesday
October 19, 1993

Part V

Department of Agriculture

Food Safety and Inspection Service

9 CFR Part 301, et al.
Centralization and Automation of Export Certification Process; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 301, 312, 322, 350, 362, 381, and 391

[Docket No. 89-010P]

RIN 0583-AB04

Centralization and Automation of the Export Certification Process

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat and poultry products inspection regulations governing the certification of domestic meat and poultry products intended for export to foreign countries. FSIS is proposing to centralize and automate the export certification process, to replace the official export stamp with an unofficial stamp under the control of each official establishment intending to export product, and to rescind the requirement that each individual container of product be stamped with the number of the export certificate that covers the product. FSIS is also proposing to establish a performance-based compliance review program for those establishments exporting product, to establish penalties for failure to comply with these proposed regulations, and to establish a standard fee for preparation of export certificates which reflect the performance of inspection procedures beyond routine United States inspection procedures. The proposed rule would also make the exporter responsible for knowing the requirements of the country to which product is being exported and for ensuring that any additional requirements above and beyond United States requirements have been met. FSIS is proposing to revise the definition of "inspector" is both the Federal meat inspection and poultry products inspection regulations to include an inspector of the Program or any individual designated by the Administrator, FSIS. FSIS is also proposing to amend the Federal meat and poultry products inspection regulations to add a definition of "responsibly connected person." FSIS would continue to conduct all inspection activities necessary to assure the production of sound, wholesome, unadulterated and properly labeled products that meet the requirements of the United States. The proposed changes are designed to improve compliance with foreign country facility, equipment, animal health and procedural requirements, improve the accuracy and security of export certificates, provide ready access and uniform interpretation of foreign country requirements, expedite transmission of documents and focus compliance resources on areas most in need of attention.

DATES: Comments must be received on or before: December 17, 1993.

ADDRESSES: Written comments to: Policy Office, ATTN: Linda Carey, FSIS Hearing Clerk, room 3171, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington DC 20250. Oral comments, as provided by the Poultry Products Inspection Act, should be directed to Dr. Robert Fetzner, (202) 720-9051. (See "Comments" under **SUPPLEMENTARY INFORMATION.**)

FOR FURTHER INFORMATION CONTACT: Dr. Robert Fetzner, Director, Export Coordination Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-9051.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has made an initial determination that the proposed rule is not a major rule under Executive Order 12291. It would not 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 foreign or domestic markets.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this rule is adopted, all State and local laws, regulations or policies, except those that are consistent with the proposed rule, are preempted. This proposed rule is not intended to have retroactive effect. Prior to any judicial challenge to the provisions of this rule, no administrative procedures must be exhausted. However, administrative procedures must be exhausted prior to any judicial challenge to application of the provisions of the rule. Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, the administrative procedures are set forth in 9 CFR parts 306 and 335 and part 381, Subparts F and W, respectively.

Effect on Small Entities

The proposed rule would centralize and automate the export certification system and require exporters[1] to assure that any special facilities, equipment or procedural requirements imposed by the foreign country have been met before an export certificate would be issued. The goal of the proposed changes to current requirements is to improve the accuracy, efficiency and security of the export certification system for meat and poultry products.

Costs incurred by exporters to participate in the proposed system would be for the purchase of basic computer hardware and communications software. Most exporters already possess such electronic capabilities. However, those exporters who do not wish to invest in computer equipment and software would have the option of transmitting information needed to complete a certificate by telephone or by U.S. mail. Agency personnel would input information into the computer system. Completed certificates would be mailed or faxed to the exporter.

Approximately one-fourth of the foreign countries to which product is currently exported impose no special or additional requirements on imported products other than normal, routine USDA inspection requirements. The remaining countries do require, in varying degrees, special facilities and equipment, or special inspection or processing procedures for product intended for export to those countries. In these instances, the exporter would be responsible for generating and maintaining documentation to substantiate that all such requirements have been met.

The proposal would also establish a per certificate fee for statements or certifications required by a foreign country that concern procedures above and beyond normal USDA inspection procedures. The fee would permit FSIS to capture the costs of the new export certification system. FSIS issued 179,163 export certificates during fiscal year 1990. It is estimated that approximately 185,000 certificates will be issued every year. Based on this estimate, it is expected that the fee would be around $7.00 per certificate. (The exact figure will be published in the final regulation.)

[1] The term "exporter" refers to agents, brokers, official establishments or any other entity intending to export meat or poultry products to a foreign country.

The proposal would also require that establishments purchase their own export marking device. The cost of a marking device and ink is estimated to be $15 per year.

The increased accuracy and efficiency of the new system would decrease delays and the number of shipments refused entry at foreign ports thus benefiting all exporters. Therefore, FSIS has determined that the proposed rule would not have a significant economic effect on a substantial number of small entities.

Paperwork Requirements

Current Requirement

This proposed rule would require that exporters transmit information to FSIS regarding the nature of the product they wish to export. Although this requirement would alter the manner in which information is provided to the Agency, there is no change from the type, frequency or quantity of information currently collected.

New Requirement

Under the proposed rule, there would be a one-time paperwork requirement for exporters before their first export certificate would be issued. Exporters would be required to complete a form provided by the Agency. Exporters would provide the company name, contact person, address, the typed name of the person signing the application, the applicant's original signature, the company's nine digit identification number assigned by USDA's National Finance Center, telephone number and, if applicable, facsimile number. On this form, exporters would also be required to identify all persons responsibly connected with the exporter. A person responsibly connected with the exporter would be one who is an officer, director, partner or managerial employee, or one who owns 10 percent or more of the company's voting stock. Next, the applicant would list the name of each person responsibly connected with the applicant who has been convicted, in any Federal or State court, of any felony and/or more than one violation of any law, other than a felony, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food, or upon fraud in connection with transactions in food. The nature and date of the crime, and the court in which the conviction was handed down would be listed. The applicant would also list each conviction against the applicant, in any Federal or State court, of any felony and/or more than one violation of any law, other than a felony, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food, or upon fraud in connection with transactions in food. The nature and date of the crime, and the court in which the conviction was handed down would be listed. The form would include a warning statement which states that persons will-fully making false, fictitious or fraudulent statements or entries on the application may be subject to a fine, or imprisonment or both. The warning applies to all responses the exporter makes on the form. In addition, a certification statement would be included on the form which reads: "I CERTIFY that all statements made herein are true to the best of my knowledge and belief. By signing this application, I agree to abide by all USDA requirements in connection with the export of meat and poultry and products thereof, and I will make true and accurate representations on all requests for export certifications, and I recognize that any misrepresentation may result in revocation of eligibility to participate in the export certification system." The information on the form would be used when subsequent certificates are requested by the exporter.

New Requirement

The proposed rule would require that an exporter who intends to export product to countries which require that additional inspection procedure requirements be conducted, in some cases, continue to generate and maintain certain information relating to the eligibility of product exported to the foreign countries and, in other cases, to begin to generate and maintain certain information. (Some exporters routinely maintain these records for their own information and to protect their business interests.) FSIS would require that these records be generated and maintained by the exporter and be retained by the exporter in accordance with the requirements of 9 CFR part 320.3. Such records would only have to be generated during those times that the exporter is preparing product for export to the particular country. During routine plant reviews, FSIS review officers would examine the records to substantiate that exporting country requirements were met. These paperwork requirements are necessary because an FSIS inspector would no longer be directly involved in assuring that foreign country requirements are met. Currently, the inspector observes that requirements are met and attests to this by signing the certificate. Under this proposal, the exporter would be responsible for confirming and certifying that requirements were met. Therefore, written documentation would be needed to satisfy both the foreign country and FSIS that statements made by exporters on certificates are correct.

In addition, the exporter should have a system that can reconcile product certificate numbers and the records pertaining to the product. FSIS would not prescribe the form or manner of the records but would provide exporters with guidelines for preparing and maintaining the required records. FSIS would require that the records reflect the following information:

1. The eligibility of slaughter and processing establishments and cold storage facilities. Certain countries only accept exports originating from approved establishments and cold storage facilities. This would involve documenting that an exporter is approved to export to a certain country. The Export Coordination Division, International Programs, FSIS, maintains a listing of approved establishments and storage facilities and provides the list upon request. In the case of cold storage facilities, documentation would be maintained which shows that products stored in the facility and intended for export originated from approved establishments and were kept segregated from nonapproved product.

2. The origin of cattle and sheep, i.e., from approved premises (feedlots). Currently, the feedlot owner/operator provides an affidavit to the exporter certifying that his/her feedlot or similar holding facility is an approved facility. The exporter then provides this affidavit to the inspector in charge. Under the proposed rule, the exporter would not give the affidavit to the inspector in charge but would maintain the affidavit on file.

3. The disease status of livestock and poultry sources (States, countries). This would involve periodically contacting the Animal and Plant Health Inspection Service or the State Veterinarian about the disease status of a State or county and maintaining a written statement of the findings on file.

4. Cooking, ambient and cold treatment temperatures used during processing of meat and/or poultry. For each lot of product produced, product temperatures would be taken and recorded.

5. Various specific processing/production requirements. Several countries have very stringent and extensive processing requirements. Some countries require the use of cold treatment of pork for destruction of trichinae, or that port products be

analyzed for the presence or absence of trichinae, or that the establishment cease usual operations and institute other specific operations when producing product for export to the country. These actions would be documented and maintained on file.

6. Current and appropriate export licenses. Some foreign countries require that an export license be obtained from that country before exports are accepted. The license would be on file with the exporter.

7. How and when transportation vehicles are sanitized. This would involve documenting how and when transportation vehicles are sanitized.

8. The absence of certain species in plants during production runs for export to particular countries, i.e., no swine or swine products may be in plants while producing beef products for export to Australia. This would involve a written statement attesting to the above.

9. Water volume and temperature of chill tanks. For each lot of product produced, the amount of water used in chill tanks and the temperature of the chill tanks would be recorded.

10. Slaughter and freezing dates. This would involve a written record of when livestock and/or poultry were slaughtered and when the meat and poultry products were frozen.

11. Ritualistic slaughter certification. This would involve obtaining a certification from an Islamic Center and maintaining the certification on file.

12. Results of product microbiological analyses. For each lot of product produced, various microbiological analyses, as specified by the foreign country, would be conducted and the results maintained on file.

13. How and when product cans are sanitized. This would involve documenting how and when product cans are sanitized.

These recordkeeping requirements have been submitted to the Office of Management and Budget under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501).

Comments

Interested persons are invited to submit written comments concerning the proposal. Written comments should be sent to the Policy Office. Please refer to Docket Number 89–010P. Any person desiring an opportunity for an oral presentation of views should make such request to Dr. Fetzner so that arrangements can be made for such views to be presented. A record will be made of all views orally presented. All comments submitted in response to the proposal will be available for public inspection in the Policy Office between 9 a.m. and 12:30 p.m. and 1:30 and 4 p.m., Monday through Friday.

Background

Under the Federal Meat Inspection Act (FMIA), the Secretary is responsible for assuring that any product intended for export is inspected for soundness and wholesomeness (21 U.S.C. 615). The FMIA also authorizes the appointment of inspectors to issue inspection certificates stating the condition of meat products intended for export (21 U.S.C. 616). Further, the FMIA prohibits the clearance of any vessel having on board any meat products intended for export to a foreign country unless a certificate of soundness and wholesomeness is prepared for and accompanies such products (21 U.S.C. 617 and 618).

Section 322.1 of the Federal meat inspection regulations (9 CFR 322.1) requires that the outside containers of any inspected and passed product intended for export be marked with an official export stamp bearing the number of the export certificate. Section 322.2 (9 CFR 322.2) provides instructions to FSIS inspectors for issuing export certificates for shipments of inspected and passed meat products to any foreign country upon application for such certification from exporters.

The Poultry Products Inspection Act (PPIA) does not require that the Secretary appoint inspectors to certify poultry products for export and to issue export certificates. However, section 14 of the PPIA (21 U.S.C. 463) authorizes the Secretary to prescribe, by regulation, conditions under which poultry products capable for use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing or transporting in or for commerce, or importing, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer.

Section 381.105 of the poultry products inspection regulations (9 CFR 381.105) authorizes Federal inspectors to certify poultry products for export and to issue export certificates for inspected and passed poultry products intended for export to foreign countries. Section 381.105 further requires that the outside containers of products covered by an export certificate be marked with a stamp bearing the number of the export certificate.

Export certification is the procedure through which the Government of the United States communicates its assurances to the government of the receiving country that the U.S. meat or poultry products identified on the certificate are sound, wholesome, unadulterated and properly labeled, and meet the animal health requirements of the receiving country. Traditionally, these assurances have been communicated by means of a paper certificate signed by an FSIS inspector. After completion, the certificate moves through several commercial channels until it is presented by the importer or agent to the government officials of the receiving country. FSIS is proposing to expand the definition of inspector to encompass any individual designated by the Administrator, FSIS. This will allow the Export Coordination Division Director, once designated, to sign the export certificates.

FSIS Export Certification Process Study

In 1988, FSIS's Policy and Planning Staff (PPS) conducted a comprehensive study [2] to identify any problems or issues associated with the FSIS export certification process which might be impeding the exportation of meat and poultry products to foreign countries. Among the problems identified by the study were: (1) Lack of timely and accurate information available to inspectors and exporters concerning foreign country requirements, resulting in improperly prepared certificates with an attendant potential for shipment delays and product refusal at the port of entry; (2) lack of centralized certificate preparation resulting in loss of document control and security by the Agency, as well as inconsistent interpretation of foreign country requirements by inspectors; and (3) lack of uniformly rapid responses to certification requests from facilities, such as warehouses, which are not under continuous inspection.

The study made several recommendations for correcting these problems. PPS recommended: (1) Electronic compilation and transmission of foreign country requirements, (2) centralized preparation of standardized certificates, (3) implementation of a performance-based export reinspection system and (4) electronic transfer of certificates.

Export Coordination Division Functions

The Export Coordination Division (ECD), International Programs (IP), FSIS, implements Agency policy on certification for export of meat and poultry products. ECD provides assistance to the U.S. meat and poultry

[2] A copy of the study titled "Export Inspection and Certification Issue Identification and Analysis" is available from the FSIS Hearing Clerk, USDA, 14th & Independence Avenue, SW, Room 3175, South Agriculture Building, Washington, DC 20250.

industry in meeting the requirements of foreign countries by identifying and analyzing foreign inspection requirements in terms of their comparability with U.S. standards and procedures. Foreign requirements are interpreted and disseminated to inspection personnel, potential exporters and industry organizations to facilitate the export of U.S. meat and poultry products. ECD coordinates and evaluates the export certification program through periodic reviews of field export procedures. ECD is also responsible for planning, scheduling and coordinating reviews of U.S. establishments by foreign officials with respect to certifying the establishments as eligible to export.

Current Export Certification Procedures

Currently, exporters request inspection of product for export by submitting an FSIS Form 9060–6, Application for Export Certificate, to an FSIS inspector. Upon receiving this notice of intention to export, the FSIS inspector visually inspects the product to confirm that product described on the certificate bears the USDA mark of inspection, indicating that the product is sound, wholesome, not adulterated, and properly marked, labeled and packaged.

If the foreign country has special requirements, the inspector verifies that all appropriate requirements have been met. This verification is a reimbursable service paid for by the exporter. In performing this function, the inspector may rely on a variety of evidence, depending on the particular certification required. Some countries, for instance, require a confirmation of the absence of specific diseases from the country, State or locality from which the product originated. With few exceptions, these additional requirements do not entail the visual inspection of product or any task performance on the part of the inspector over and above that which has already been provided during the normal inspection operation.

Upon completion of the physical product review and preparation of required paperwork, the FSIS inspector provides the USDA Export Certificate, FSIS Form 9060–5, to the exporter. At the present time, FSIS inspectors issue additional certificates for many countries, i.e., additional forms containing special statements required by the particular country. This multiplicity of forms provides a greater opportunity for error, increases paperwork and reduces the security of the certificate by increasing the opportunity for falsification of the numerous forms.

To determine which requirements apply to specific countries, FSIS inspectors rely on FSIS directives, the Meat and Poultry Inspection Manual and various issuances which update these requirements. When questions concerning foreign country requirements arise, inspectors normally contact their supervisor and/or area office staff for guidance. As field and area offices do not always have up-to-date information, there is a danger that shipments will not be in compliance with current foreign country requirements. Furthermore, because export certification may not be a routine function in some locations, it is possible that inspectors will have insufficient opportunity to become thoroughly familiar with either foreign country requirements or certification procedures. For that reason, requirements have, from time to time, been inconsistently or incorrectly applied, resulting in delays and even rejection of shipments by foreign countries. An additional problem has occurred when foreign countries require a veterinarian to sign a certificate and a veterinarian is not readily available. This situation is not uncommon in certain facilities such as warehouses (storage facilities).

Export Certification Pilot Study

During the month of August 1988, IP conducted a pilot study to test some of the recommendations of the 1988 PPS study to determine the feasibility of centralization and automation of the system. The pilot involved 2,200 establishments in the Northeastern region. Custody of the export stamps used by inspectors to imprint the export certification number on product containers was turned over to each of the participating establishments. A centralized export office was set up in Washington, DC, with telephones, facsimile machines, a copier and other necessary equipment to handle requests for certificates. Clerical and technical personnel were trained to respond to requests for information and to prepare certificates. During the pilot, all export certificates for shipments from the Northeastern region were prepared in the Washington, DC, office. A database of export requirements was also developed for all foreign countries receiving meat and poultry products from the United States. Exporters could request information on foreign country requirements from ECD, which furnished this information by telephone, fax or mail, according to the exporter's wishes.

The certificate issuance process developed for the pilot involved several steps. Firms wishing to export product would fax or mail the Notice of Intent (NOI) to ECD (or relay the information by telephone) to request an Export Authorization Number (EAN—the official alphanumeric authorization number to be applied to the proposed shipment). The NOI included the exporter's name, address, telephone and facsimile number, establishment number, type of product and receiving country. After being assigned an EAN, the exporter would stamp the EAN on the product containers, complete the NOI form, certifying by signature that the product was in compliance with receiving country requirements and bore the "U.S. inspected and passed" marks, and forward the completed NOI to the ECD. Upon receipt of the NOI, the ECD operator copied the information from the NOI onto an export certificate and either faxed or mailed the certificate to the exporter. By the end of the pilot test, 883 export certificates were issued to 112 companies exporting product to 50 countries.

Program officials and participating exporters overwhelmingly indicated that the pilot study had been a success. Exporters, particularly those at cold storage facilities, who do not have continuous in-plant inspection or who export product to countries requiring health certificates signed by a veterinarian, were particularly pleased with the new certification process because of the rapid response time. An additional benefit was the enhanced security generated by a centralized, automated system which guards against unauthorized alteration and loss of documents.

Security and Authenticity of Export Certificates

In the past, allegations have been made that export certificates have been the subject of fraudulent practices while they circulated outside government control. Questions about the authenticity of signatures have also arisen, even though forgery of an official certificate is a criminal offense. Section 11 of the FMIA and Section 9 of the PPIA prohibit such acts; Section 406 of the FMIA and Section 12 of the PPIA set forth the criminal penalties for such offenses. Prohibitions and penalties for anyone who knowingly makes false statements or representations in matters under the jurisdiction of the United States Government are set forth in 18 U.S.C. 1001, which establishes fines of up to $10,000 and imprisonment for up to 5 years. Investigations have indicated that fraudulent practices may have occurred, but the evidence was not conclusive. Authenticity of certificates

has depended on the presence of an original signature of an FSIS employee, but reconciliation of the certificates has never been a feasible alternative because of the high cost and logistical difficulties of implementing such a procedure. The primary procedure for verifying the authenticity of certificates has been to rely on official stamps, correct certification statements and the appearance of the certificate itself.

Use of the proposed export certification procedures would provide improved security of export certificates. Under these procedures, the original export certificate would be sent directly to the inspection officials in the receiving country. The authenticating signature would be applied to the certificate using anti-forging signature machines similar to those applied to bank drafts. Certificates would also be serially numbered with a unique number series assigned to each receiving country. These procedures would permit a receiving country to implement reconciliation and identification procedures to ensure that imported meat or poultry products are identified by a valid certificate. During development of this proposed rule, FSIS consulted with its trading partners that import U.S. meat and poultry products and seeks comments on this proposal from all such countries.

As discussed earlier, the FMIA provides that inspectors may issue an official certificate stating the condition of livestock and poultry and their products at the time of inspection. However, it is not essential that an in-plant inspector issue the export certificate covering the product intended for export. The FMIA does not limit this function to in-plant inspectors. Once livestock and poultry and inspected and passed on ante-mortem inspection and the resulting products are inspected and passed on post-mortem inspection, the in-plant inspector has made an official determination that the product is unadulterated and properly labeled. This is true for all inspected and passed product; the inspection system assures production of a wholesome, unadulterated product. An inspection program official who can attest to the product having been inspected may sign the export certificate and attest to its wholesomeness based on that fact, regardless of whether he or she was the individual that physically conducted the inspection.

However, if there are questions as to the wholesomeness of a particular lot of product at the time the product is ready for export, FSIS would arrange for an inspector on site to reinspect the product.

Through § 2.55(a)(2) of the USDA Administrative Regulations (7 CFR 2.55), the Assistant Secretary for Marketing and Inspection Services has delegated to the Administrator, FSIS, the responsibility for exercising the functions of the Secretary of Agriculture, as these functions are set forth in the PPIA and the FMIA. The FSIS Administrator would in turn delegate the responsibility for issuing export certificates to the Director, ECD, who would be considered the inspector for purposes of issuing export certificates.

The Export Certification Information System and Issuance of Export Certificates

The Export Certification Information System (ECIS) is an Agency database that currently consists of the Foreign Country Requirements Library.[3] The Library contains up-to-date information on each foreign country's export requirements. When the ECIS is fully operational, it will contain programs that will generate export certificates, maintain historical information on such export certificates and on performance histories of exporters, and set forth the frequency of compliance reviews of exporters. Foreign country requirements would be communicated via the ECIS directly to exporters. For those exporters who are unable to access the ECIS, the exporter would call or write to ECD. A staff member would then access the ECIS on behalf of the exporter. Exporters would be responsible for assuring that the product meets the foreign country requirements and that proper documentation is obtained where some action to meet these requirements is necessary, (e.g., obtaining veterinary ante-mortem inspection). Once the applicable foreign country requirements are met, the exporter would ask FSIS Headquarters in Washington, DC, to initiate the export certificate issuance process via the ECIS.

Certificate issuance would be conducted by means of the ECIS. The most efficient use of the ECIS would be made by the exporter who has even a minimal amount of computer equipment, i.e., a terminal and modem, or a personal computer and communications software. If the exporter does not have access to computer equipment, all the document transactions described above could be accomplished by telephone or U.S. mail.

Before the first certificate could be issued, each exporter would be required to provide FSIS, on a form provided by FSIS, the company name, contact person, address, telephone number, establishment number and facsimile number, if any. To confirm the identity of the exporter making the certificate requests, each exporter would be assigned a nine-digit alphanumeric personal identification number by the ECIS. The exporter would utilize this identifier when transacting any business with the ECIS.

When an exporter requests his or her first certificate, the exporter would communicate with the ECIS by computer and would provide the exporter's ID number, the foreign country, USDA establishment number, and the species and name of the product to be exported. The ECIS would verify that the product is eligible for export to the foreign country, that the establishment is approved by officials of the foreign country, when necessary, and that the performance histories of the exporter and establishment are satisfactory. If performance histories indicate prior product problems, ECD would contact he exporter and provide assistance as necessary to facilitate the export of meat and poultry products. A discussion of performance histories is contained later in this document.

When all the above information is satisfactory, the exporter would request that the ECIS issue an EAN. As previously discussed, the EAN is the number used to identify the particular product for which a certificate is to be issued. The EAN becomes the certificate identification number. The exporter would then affix the EAN to the shipment to be exported. Instead of requiring that each carton of product be stamped with the EAN, FSIS would permit exporters to stamp other than each individual container. This aspect of the proposal is discussed further in this document.

After the above procedures have been completed and all the details are finalized, such as number of cartons and net weight of the shipment, the exporter would again contact the ECIS, refer to the EAN and request the issuance of an export certificate. At that time, the exporter would make any necessary additions or corrections regarding the number of cartons, product weight, shipping marks or identity of consignee. The exporter would be required to confirm that: (1) The product bears the USDA mark of inspection, (2) all

[3] The Foreign Country Requirements Library is an electronic bulletin board that may be accessed 24 hours a day. The Library contains information regarding foreign country export requirements. The Library may be accessed, via computer, by calling (202) 690–0056, or by fax, (202) 690–3856 or by writing to the Export Coordination Division, IP, FSIS, USDA, Washington, DC 20250.

additional receiving country requirements have been met, (3) the EAN appears on and identifies the consignment intended for export, and (4) all information required for issuance of the export certificate is correct. After receiving this confirmation from the exporter, the ECIS would generate an original certificate which would be signed with the official Agency signature and provided to the destination country. A copy of the certificate would be provided to the exporter, either by facsimile machine, U.S. mail or electronically.

Those exporters without computer equipment would telephone ECD and provide a data entry clerk with the information discussed above. At that point, the clerk would access ECIS on behalf of the exporter and the ECIS would generate an export certificate. ECD would mail or fax the completed certificate to the exporter.

The ECIS would generate a single certificate, standardized for each country, thereby replacing all additional forms currently required by foreign countries, as well as special forms for specific products, such as horsemeat and casings. Any special procedures that were performed or certification statements required by individual countries would appear at the end of the standard certificate. The original, signed export certificate would be sent directly to the inspection officials in the receiving country. Unless FSIS receives instructions to the contrary, the copy of the export certificate would be directed electronically to either the computer or fax number of the exporter. If necessary, FSIS could also mail or fax a copy of the certificate to a financial institution. The exporter could make as many copies of the certificate as needed. However, one of the copies must accompany the shipment (9 CFR 322.2(e)).

The ECIS and Performance Histories/ Compliance Reviews

The ECIS would contain performance histories of every establishment and exporter engaged in the export of meat and/or poultry products. Performance histories would indicate when the establishment was last reviewed and whether its operations were satisfactory. It would also include information concerning problems with certificate errors, specifically incorrect weights, counts, slaughter dates or establishment number, failure of establishments to comply with additional foreign requirements, fraudulent representations that additional foreign requirements had been met or other export-related problems. The information would come from compliance reviews conducted by Agency review officials and from foreign countries which have refused entry of an exporter's product. The histories would be maintained in the ECIS for 2 years. Information that is greater than 2 years old would be removed from the ECIS but retained for reference purposes.

The compliance review program would be a function of ECD. ECD would design the program and provide oversight, but actual reviews of exporting establishments would be conducted by the Agency's review staff located in Lawrence, KS. Compliance reviews of slaughter, cutting, processing and cold storage establishments involved in exporting product would be contingent upon different factors (e.g., country of destination, species, product exported, volume exported and establishment history). The review process is intended to focus on export operations that, based on performance histories, require the most intensive oversight to assure meat and poultry products entering international commerce meet the requirements of the destination country. The compliance review would involve the examination of an establishment's facilities, equipment and procedures, and the examination of establishment records generated during the process of preparing product for shipment. Such records include those that are described under "Paperwork Requirements" earlier in this document, as well as records currently required to be maintained that concern how product is prepared, processed, handled and stored.

As previously described, the responsibility for conducting compliance reviews of exporting establishments would be assumed by ECD in conjunction with Agency review officials. The domestic inspector would continue to be responsible for assuring that meat and poultry products, whether intended for domestic or export markets, are sound, wholesome and not adulterated, and properly marked, labeled and packaged.

Charge for Export Certificates

Authority to collect fees to cover the cost of services rendered is derived from the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)). Preparation and issuance of export certificates is a reimbursable service. Section 1622(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) establishes the authority for the "assessment and collection of such fees [by Federal agencies] as will be reasonable and as nearly as may be to cover the cost of the service rendered * * *." Sections 350.7 and 362.5 of the meat and poultry products inspection regulations (9 CFR 350.7 and 362.5) establish the fee structure for certification of livestock and poultry products for export which meet conditions or standards that are not imposed or are in addition to those imposed by Federal regulation and statute (9 CFR 350.3 and 362.2).

It is Agency policy to recover the cost of only those certification activities over and above those required by Federal regulation. Currently, exporters must reimburse the Agency for all inspection time required for additional certifications. FSIS would continue to be reimbursed by the exporter for actual additional inspection time. However, FSIS needs to recover the costs of the ECIS when it is fully operational. FSIS has determined that exporters who need additional certifications on any export certificate would be charged a standard fee for such certificate.

In fiscal year 1990, FSIS inspectors issued 179,163 export certificates to approximately 3,500 exporters shipping over 3.6 billion pounds of meat and poultry products. It is expected that 185,000 certificates will be issued annually under ECIS.

Annual operating costs for the export certification program are estimated to be $1,142,685, including hardware and software, salaries, benefits, travel, miscellaneous expenses, and program and Agency support costs. To recover these program costs, it would be necessary to charge around $7.00 for each certificate. (The exact figure will be published in the final regulations.) However, exporters would be charged only for those certificates requiring additional foreign country certification.

Proposed Changes to the Regulations

The purposed changes to the regulations involve changing how export certificates would be requested and issued, replacing the official export stamp with an unofficial export stamp, rescinding the requirement that each individual container of product must be stamped with the EAN, providing for a performance-based compliance program, establishing penalties for failure to comply with these regulations, establishing a standard fee to be charged to exporters for certificates which reflect the performance of inspection procedures beyond those required routinely under the United States inspection program and broadening the definition of the word inspector to include the Director, ECD. The proposed changes described below will affect parts 301, 312, 322, 350, 362, 381 and 391 of the Federal meat and poultry

products inspection regulations. Specific proposed changes to the regulations are discussed below.

Sections 301.2 and 381.1 would be amended by revising the definition of "inspector" to include any individual designated by the Secretary and adding the definition of "responsibly connected person." A responsibly connected person would be one who is an officer, director, partner or managerial employee, or one who owns 10 percent or more of the company's voting stock.

Sections 312.8 and 381.106 would be amended by providing for an electronic form of export certificate bearing the embossed signature of the Director, ECD.

Sections 322.2 and 381.105 would be amended by (1) providing the Director, ECD, with the responsibility for issuing all export certificates, (2) requiring that the exporter be aware of foreign country requirements, and that the exporter ensure that such requirements are met, and (3) providing that ECD send the original of the export certificate directly to a foreign country with a copy to the exporter. These sections would be further amended by requiring that the exporter notify ECD if a particular shipment is not sent and by providing the form of the export stamp that must be used by exporters to mark containers of product intended for export.

New §§ 322.6 and 381.113 would be added providing for performance-based compliance reviews of exporters. These new sections would also set forth the types of records that must be maintained by the exporter. These records would be reviewed by FSIS personnel during compliance reviews to ascertain whether an exporter's certification that all of a foreign country's requirements were met can be supported.

FSIS is also proposing to amend §§ 312.8 and 381.104 of the regulations by removing the requirement that the mark used to stamp product containers with the number of the export certificate be an official device under the control and supervision of FSIS employees. Currently, the mark that is used to stamp containers of product intended for export is an official stamp as prescribed in §§ 312.8 and 381.104. FSIS would continue to prescribe the form of the mark, but is proposing to change the status of the mark from an official mark to an unofficial mark. The mark would be under the control and supervision of the exporter. In addition, inspectors would no longer be required to supervise the stamping of containers intended for export. Exporters would be responsible for assuring that the containers covered by a particular export certificate are marked with the number of the export certificate.

FSIS proposes to rescind the provision in §§ 322.1 and 381.105 which requires that each individual outside container of product be stamped with the number of the export certificate. Instead, FSIS would permit exporters to identify the shipment intended for export without marking each individual product container. It would be the exporter's responsibility to assure that the foreign country to which the product is being exported will accept a form of marking other than each individual outside container. For example, an exporter may want to shrink wrap several product containers and then stamp the shrink wrap with the number of the export certificate. Sections 322.1 and 381.105 would be amended to prescribe the form of the export stamp that must be used to identify product covered by a particular export certificate.

New §§ 322.7 and 381.219 would be added providing for penalties applicable to exporters who violate these proposed regulations for export certificates. The Administrator would be authorized to suspend, for a given period of time, or revoke an exporter's privileges to use ECIS when the Administrator determines, after an opportunity for a hearing on the record before a hearing officer is accorded the exporter, that the exporter, or anyone responsibly connected with the exporter, has not complied with the export certificate requirements set forth in these regulations. The Administrator would also be authorized to suspend or revoke an exporter's privileges to use ECIS when he/she determines, after an opportunity for a hearing before a hearing officer is accorded the exporter, that the exporter or anyone responsibly connected with the exporter, is convicted of any felony in Federal or State court, or convicted of more than one violation of law, other than a felony, in Federal or State court, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food, or upon fraud in connection with transactions in food. Exporting privileges would also be summarily suspended, pending an opportunity for an expedited hearing on the record before a hearing officer, if an exporter, or anyone responsibly connected with the exporter, is convicted of any felony in Federal or State court, or convicted of more than one violation of law, other than a felony, in Federal or State court, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food, or upon fraud in connection with transactions in food.

FSIS is also proposing to amend §§ 350.7 and 362.5 and to add a new § 381.40 that would provide for a fee to be charged for each export certificate which contains certifications that meat or poultry products meet conditions or standards that are not imposed, or are imposed in addition to those imposed by current regulations. Section 391.6 would be amended to set forth the current export certificate fee.

For the reasons set forth in the preamble, FSIS is proposing amendments to the Federal meat inspection regulations (9 CFR parts 301, 312, 322 and 350), the voluntary poultry inspection regulations (9 CFR part 362), the poultry products inspection regulations (9 CFR part 381), and the Food Safety and Inspection Service Administrative Provisions (9 CFR 391) as set forth below.

List of Subjects

9 CFR Part 301

Meat inspection.

9 CFR Part 312

Meat inspection, Official inspection marks, Devices.

9 CFR Part 322

Exports, Meat Inspection.

9 CFR Part 350

Certification service, Meat inspection.

9 CFR Part 362

Poultry products inspection.

9 CFR Part 381

Certificates, Exports, Official inspection marks, Devices, Poultry products inspection.

9 CFR Part 391

Certification fees, Exports, Meat inspection, Poultry products inspection.

PART 301—DEFINITIONS

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

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

2. Section 301.2 would be amended by revising paragraph (mm) and by adding paragraph (zzz) to read as follows:

§ 301.2 Definitions.

* * * * *

(mm) *Inspector.* An inspector of the Program or any individual designated by the Administrator.

* * * * *

(zzz) *Responsibly connected person.* A person who is an officer, director,

partner or managerial employee, or one who owns 10 percent or more of the company's voting stock.

PART 312—OFFICIAL MARKS, DEVICES AND CERTIFICATES

3. The authority citation for part 312 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

4. Section 312.8 would be revised to read as follows:

§ 312.8 Official export inspection certificates.

The official export certificate required by part 322 of this subchapter shall be an electronically generated paper form bearing the embossed signature of the Director, Export Coordination Division. The official export certificate shall contain a certification that meat or meat products described on the form are from animals that were sound and healthy at the time of inspection and their meat or meat products were inspected and found to be sound and wholesome as provided by law and the regulations of the Department of Agriculture. The certificate shall also bear a serial number such as "US–93–123456."

PART 322—EXPORTS

5. The authority citation for part 322 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

6. Section 322.1 would be revised to read as follows:

§ 322.1 Manner of affixing stamps and marking products for export.

(a) The outside container (including cloth wrappings) of any inspected and passed product for export, except ship stores, small quantities exclusively for the personal use of the consignee and not for sale or distribution, and shipments by and for the U.S. Armed Forces, shall be marked with a stamp, as prescribed in paragraph (c) of this section, bearing the number of the export certificate. Individual outside containers (including cloth wrappings) of any inspected and passed product for export do not need to be marked with a stamp bearing the number of the export certificate, provided the importing country will accept the product without such marking.

(b) Each tank car of inspected and passed lard or similar edible product, and each door of each railroad car or other closed means of conveyance, containing inspected and passed loose product shipped directly to a foreign country, shall be marked with a stamp, as prescribed in paragraph (c) of this section, bearing the number of the export certificate.

(c) The export meat inspection stamp for marking shipping containers as required by paragraphs (a) and (b) of this section shall be of the following form:

7. Section 322.2 would be revised to read as follows:

§ 322.2 Export certificates; instructions concerning issuance.

(a) Any person intending to export any meat product[2] shall make the initial application for an export certificate on an official form furnished by the Food Safety and Inspection Service and shall complete it by including all information requested. The requested information shall be used when any person intending to export any meat product requests subsequent export certificates. In cases of change of ownership or location, a new export certificate application shall be made.

(b) Upon request or application by any person intending to export any meat product, the Director, Export Coordination Division, may issue official export certificates for shipments of inspected and passed product to any foreign country upon assurance, and the Director's satisfaction, that the product is eligible for export: *Provided*, it is the responsibility of the requester of the certificate to know the requirements of the destination country for the importation of any meat or meat product and to certify that the destination country's requirements have been met.

(c) Official export certificates shall be issued electronically with a unique serial number and a date assigned to each certificate. Each certificate will show, at a minimum, the name of the exporter, the official establishment number of the producer, the consignee, the destination country, the number and kind of packages, the shipping marks, the species and description of products, and the weight of the products in accordance with § 317.2 of this subchapter. Additional information will be provided by the exporter if required by the importing country.

(d) Exporters shall notify the Director, Export Coordination Division, in the event that a shipment for which a certificate has been issued is not sent, so the certificate may be canceled.

(e) The original of the certificate will be forwarded by the Export Coordination Division directly to the importing country. A copy of each official export certificate to be used to accompany the shipment will be delivered to the exporter or agent who requested the certificate. The exporter or agent may duplicate as many copies as needed in connection with the exportation of the products.

(f) The duplicate of the certificate shall be delivered to the shipper and shall be delivered by the shipper to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made, or to the vessel's agent and shall be used only by such carrier and only for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel or the vessel's agent, shipper or shipper's agent shall file such duplicate with the Customs officer within four (4) business days of the clearance of the vessel at the time of filing the complete manifest. In the interim period, the vessel will be cleared by Customs on the basis of a statement, under the shipper's or agent's letterhead, containing the number of boxes, the number of pounds, the product name and the USDA export certificate number that covers the shipment of the product. No clearance shall be given to a vessel carrying meat products unless either the duplicate of the certificate or the prescribed statement has been presented to Customs.

8. A new § 322.6 would be added to read as follows:

§ 322.6 Compliance.

(a) To assure that certificate statements regarding foreign country requirements are accurate, the Agency will conduct a performance-based program of compliance reviews. The Export Certification Information System will store performance histories of the

[2] Information regarding requirements to export to a foreign country is available through the Foreign Country Requirements Library, which is an electronic bulletin board that may be accessed via computer 24 hours per day by calling (202) 690–0056, or by fax, (202) 690–3856, or by writing the Export Coordination Division, IP, FSIS, USDA, Washington, DC 20250.

exporters and producing establishments concerning acceptability of previous shipments or other relevant information for 2 years. Reviews will involve both an assessment of the establishment and the examination of records maintained by the establishment which were generated during the process of preparing product for shipment.

(b) The following types of records shall be maintained by the exporter and may be reviewed by FSIS program review officers to authenticate the exporter certification that the receiving country requirements have been met. Records shall reflect: the eligibility of slaughter and processing establishments and cold storage facilities; the origin of cattle and sheep, i.e., from approved feedlots; the disease status of livestock sources (States, counties); cooking, ambient and cold treatment temperatures used during processing of meat products; various specific processing/production requirements as required by the importing country; current and appropriate export licenses; how and when transportation vehicles are sanitized; the absence of certain species in establishments during production runs; slaughter and freezing dates; ritualistic slaughter certification, e.g., Islamic or Kosher; results of microbiological analyses; and how and when product cans are sanitized. Records will be maintained in accordance with requirements prescribed in § 320.2 of this subchapter and retained in accordance with § 320.3 of this subchapter.

9. A new § 322.7 would be added to read as follows:

§ 322.7 Penalties applicable to exporters.

(a) The Administrator is authorized to: (1) Suspend or revoke an exporter's privilege to use the Export Certification Information System (ECIS) when he/she determines, after an opportunity for a hearing before a hearing officer is accorded to the exporter, that the exporter, or anyone responsibly connected with the exporter, is convicted of any felony in Federal or State court, (2) suspend or revoke an exporter's privileges to use ECIS when he determines, after an opportunity for a hearing before a hearing officer is accorded to the exporter, that the exporter, or anyone responsibly connected with the exporter is convicted of more than one violation of law, other than a felony, in Federal or State court, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food, or upon fraud in connection with transactions in food, (3) suspend, for a given period of time, or revoke an exporter's privileges to use ECIS when he determines, after an opportunity for a hearing before a hearing officer is accorded to the exporter, or anyone responsibly connected with the exporter, that the exporter or anyone responsibly connected with the exporter has not complied with the export certificate requirements set forth in § 312.8 of this subchapter, and §§ 322.1, 322.2 and 322.6 of this part.

(b) An exporter's privilege to use ECIS shall be summarily suspended, pending an opportunity for an expedited hearing on the record before a hearing officer, when an exporter, or anyone responsibly connected with the exporter, is convicted, in Federal or State court, of: (1) Any felony, or (2) more than one violation of law, other than a felony, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food, or upon fraud in connection with transactions in food.

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

10. The authority citation for part 350 would continue to read as follows:

Authority: 7 U.S.C. 1622, 1624; 7 CFR 2.17, 2.55.

11. Section 350.3 would be amended by revising paragraph (b) to read as follows:

§ 350.3 Types and availability of service.

* * * * *

(b) *Export Certification Service.* At the request of a purchaser, supplier, exporter, or other interested party, the Director, Export Coordination Division, may make certification regarding livestock products to be exported for human food purposes (including casings) as meeting conditions or standards that are not imposed or are in addition to those imposed by the regulations in parts 301 through 331 of this chapter and the laws under which such regulations are issued: *Provided,* it is the responsibility of the requester of the certification to know the requirements of the destination country for the importation of any meat or meat product and to certify that the requirements have been met.

* * * * *

12. Section 350.7 would be amended by adding a new paragraph (e) to read as follows:

§ 350.7 Fees and charges.

* * * * *

(e) Certification of product for export to countries that do not require additional procedures or certifications will be provided free of charge. A fee will be assessed for preparation of each export certificate for product destined for a foreign country which requires procedures or certifications beyond those imposed by the United States as set forth in parts 301 through 331 of this chapter and the laws under which such regulations were issued. The fee to be charged and collected for this service shall be at the rate specified in § 391.6 of subchapter D.

PART 362—VOLUNTARY POULTRY INSPECTION REGULATIONS

13. The authority citation for part 362 would continue to read as follows:

Authority: 7 U.S.C. 1622, 1624; 7 CFR 2.17 (g) and (i), 2.55.

14. Section 362.2 would be amended by revising paragraph (b) to read as follows:

§ 362.2 Types and availability of service.

* * * * *

(b)(1) *Export certification service.* At the request of any person intending to export any slaughtered poultry or poultry product, the Director, Export Coordination Division, may make certification regarding products to be exported for human food purposes as meeting procedures or certifications that are not imposed or are in addition to those imposed by the regulations in part 381 of this chapter and the laws under which such regulations were issued: *Provided,* it is the responsibility of the requestor of the certification to know the requirements of the destination country for the importation of any poultry or poultry product and to certify that all requirements imposed by the destination country have been met.

(2) Certification of product for export to countries that do not require additional procedures or certifications will be provided free of charge. A fee will be assessed for preparation of each export certificate for product destined for a foreign country which requires procedures or certifications beyond those imposed by the United States as set forth in parts 350 through 362 of this chapter and the laws under which such regulations were issued. The fee to be charged and collected for this service shall be at the rate specified in § 391.6 of subchapter D.

* * * * *

15. Section 362.5 would be amended by adding a new paragraph (e) as follows:

§ 362.5 Fees and charges.

* * * * *

(e) A charge will be assessed for each export certificate prepared under this part. The fee to be charged and collected for this service shall be at the rate specified in § 391.6 of subchapter D.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

16. The authority citation for part 381 would continue to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 451–470; 7 CFR 2.17, 2.55.

17. Section 381.1 would be amended by revising paragraph (b)(28) (i) and adding a new paragraph (b)(63) to read as follows:

§ 381.1 Definitions.

* * * * *

(b) * * *

(28)(i) *Inspector.* "Inspector" means (A) An employee or official of the U.S. Government authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, (B) any employee or official of the government of any State or Territory or the District of Columbia authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, under an agreement entered into between the Administrator and the appropriate State or other agency, or (C) any individual designated by the Administrator.

* * * * *

(63) *Responsibly connected person.* "Responsibly connected person" means a person who is an officer, director, partner or managerial employee, or one who owns 10 percent or more of the company's voting stock.

* * * * *

18. A new § 381.40 would be added to subpart G to read as follows:

§ 381.40 Export certification fee.

Certification of product for export to countries that do not require additional conditions or standards will be provided free of charge. A charge will be assessed for preparation of each export certificate for product destined for a foreign country which requires conditions and standards beyond those imposed by the United States as set forth in this subchapter and the laws under which such regulations were issued. The fee to be charged and collected for this service shall be at the rate specified in § 391.6 of subchapter D.

19. Section 381.104 would be revised to read as follows:

§ 381.104 Official export certificates.

Any person intending to export any poultry product[1] shall make the initial application for an export certificate on an official form furnished by the Food Safety and Inspection Service, and shall complete it by including all information requested. The requested information shall be used when any person intending to export any poultry product requests subsequent export certificates. In cases of change of ownership or location, a new export certificate application shall be made.

20. Section 381.105 would be revised to read as follows:

§ 381.105 Export certification; marking of containers.

(a) Upon request or application by any person intending to export any poultry product, the Director, Export Coordination Division, is authorized to issue an official export certificate as prescribed in § 381.107 of this part with respect to the shipment to any foreign country of an inspected and passed poultry product upon assurance that the product has been inspected and passed and is eligible for export. Each shipping container covered by the export certificate, except ship stores, small quantities exclusively for the personal use of the consignee and not for sale or distribution, and shipment by and for the U.S. Armed Forces, shall be marked with a stamp, as prescribed in paragraph (d) of this section, and shall bear the number of the export certificate. Individual outside containers of any inspected and passed product for export do not need to be marked with a stamp bearing the number of the export certificate, provided the importing country will accept the product without such marking.

(b) The original of the certificate shall be forwarded by the Export Coordination Division directly to the importing country. A copy of each official export certificate shall be delivered to the exporter who requested the certificate or the designated agent. The exporter or agent may duplicate as many copies of the certificate as required in connection with the exportation of the products.

(c) Exporters shall notify the Director, Export Coordination Division in the event that a shipment for which a certificate has been issued is not sent so the certificate may be canceled.

(d) The export poultry inspection stamp for marking shipping containers as required by paragraph (a) of this section shall be of the following form:

21. Section 381.106 would be revised to read as follows:

§ 381.106 Form of official export certificate.

The official export certificate for purposes of this subchapter shall be an electronically generated paper form bearing the embossed signature of the Director, Export Coordination Division. The official export certificate shall contain a certification that poultry products described on the form are from birds that were sound and healthy at the time of inspection and the poultry products were inspected and found sound and wholesome as provided by law and the regulations of the Department of Agriculture. The certificate shall also bear a serial number such as "US–93–123456."

22. Section 381.107 would be revised to read as follows:

§ 381.107 Special procedures as to certification of poultry products for export to certain countries.

When export certificates are required by any foreign country for poultry products exported to such country which are different from the form of certificate prescribed under § 381.106 of this subchapter, the Administrator shall, in specific cases, prescribe or approve the form of export certificate to be used and the methods and procedures deemed appropriate with respect to the processing of such products to comply with the requirements of the subject country regarding the products for export. The Director, Export Coordination Division, shall be satisfied that all such requirements are met before issuing such an export certificate. It shall be the responsibility of the exporter to obtain any additional documentation needed to ensure that the foreign country requirements have been met before an export certificate

[1] Information regarding requirements to export to a foreign country is available through the Foreign Country Requirements Library, which is an electronic bulletin board that may be accessed via computer 24 hours per day by calling (202) 690–0056, or by fax, (202) 690–3856, or by writing the Export Coordination Division, IP, FSIS, USDA, Washington, DC 20250.

will be issued. Such certificates may also cover articles exempted from the definition as a poultry product under § 381.15 of this part if they have been inspected and are certified under the regulations in part 362 of this chapter.

23. A new § 381.113 would be added to subpart M to read as follows:

§ 381.113 Compliance.

(a) To assure that certificate statements regarding foreign country requirements are accurate, the Agency will conduct a performance-based program of compliance reviews. The Export Certification Information System will store performance histories of the exporters and producing establishments concerning acceptability of previous shipments or other relevant information for 2 years. Reviews will involve both an assessment of the establishment and the examination of records maintained by the establishment that were generated during the process of preparing product for export.

(b) The following records shall be maintained by the exporter and may be reviewed by FSIS program review officers to authenticate the exporter certification that the receiving country requirements have been met. Records shall reflect: The eligibility of slaughter and processing establishments and cold storage facilities; the disease status of poultry sources (States, counties); cooking, ambient and cold treatment temperatures used during processing of poultry; various specific processing/production requirements as required by the importing country; current and appropriate export licenses; how and when transportation vehicles are sanitized; water volume and temperature of chill tanks; slaughter and freezing dates; ritualistic slaughter certification, e.g., Islamic or Kosher; results of product microbiological analyses; and how and when product cans are sanitized. Records will be maintained in accordance with requirements prescribed in § 381.176 of this subchapter and retained in accordance with § 381.177 of this subchapter.

24. A new § 381.219 would be added to subpart U to read as follows:

§ 381.219 Penalties applicable to exporters.

(a) The Administrator is authorized to: (1) Suspend or revoke an exporter's privileges to use the Export Certification Information System (ECIS) when he/she determines, after an opportunity for a hearing before a hearing officer is accorded to the exporter, that the exporter, or anyone responsibly connected with the exporter, is convicted of any felony in Federal or State court, (2) suspend or revoke an exporter's privileges to use ECIS when he determines, after an opportunity for a hearing before a hearing officer is accorded to the exporter, that the exporter, or anyone responsibly connected with the exporter, is convicted of more than one violation of law, other than a felony, in Federal or State court, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food; or upon fraud in connection with transactions in food, (3) suspend, for a given period of time, or revoke an exporter's privileges to use ECIS when he determines, after an opportunity for a hearing before a hearing officer is accorded to the exporter, that the exporter, or anyone responsibly connected with the exporter, has not complied with the export certificate requirements set forth in §§ 381.40, 381.105, 381.106 and 381.107 of this part.

(b) An exporter's privilege to use ECIS shall be summarily suspended, pending an opportunity for an expedited hearing on the record before a hearing officer, when an exporter, or anyone responsibly connected with the exporter, is convicted, in any Federal or State court, of: (1) Any felony in Federal or State court, or (2) more than one violation of law, other than a felony, based upon the acquiring, handling or distribution of unwholesome, mislabeled or deceptively packaged food, or upon fraud in connection with transactions in food.

PART 391—FEES AND CHARGES FOR INSPECTION SERVICES

25. The authority citation for part 391 would continue to read as follows:

Authority: 21 U.S.C. 460 *et seq.*, 601 *et seq.*, 7 U.S.C. 394, 1622 and 1624; 7 CFR 2.17 (g) and (i), 2.55.

26. A new § 391.6 would be added to read as follows:

§ 391.6 Export Certification rate.

The rate for export certification services provided pursuant to §§ 350.7(e) and 362.5(e) of subchapter B, and § 381.40 of subchapter C shall be [$] per certificate.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–25271 Filed 10–18–93; 8:45 am]

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federal register

Tuesday
October 19, 1993

Part VI

Department of the Treasury

Office of Foreign Assets Control

31 CFR Part 580

Haitian Transactions Regulations; Final Rule

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 580

Haitian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment.

SUMMARY: The Treasury Department is amending the Haitian Transactions Regulations to reimpose certain U.S. sanctions against Haiti, consistent with actions of United Nations Security Council. This rule reimposes trade restrictions against Haiti and prohibits financial and other transactions with the Government of Haiti, including the *de facto* regime in Haiti. Property of the Government of Haiti that is located in the United States or within the possession or control of U.S. persons is blocked. Further, property of the Government of Haiti that was blocked prior to August 31, 1993 remains blocked, and enforcement actions involving violations of the Regulations occurring before that date are unaffected.

EFFECTIVE DATE: October 18, 1993, 11:59 p.m. eastern daylight time ("e.d.t.").

FOR FURTHER INFORMATION CONTACT: John T. Roth, Chief of Policy Programming (tel.: 202/622–2500), Steven I. Pinter, Chief of Licensing (tel.: 202/622–2480), or William B. Hoffman, Chief Counsel (tel.: 202/622–2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: The Haitian Transactions Regulations, 31 CFR part 580 (the "Regulations"), were issued by the Treasury Department to implement Executive Order No. 12775 (56 FR 50641, October 7, 1991), which declared a national emergency with respect to Haiti and ordered specific measures against the *de facto* regime in Haiti, and Executive Orders No. 12779 (56 FR 55975, October 30, 1991), and 12853 (58 FR 35843, July 2, 1993), which expanded those measures.

After the signing of the Governors Island Agreement of July 3, 1993, the United Nations Security Council in Resolution 861 of August 27, 1993, and the Organization of American States in an August 27, 1993 announcement of the Secretary General, called upon member states to suspend trade and financial sanctions against Haiti. In response, the Office of Foreign Assets Control ("FAC") amended the Regulations to add § 580.518. 58 FR 46540 (September 2, 1993). That section authorized trade transactions with Haiti and transactions involving property in which the Government of Haiti had an interest, where those transactions arose after 9:35 a.m. e.d.t., August 31, 1993. Section 580.518 also authorized transactions involving property interests of the Government of Haiti that came within the United States or into the possession or control of United States persons after 9:35 a.m. e.d.t., August 31, 1993, or in which an interest of the Government of Haiti arose thereafter. Property of the Government of Haiti blocked as of 9:35 a.m. e.d.t., August 31, 1993, remained blocked, while the previously blocked property of certain individuals and an entity listed in appendix A was unblocked.

In its Resolution 873 of October 13, 1993, the Security Council determined that the failure of the military authorities of Haiti, including the police, to fulfill obligations under the Governors Island Agreement constitutes a threat to peace and security in the region. It therefore decided in the same resolution to terminate the suspension of UN sanctions against Haiti at 11:59 p.m. on October 18, 1993, unless the UN Secretary General reports to the Security Council prior to that time, *inter alia*, that the Governors Island Agreement is being implemented in full. Therefore, effective at 11:59 p.m. e.d.t., October 18, 1993, FAC is revoking § 580.518. The prohibitions of the Regulations that were suspended by § 580.518 are reinstated. Accordingly, trade transactions with Haiti, transfers to the Government of Haiti, and transactions in property in which the Government of Haiti has an interest are prohibited to the extent they were prohibited prior to the suspension of sanctions on August 27, 1993.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

List of Subjects in 31 CFR Part 580

Blocking of assets, Exports, Haiti, Imports, Transfers of assets.

For the reasons set forth in the preamble, 31 CFR part 580 is amended as set forth below:

PART 580—HAITIAN TRANSACTIONS REGULATIONS

1. The authority citation for part 580 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; E.O. 12775, 56 FR 50641, 3 CFR, 1991 Comp., p. 349; E.O. 12779, 56 FR 55975, 3 CFR, 1991 Comp., p. 367; E.O. 12853, 58 FR 35843, July 2, 1993.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 580.518 [Removed]

2. Section 580.518 is removed.

Dated: October 15, 1993.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: October 15, 1993.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff, and Trade Enforcement).

[FR Doc. 93–25859 Filed 10–18–93; 10:54 am]

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Reader Aids

Federal Register

Vol. 58, No. 200

Tuesday, October 19, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

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FEDERAL REGISTER PAGES AND DATES, OCTOBER

51211–51664.....1
51665–51756.....4
51757–51972.....5
51973–52206.....6
52207–52396.....7
52397–52628.....8
52629–52874.....12
52675–53096.....13
53097–53392.....14
53393–53634.....15
53635–53832.....18
53833–54024.....19

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6598.....51559
6599.....51561
6600.....51721
6601.....51723
6602.....52205
6603.....52387
6604.....52389
6605.....52627
6606.....52875
6607.....53097
6608.....53099
6609.....53101
6610.....53103
6611.....53831
6612.....53833

Executive Orders:
July 9, 1910 (Revoked in part by PLO 7004).....53429
3053 (Revoked in part by PLO 7004).....53429
3406 (Revoked in part by PLO 7001).....52683
5327 (Revoked in part by PLO 7002).....52684
11145 (Continued by EO 12869).....51751
11183 (Continued by EO 12869).....51751
11287 (Continued by EO 12869).....51751
11776 (Continued by EO 12869).....51751
12002 (See EO 12867).....51747
12131 (Continued by EO 12869).....51751
12197 (Continued by EO 12869).....51751
12214 (See EO 12867).....51747
12216 (Continued by EO 12869).....51751
12291 (Revoked by EO 12866).....51735
12345 (Continued by EO 12869).....51751
12367 (Continued by EO 12869).....51751
12382 (Continued by EO 12869).....51751
12498 (Revoked by EO 12866).....51735
12675 (Revoked in part EO 12869).....51751
12687 (Revoked by EO 12869).....51751
12696 (Revoked by EO 12869).....51751
12700 (See EO 12869).....51751
12720 (Revoked by EO 12869).....51751
12730 (See EOs 12867, 12868).....51747, 51749
12735 (Revoked by EO 12867; See EO 12868).....51747, 51749
12774 (Superseded by EO 12869).....51751
12775 (See notice of September 30).....51563
12779 (See notice of September 30).....51563
12792 (Revoked by EO 12869).....51751
12813 (Revoked by EO 12869).....51751
12853 (See notice of September 30).....51563
12866.....51735
12867.....51747
12868.....51749
12869.....51751
12870.....51753
12871.....52201

Administrative Orders:
Memorandums:
August 19, 1993.....52397
September 30, 1993.....52391
October 1, 1993.....52393
Notices:
September 30, 1993.....51563
Presidential Determinations:
No. 93–39 of September 17, 1993.....51973
No. 93–40 of September 28, 1993.....51975
No. 93–41 of September 29, 1993.....51977
No. 93–42 of September 30, 1993.....52629
No. 93–43 of September 30, 1993.....52207
No. 93–44 of September 30, 1993.....52209
No. 93–45 of September 30, 1993.....52211
No. 94–1 of October 1, 1993.....52213

5 CFR
Ch. XLI.....52637
294.....52877

532....51211
591....51565
831....52877
838....52877
842....52877
890....52877
2429....53105
2471....53105
2472....53105
Proposed Rules:
2502....51255
2504....51256

7 CFR
2....51211
246....51566
300....52399
301....51979, 51982, 53105
400....53109
401....53393
906....52400, 53111
907....53112, 53114
908....53112, 53114
910....52401
928....53117
931....53119
967....52402
1002....51982
1004....52404, 52405
1205....52215
1211....51568
1427....51982
1477....51757
1478....51757
1717....53835
1744....52639
1900....52644
1910....52644
1951....52644
1955....52644
1972....52644
1975....52644
Proposed Rules:
400....53150
1007....53436
1093....53436
1094....53436
1096....53436
1099....53436
1106....53438
1108....53436
1124....53439
1135....53439
1413....51934, 52686, 52928
1703....52688
1955....53891
1965....53891
3408....53153

9 CFR
201....52884
203....52884
317....52856
381....52856
Proposed Rules:
82....52240
301....54012
312....54012
317....51581
318....51581
322....54012
350....54012
362....54012
381....54012
391....54012

10 CFR
19....52406
30....52406
40....52406
50....52406
60....52406
61....52406
70....52406
72....51762, 52406
150....52406
Proposed Rules:
21....53159
32....53670
73....52035
602....53671

11 CFR
Proposed Rules:
100....52040
107....52700
113....52040
114....52700
9008....52700

12 CFR
265....53393
574....52140
611....52888
613....52888
614....52888
618....51993
620....52888
621....52888
627....52888
933....52808
Proposed Rules:
3....52808
208....52808
325....52808
615....52701
650....53161

13 CFR
101....53120
121....52415
Proposed Rules:
121....52452, 52929

14 CFR
23....51970
39....51212, 51215, 51770, 51771, 52220, 52889, 53120, 53635, 53636, 53852, 53853, 53855, 53857
71....51773, 52140, 52808, 53122, 53123, 53394, 53395, 53859
73....52890
91....51976, 52140
95....53860
97....51774, 51776, 53863
1260....53638
Proposed Rules:
23....52702
39....51583, 51585, 51587, 51589, 51793, 52041, 52240, 52243, 52714, 52717, 52929, 52931, 52932, 53457, 53678, 53893
71....51256, 51257, 53164, 53166, 53167, 53459
91....51938
121....51938, 51944
125....51938
129....51944
135....51938, 51944

15 CFR
773....52166, 52168
778....52166
799....52166, 52169
806....53124
940....53865

17 CFR
140....52656
200....52416, 52891
203....52416
240....52416, 52891
250....51488
259....51488
Proposed Rules:
240....52934
250....51508

18 CFR
35....51217, 51777
38....51777
141....52420
284....52660
292....51777
293....51777
346....53654
375....51222
381....53654
382....51777
1301....53656
Proposed Rules:
35....51259
284....53895

19 CFR
Proposed Rules:
7....52246
10....52246
148....52246

20 CFR
229....53396
404....52346
416....52346, 52909
422....52914
Proposed Rules:
416....52458, 52464, 52943
655....52152

21 CFR
172....52221
176....51994
522....52222
558....53882
821....52440
864....51570
1308....53404
Proposed Rules:
5....52719
25....52719
101....53254, 53296
103....52042
136....53305
137....53305
139....53305
170....52719
171....52719
172....53312
174....52719
352....53460
700....53460
740....53460
812....52142, 52144, 53245
813....52142
814....52729
1301....52246
1304....53680
1311....52246

23 CFR
650....52663
Proposed Rules:
660....51794

24 CFR
511....52566
888....51410
905....51952
965....51952
Proposed Rules:
92....52560
135....52534
215....53461
219....52560
221....53461
236....53461
570....52560
572....52560
574....52560
576....52560
583....52560
700....52560
880....53461
881....53461
882....53461
883....53461
884....53461
885....53461
886....53461
889....52560, 53461
890....52560, 53461
905....51261, 52560, 53461
960....53461
961....52560
963....52560
990....51261

25 CFR
Proposed Rules:
294....53026

26 CFR
1....51571, 53125, 53656
602....51571
Proposed Rules:
1....53168, 53682

27 CFR
Proposed Rules:
5....53682
24....52222

28 CFR
1....53658
2....51779
11....51223
51....51225

29 CFR
2610....53406
2619....53407
2622....53406
2644....53410
2676....53407
Proposed Rules:
507....52152
1609....51266

30 CFR
917....51225

946....52666
950....52232
Proposed Rules:
230....53470
250....52731
253....52059
256....52731
280....52731
281....52731
700....52374
701....52374
705....52374
706....52374
715....52374
716....52374
785....52374
825....52374
870....52374
925....53683, 53686

31 CFR

580....54024
Proposed Rules:
103....51269

32 CFR

40....51780
80....51996
86....52010
185....52667
199....51227, 53411
706....51241
725....53883

33 CFR

2....51726
3....51726
100....51242, 52440
117....52441
165....51243, 52442, 53884
175....51576
181....51576
334....53426, 53427
Proposed Rules:
117....52466, 53896
126....51906
127....51906
187....51920, 53624

34 CFR

642....51518
645....51518
646....51518
668....52194
674....52194
675....52194
676....52194
682....52194
690....52194
Proposed Rules:
370....52414
386....52606
668....51712

35 CFR

Proposed Rules:
10....53897

37 CFR

301....53822
311....53822

38 CFR

3....52017, 53659
4....52017
21....51780, 51781
Proposed Rules:
3....51798
17....51799

40 CFR

52....52237, 53885
61....51784
81....53886, 53888
258....51536, 53136
271....51244
272....52674, 52677, 52679
300....52018
372....51785
721....51672, 51694
Proposed Rules:
Ch. 1....53688
35....53688
52....51591, 51593, 52467, 53693
63....53478, 53900
89....51595
122....53168
123....53168
131....53168
132....53168
300....53688

41 CFR

101–17....52917
101–37....53660
101–40....53889
302–6....53137

42 CFR

435....51408
436....51408
440....51408
Proposed Rules:
431....53481
440....51288, 53481
441....51288, 53481
447....53481

43 CFR

37....51550
Proposed Rules:
4700....51297
Public Land Orders:
4522 (Revoked in part by PLO 7002)....52684
6998....52238
6999....52238
7000....52682
7001....52683
7002....52684
7003....53428
7004....53429

44 CFR

64....51576, 52019
Proposed Rules:
67....51598

45 CFR

1602....52918

46 CFR

160....51576
Proposed Rules:
10....51408
12....51408
30....52598
31....52598
32....52598
67....51298
585....52248

47 CFR

1....51246
15....51247
64....53663
73....51250, 51578, 51579, 53664, 53665
74....51250
76....53429
87....52021
90....51251, 53245, 53431
97....51787, 53138
Proposed Rules:
1....53489
15....51299
22....53169
25....53169
36....52254
73....51603, 51799, 52733, 52734, 52735, 53902
74....52256
76....53696
80....53169
87....53169
90....51299, 53169
95....53169
99....53169

48 CFR

501....52442
503....52442
507....52442
508....52442
509....52442
511....52442
514....52442
515....52442
519....52442
522....52442
525....52442
528....52442
529....52442
532....52442
536....52442
542....52442
543....52442
552....52442
570....52442
1816....52446
1833....53138
1852....52446

49 CFR

107....51524, 53626
171....51524, 53626
172....51524
173....51524, 53626
174....51524
175....51524
176....51524
177....51524
178....51524, 53626
179....51524
180....51524, 53626
571....51788, 52021, 52922, 53666
604....52684
1002....52027
1017....52027
1018....52027
1039....53433
1145....53667
1312....52027
1313....52027
1314....52027
Proposed Rules:
23....52050
37....52735
172....52574
173....52574
179....52574
390....51800
1063....51603
1105....51800
1121....51800
1152....51800

50 CFR

17....52027, 52031, 53800, 53804
227....53138
229....51788
285....53434, 53668
301....51253
625....52685
642....51579, 51789
661....53143
663....52031
669....53145
672....51791, 52032, 53138, 53148, 53668
675....51253, 53033, 52451, 53138, 53148
Proposed Rules:
17....51302, 51604, 52058, 52059, 52063, 52740, 53696, 53702, 53904
32....53703
52....51270, 51279
215....53320
216....53320
222....53220, 53703
227....53703
228....53491
622....53172
625....53172
628....53172
641....52063, 52073, 52474
646....53183
649....53172
650....53172
651....52073, 53172
652....53172
655....53172
675....53497

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List October 18, 1993

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103d Congress, 1st Session, 1993

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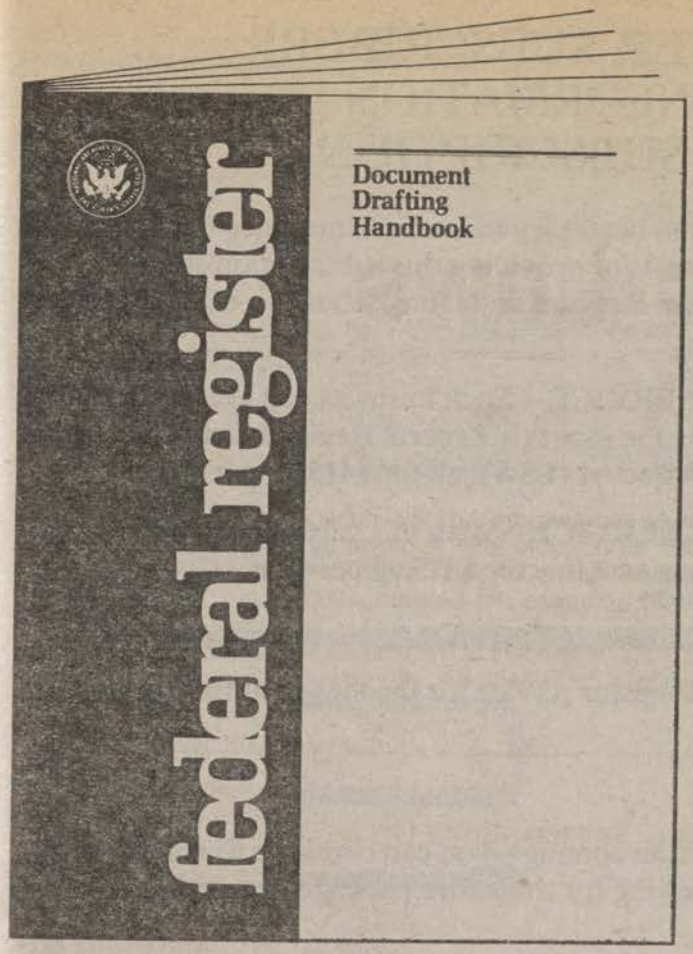

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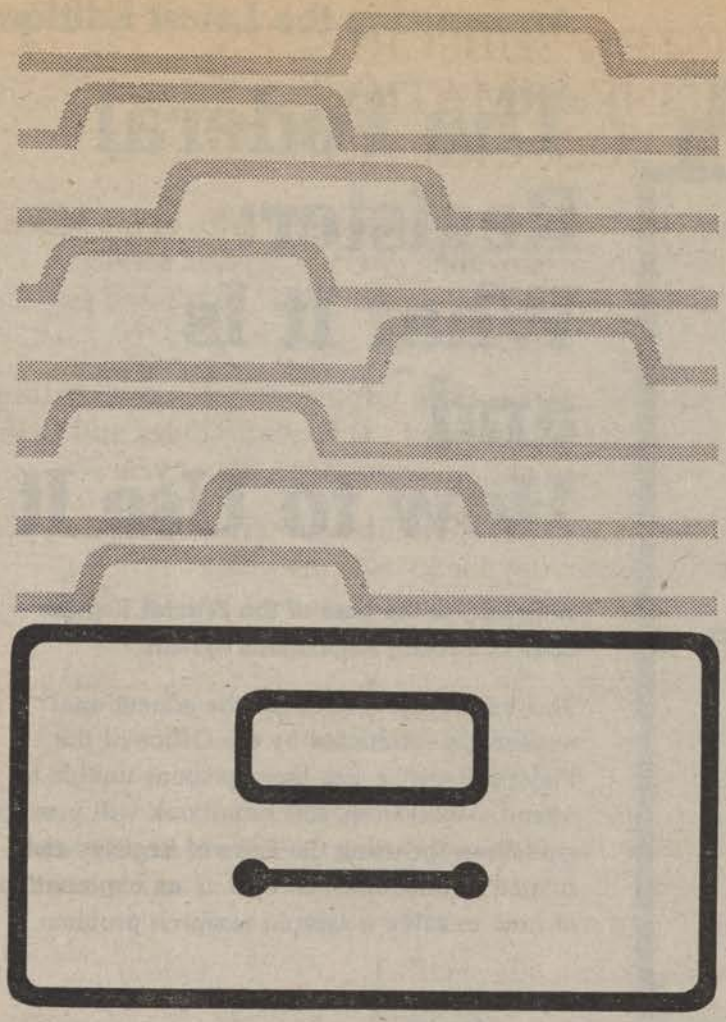

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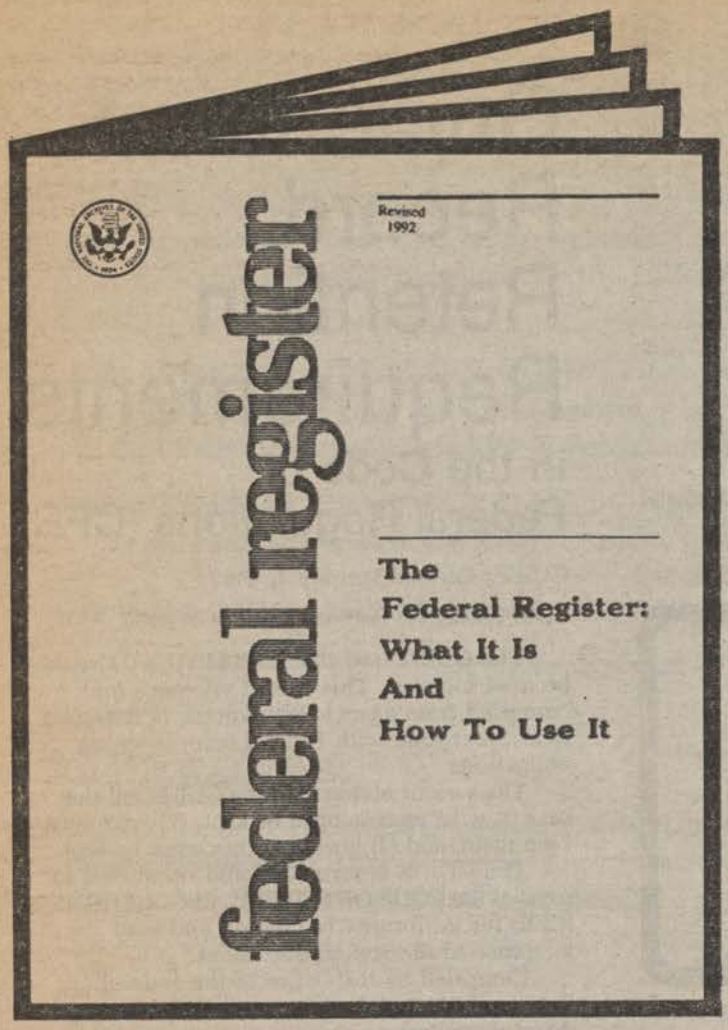

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